



# CITY COUNCIL MEETING

April 07, 2026 at 6:00 PM

Angels Fire House – 1404 Vallecito Road

## AGENDA - REVISED

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**In person public attendance will be available with limited seating. Seats are available on a first come, first served basis. Members of the public shall have the right to observe and offer public comment at the appropriate time.**

**THE CITY COUNCIL** appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 1st and 3rd Tuesday of each month. The Agenda is divided into two sections:

**CONSENT AGENDA:** These matters include routine financial and administration actions and are usually approved by a single majority vote.

**REGULAR AGENDA:** These items include significant financial and administration actions of special interest, hearings and work sessions. The numerical order of the items on this Agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Council Members. All questions shall be directed to the Mayor who, at his/her discretion, will refer to City Staff.

**Mayor** Caroline Schirato | **Vice Mayor** Michael Chimente

**Council Members** Alvin Broglio, Scott Behiel, and Kara Scott,

**City Administrator** Michael Hodson | **City Attorney** Douglas White

### 5:00 P.M. CLOSED SESSION

1. ROLL CALL
2. PUBLIC COMMENT PRIOR TO ADJOURNMENT TO CLOSED SESSION

The public may address the City Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be

referred to City Staff or placed on a subsequent meeting agenda. Speakers are limited to five minutes per person.

**3. ADJOURN TO CLOSED SESSION**

- A. Public Employee Employment (Govt. Code Section 54957(b)(1).)** Title: City Administrator, Police Chief (Michael Hodson, City Administrator)

**6:00 PM REGULAR MEETING**

**4. ROLL CALL**

**5. PLEDGE OF ALLEGIANCE**

**6. REPORT OUT OF CLOSED SESSION**

**7. PRESENTATIONS / COMMENDATIONS**

**8. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)**

**9. PUBLIC COMMENT**

The public may address the City Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting agenda. Speakers are limited to five minutes per person.

**10. CONSENT ITEMS**

- A. APPROVE DRAFT MINUTES** of March 17, 2026 (Michelle Gonzalez, Deputy City Clerk)
- B. RESOLUTION 26-42** - Road Closure Youth Parade, Caytlyn Schaner, Administrative Services Specialist
- C. RESOLUTION 26-45** - Expressing Appreciation To Steve Williams

**11. ACTION ITEMS**

- A. ORDINANCE 554** –An Ordinance Deleting Chapter 17.61 of the City of Angels Municipal Code - Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and creating a new Chapter 17.61 adopting state ADU/JADU law, Amy Augustine, City Planner
- B. RESOLUTIONS 26-09, 26-10, 26-11, 26-12** for the Annexation of Assessor's Parcels: 058-011-017, -029, -030 (Copello); 057-011-015 (City Water Tank); 057-023-002, -025, -030 (Bret Harte High School); 064-004-037, -039, -040 (Finnegan Lane), Amy Augustine, City Planner
- C. RESOLUTION 26-43** - Approving a Lease Agreement (26-14) between the City of Angels and True Properties to Lease 1283 South Main St Suites "B" and "D" for a period of one year beginning April 1, 2026, in the amount of \$700 per month plus utilities with a total fiscal impact not to exceed \$10,000, Michael Hodson, City Administrator
- D. RESOLUTION 26-44** – Appointment of Members to the Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) Commission, Michael Hodson, City Administrator

**12. INFORMATIONAL ITEMS**

- A. INFORMATIONAL** - Introduction of Draft Updated Personnel Rules for City Council Review and Input, Michael Hodson, City Administrator

**13. ADMINISTRATION REPORT**

- A. Monthly Report**, Michael Hodson, City Administrator

**14. CITY COUNCIL REPORT**

**15. CORRESPONDENCE**

**16. CITY COUNCIL CALENDAR**

- A.** Receive, review, and provide feedback regarding the Calendar (From April to May 2026)  
(Michelle Gonzalez, Deputy City Clerk)

**17. FUTURE AGENDA ITEMS**

**18. ADJOURNMENT**

*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Administrator at City Hall 209-736-2185. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II) Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at City Hall at 200 Monte Verda Street Ste. B, Angels Camp, CA 95222 during normal business hours. The Agenda is also available on line at [www.angelscamp.gov](http://www.angelscamp.gov).*



# CITY COUNCIL MEETING

March 17, 2026 at 6:00 PM

Angels Fire House – 1404 Vallecito Road

## DRAFT MINUTES

**THE CITY COUNCIL** appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 1st and 3rd Tuesday of each month. The Agenda is divided into two sections:

**CONSENT AGENDA:** These matters include routine financial and administration actions and are usually approved by a single majority vote.

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**Mayor** Caroline Schirato **(PRESENT)** | **Vice Mayor** Michael Chimente **(PRESENT)**

**Council Members** Alvin Broglio **(PRESENT)**, Kara Scott **(PRESENT)**, and Scott Behiel **(PRESENT)**

**Interim City Administrator** Steve Williams **(PRESENT)** | **City Attorney** Will Creger, White Brenner LLP **(PRESENT)**

### 5:00 P.M. CLOSED SESSION

1. ROLL CALL
2. PUBLIC COMMENT PRIOR TO ADJOURNMENT TO CLOSED SESSION
3. ADJOURN TO CLOSED SESSION
  - A. Public Employee Employment (Govt. Code Section 54957(b)(1).)

### 6:00 PM REGULAR MEETING

4. ROLL CALL
5. PLEDGE OF ALLEGIANCE
6. REPORT OUT OF CLOSED SESSION
 

Direction was given to staff.
7. PRESENTATIONS / COMMENDATIONS
  - **The Resource Connection:** Mia Huss (Resource and Referral Specialist) and Sheri Noble (Director of Child Care Resources) provided an overview of their organization and services.
  - **Historic Downtown Merchants of Angels Camp:** Jesse Gibbs presented on current efforts and initiatives to support and revitalize the downtown area.
8. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)
 

**ACTION: MOTION TO APPROVE THE AGENDA AS POSTED, BY COUNCIL MEMBER BROGLIO, SECONDED BY COUNCIL MEMBER BEHIEL, PASSED 5-0**
9. PUBLIC COMMENT

- **Ayesha Williamson**, Sierra Hope, announced that services for veterans will be offered on the second Monday of each month from 9:00 AM to 3:00 PM. Additional support groups will meet on the second and fourth Thursdays: women’s group from 4:00 PM to 5:30 PM and men’s group from 6:00 PM to 7:30 PM at the Sierra Hope offices in Angels Camp.
- **Christopher Buttner**, publisher of Calaveras2026Election.com, spoke regarding a conflict with the Calaveras Visitors Bureau.
- **Jessica Self**, on behalf of her grandmother, discussed a commemorative plaque previously located on a drinking fountain at the park. She requested that if the plaque is not reinstated, the family be included in decisions regarding its relocation.
- **Ellie**, representing Calaveras Cycle and the Angels Camp Business Association, spoke about upcoming events.

**10. CONSENT ITEMS**

- A. Approve** Draft Minutes of February 25, 2026 (Michelle Gonzalez, Deputy City Clerk)
- B. Approve** Draft Minutes of March 3, 2026 (Michelle Gonzalez, Deputy City Clerk)
- C. Approve** Draft Minutes of March 5, 2026 (Michelle Gonzalez, Deputy City Clerk)
- D. Approve** Draft Minutes of March 10, 2026 (Michelle Gonzalez, Deputy City Clerk)
- E. Receive and File** Accounts Payable (A/P) Checks and Treasurer's Report February 2026 (Michelle Gonzalez, Finance Director)

**ACTION: MOTION TO APPROVE CONSENT ITEMS A–D BY COUNCIL MEMBER BROGLIO, SECONDED BY COUNCIL MEMBER BEHIEL; PASSED 5–0.**

**ACTION: MOTION TO APPROVE CONSENT ITEM E, WITH FOLLOW-UP REQUESTED FROM FINANCE REGARDING THE NATURE OF THE REFINANCE LOAN PAYMENT ON THE A/P CHECK REPORT, BY COUNCIL MEMBER BROGLIO, SECONDED BY VICE MAYOR CHIMENTE; PASSED 5–0.**

**11. ACTION ITEMS**

- A. Resolution 26-39** - Preparation of the Engineer's Report for the Continuation of the Landscaping and Lighting District No. 2 - Greenhorn Creek for FY 2026-27, Greenhorn Creek: Levy Administration, Kyle Tankard, SCI Consulting Group

**ACTION: MOTION TO APPROVE BY COUNCIL MEMBER BROGLIO, SECONDED BY COUNCIL MEMBER SCOTT; PASSED 5–0.**

- B. Resolution 26-37** - Letter of Agreement to partner with the San Joaquin Small Business Development Center for Assistance with the City’s Community Development Block Grant Economic Development Program subject to securing CDBG funds, Amy Augustine, City Planner

**ACTION: MOTION TO APPROVE BY VICE MAYOR CHIMENTE, SECONDED BY COUNCIL MEMBER SCOTT; PASSED 5–0.**

- C. Resolution 26-38** Capital Equipment and Vehicle Replacement Policy and Establishing a Capital Equipment and Vehicle Replacement Fund, Michelle Gonzalez, Finance Director

**ACTION: MOTION TO APPROVE BY COUNCIL MEMBER BEHIEL, SECONDED BY MAYOR SCHIRATO; PASSED 5–0.**

- D. Resolution 26-40** - Approving a Memorandum of Understanding for the Implementation of the Highway 4 Corridor Regional Water Supply Long-term Water Study Needs, Steve Williams, Interim City Administrator

**ACTION: MOTION TO APPROVE AND APPOINT AN AD HOC MEMBER TO THE CONSULTANT SELECTION COMMITTEE BY COUNCIL MEMBER BROGLIO, SECONDED BY VICE MAYOR CHIMENTE; PASSED 5–0.**

**E. Resolution 26-41** - Approving an Employment Agreement between the City of Angels and Michael Hodson for the position of City Administrator, Steve Williams, Interim City Administrator

**ACTION: MOTION TO APPROVE BY VICE MAYOR CHIMENTE, SECONDED BY COUNCIL MEMBER SCOTT; PASSED 5-0.**

**INFORMATIONAL ITEMS**

2016 Space Needs Assessment, Steve Williams, Interim City Administrator

- 12. ADMINISTRATION REPORT – NO REPORT**
- 13. CITY COUNCIL REPORT – ALL MEMBERS REPORTED OUT**

**CORRESPONDENCE**

- 14. CITY COUNCIL CALENDAR**
  - A. Receive, review, and provide feedback regarding the Calendar March and April 2026

**15. FUTURE AGENDA ITEMS - NONE**

**16. ADJOURNMENT**

**ACTION: MOTION TO ADJOURN THE MEETING AT 7:44 PM BY COUNCIL MEMBER SCOTT, SECONDED BY VICE MAYOR CHIMENTE, PASSED 5-0**

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Caroline Schirato, Mayor

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Michael Chimente, Vice Mayor



**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DATE:** April 7, 2026

**TO:** City Council

**FROM:** Caytlyn Schaner, Administrative Services Specialist

**RE: RESOLUTION 26-42 AUTHORIZING ROAD CLOSURE OF STATE 49 IN THE CITY OF ANGELS CAMP FOR 39<sup>TH</sup> DISTRICT AGRICULTURAL ASSOCIATION ANNUAL YOUTH PARADE**

**RECOMMENDATION:**

Approve Resolution 26-42

**BACKGROUND:**

39<sup>th</sup> District Agricultural Association is requesting approval from the City Council to close Highway 49 between Vallecito Road and Bret Harte Drive on May 14, 2026, from 10:00 A.M. until 11:00 A.M for the Youth Parade.

**DISCUSSION:**

None

**FINANCIAL IMPACT:**

39<sup>th</sup> District Agricultural Association generally requests a fee waiver.

**ATTACHMENTS:**

Resolution No. 26-42



**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION No. 26-42**

**A RESOLUTION APPROVING ROAD CLOSURE OF STATE ROUTE 49 IN THE CITY OF ANGELS HISTORIC DISTRICT FOR ANGELS CAMP BUSINESS ASSOCIATION ANNUAL YOUTH PARADE**

**WHEREAS**,; 39<sup>th</sup> District Agricultural Association is planning their annual Youth parade for Thursday, May 14<sup>th</sup>; and

**WHEREAS**,; 39<sup>th</sup> District Agricultural Association has expressed an interest in having a Youth Parade on May 14, 2026; and

**WHEREAS**,; 39<sup>th</sup> District Agricultural Association is requesting approval from the City Council to close Highway 49 between Vallecito Road and Bret Harte Drive on this date; and

**WHEREAS**,; this closure will temporarily impede and restrict the free passage of traffic over State Highway Route 49 between Vallecito Road and Bret Harte Drive on May 14, 2026 from approximately 10:00 A.M. until 11:00 A.M.; and

**WHEREAS**,; the closure details and route will comply with the California State Department of Transportation Encroachment permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Angels City Council consents to the proposed closure of State Highway Route 49 upon terms and conditions deemed appropriate and necessary by the California State Department of Transportation.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April, 2026 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Mayor Caroline Shirato

\_\_\_\_\_  
Michelle Gonzalez, Deputy City Clerk



**HOME OF THE JUMPING FROG**



**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DATE:** March 17, 2026  
**TO:** City Council  
**FROM:** Michael Hodson, City Administrator  
**RE:** **Resolution 26-45 – EXPRESSING APPRECIATION TO STEVE WILLIAMS FOR HIS SERVICE AS INTERIM CITY ADMINISTRATOR**

**RECOMMENDATION**

Approve Resolution (26-45) expressing appreciation to Steve Williams for his service to the City of Angels in non-consecutive Interim City Administrator assignments.

**BACKGROUND**

Mr. Steve Williams has twice served as Interim City Administrator, filling a critical need on short notice. With a permanent City Administrator now appointed, the Council and Staff wish to declare their gratitude for his exceptional service to the City.

**DISCUSSION**

Filling the role of Interim City Administrator is inherently difficult. Often being called to stabilize a situation on short notice and generally in a time of great upheaval, it requires broad technical savvy, adaptability, and tremendous interpersonal skills.

Mr. Williams initially served as the Interim City Administrator from July 3, 2024, until February 24, 2025. However, the unexpectedly short tenure of the appointed City Administrator required him to re-assume the role on September 17, 2025.

During these two periods, Mr. Williams went far beyond expectations. He led improvement, built processes, and initiated change. His ability to build consensus brought diverse stakeholders to common ground, and his patient and stable leadership style forged new and improved relations with local elected officials, neighboring jurisdictions, community groups, bargaining units, and others.

Following the appointment of a permanent City Administrator, Mr. Williams remained to provide critical information and counsel to ensure a seamless transition even as he was being quickly pulled to serve another municipality. The City Council, staff, and community of Angels are sincerely grateful for his dedicated service to the City.

**ATTACHMENTS**

- 1. Resolution 26-45



**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION NO. 26-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP  
EXPRESSING APPRECIATION TO STEVE WILLIAMS FOR HIS SERVICE AS  
INTERIM CITY ADMINISTRATOR**

**WHEREAS**, the City of Angels Camp experienced periods of administrative transition requiring steady leadership and continuity of operations; and

**WHEREAS**, Steve Williams was first appointed and served as Interim City Administrator from July 2024 through February 2025, bringing extensive experience in public administration and municipal governance; and

**WHEREAS**, when the need arose, Mr. Williams returned to City providing needed stability and continuity from September 17, 2025, until March 29, 2026; and

**WHEREAS**, during his tenure, Mr. Williams provided professional leadership, sound judgment, and a commitment to maintaining effective city operations, including oversight of staff, fiscal stewardship, and support to the City Council; and

**WHEREAS**, vastly exceeding the expectations of interim leadership, Mr. Williams led the City through significant organizational development and built enduring relationships with other local agencies, community groups, staff, and elected officials; and

**WHEREAS**, he was widely respected and admired for his steady and calm demeanor, his willingness to listen, his ability to find solutions to complex problems, and his remarkable capacity to build consensus on difficult topics; all while deftly addressing shortfalls in critical personnel; and

**WHEREAS**, his service helped position the City for a smooth transition to permanent administrative leadership; and

**WHEREAS**, the City Council desires to formally recognize and express its gratitude for his contributions and dedicated service to the City of Angels.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Angels does hereby extend its sincere appreciation to Mr. Steve Williams for his service as Interim City Administrator and thanks him for his professionalism, leadership, and commitment to the community.

**BE IT FURTHER RESOLVED** that the City Council wishes him continued success in all future endeavors.



**PASSED AND ADOPTED** by the City Council of the City of Angels at a regular meeting held on the 7th day of April, 2026, by the following vote:

**PASSED AND ADOPTED**  
AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, Deputy City Clerk



MEMORANDUM

City of Angels City Council

**Date:** April 7, 2026

**To:** City of Angels City Council

**From:** Amy Augustine, AICP – City Planner

**Re:** **Ordinance 554 –An Ordinance Deleting Chapter 17.61 of the City of Angels Municipal Code - Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and creating a new Chapter 17.61 adopting state ADU/JADU law.**

**RECOMMENDATION**

Introduce, waive the first reading by substitution of title, hold a public hearing and set April 21, 2026, for a second reading and hearing and to consider adoption. The City council may propose changes at this time.

**BACKGROUND**

The State of California originally adopted legislation regulating accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in 2019. Since then, the state has adopted amendments in 2020, 2021, 2022, 2023, 2024, 2025, and 2026. Local jurisdictions have struggled to keep up with the ever-changing regulations associated with ADUs and JADUs.

The City last updated Chapter 17.61 (ADU/JADUs) for compliance with State Housing regulations in 2021. Since that time, numerous additional changes have been adopted by the legislature (See **Attachment B**). City staff remains apprised of these changes and implements state regulations as superseding local ordinance.

The State of California recently undertook a review of ADU/JADU regulations for all jurisdictions. The City received a letter stating its ADU/JADU ordinance (Chapter 17.61) was not in compliance with changes adopted by the state since 2021 (**Attachment B**) and gave the city the option of rescinding its ordinance and deferring to state regulations; or updating its ordinance.

This action proposes rescinding Chapter 17.61 in favor of deferring to state regulations until the City updates its Housing Element (commencing in April 2026). In conjunction with that update, the City will incorporate all changes necessary for compliance with all state housing regulation changes since the 2019 Housing Element Update and 2021 ADU/JADU code update.

**ANALYSIS**

Pursuant to Angels Municipal Code Section 17.90.040, decisions pertaining to code amendments shall be made upon the following findings of fact:

- A. The proposed change or amendment is consistent with the city of Angels Municipal Code; and
- B. The proposed change or amendment is consistent with the city of Angels general plan; and
- C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.

**Findings A &B – Consistency with the Angels Municipal Code and General Plan**

Adopting the proposed code amendment in the Angels Municipal Code will allow for implementation of the following General Plan goals, policies, and implementation programs:

**Program 2.B.d Revise the Accessory Dwelling Unit Ordinance**

Adoption of the code amendments brings the Angels Municipal Code into compliance with this General Plan 2020 implementation program and State Housing Law. Consistency between the General Plan and the Angels Municipal Code necessarily means the proposal is consistent with the Angels Municipal Code. Therefore, based on the preceding, findings A and B may be made.

**Finding C. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.**

The proposed code amendments are for compliance with state housing law. Therefore, the change is not substantially detrimental to the health, safety, or general welfare of the city. Based on the preceding, Finding C can be made.

**FISCAL IMPACT:**

The proposed changes update the existing municipal code for compliance with legal and regulatory requirements. Adoption and implementation are not expected to alter the costs to the City of implementing the City’s accessory dwelling unit ordinance.

**ENVIRONMENTAL FINDING:**

Pursuant to the state and city guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendment is exempt from further review pursuant to Section 21080.17 of the state guidelines which states that CEQA does not apply to the adoption of ordinances implementing law relating to construction of dwelling units and second units.

**ATTACHMENT:**

- A. Ordinance 554 with Ordinance Revisions
- B. HCD letter to City of Angels

**CITY OF ANGELS CITY COUNCIL  
ORDINANCE #554**

**AN ORDINANCE DELETING CHAPTER 17.61 OF THE CITY OF ANGELS MUNICIPAL CODE  
ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY DWELLING UNITS (JADUS) AND  
CREATING A NEW CHAPTER 17.61 ADOPTING STATE ADU/JADU LAW**

**WHEREAS**, the State of California Housing and Community Development Department has determined that the City of Angels Chapter 17.61 (ADU/JADU Ordinance) is out of compliance with state housing law; and

**WHEREAS**, the State has given the City the option of revoking the ordinance expeditiously and adopting, by reference, state law; or revising the ordinance for compliance; and

**WHEREAS**, the City is undertaking an update of its Housing Element and will update the ADU/JADU ordinance in the next year; and

**WHEREAS**, the City desires to maintain housing codes in compliance with State Housing regulations in the interim; and

**WHEREAS**, Urgency/Compliance Amendments pursuant to SB 543 when updating local codes to align with state-mandated, expedited ADU laws, City Councils may fast-track amendments, with the Planning Commission being bypassed in favor of quick adoption; and

**WHEREAS**, the City of Angels City Council did publish a notice of public hearing on March 21, 2024, and did hold a public hearing on April 7, 2026 introducing the ordinance and set April 21, 2026, holding a second public hearing to consider adoption; and

**NOW THEREFORE BE IT RESOLVED** that the City of Angels City Council hereby adopts Ordinance 554 in accordance with **Attachment A** to:

- A. Delete all of Chapter 17.61 of the City of Angels Municipal Code; and
- B. Add a new Chapter 17.61 to the City of Angels Municipal Code per **Attachment A** adopting state ADU law

Based on the following findings:

- 1. The proposal is consistent with the City of Angels Municipal Code.
- 2. The proposal is consistent with the City of Angels General Plan
- 3. The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the city.
- 4. The proposed changes to the Municipal Code are exempt from further environmental review pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA) pursuant to Section 21080.17, of the state guidelines for implementing the California Environmental Quality Act (CEQA).

**EFFECTIVE DATE:**

The foregoing Ordinance or a summary shall, before the expiration of fifteen (15) days of its passage, be published with the names of the Council Members voting for and against the same

once in a newspaper of general circulation printed and published in the County of Calaveras, State of California, and said Ordinance shall take effect May 21, 2026.

This Ordinance was introduced at a regular meeting of the City Council of the City of Angels held on April 7, 2026 and passed and adopted at a regular meeting of the City Council of the City of Angels held on April 21, 2026, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Gonzalez, City Clerk



**HOME OF THE JUMPING FROG**

ATTACHMENT to ORDINANCE 554

DELETE THE FOLLOWING PER ORDINANCE 554

Chapter 17.61  
ACCESSORY DWELLING UNITS (ADUs) AND  
JUNIOR ACCESSORY DWELLING UNITS (JADUs)

Sections:

~~17.61.010 Purpose and intent.~~

~~17.61.020 Applicability, exceptions, processing.~~

~~17.61.030 ADU development standards.~~

~~17.61.040 JADU development standards.~~

~~17.61.050 Ownership and occupancy.~~

~~17.61.060 Impact fees, capital improvement fees, public improvements.~~

**17.61.010 Purpose and intent.**

The purpose and intent of this chapter is to provide standards for the construction, placement, and processing of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), providing opportunities for affordable rental housing and/or accommodations for family members. ADUs and JADUs provide an increased opportunity to meet unmet housing needs. This chapter implements the city of Angels general plan housing element and is consistent with Government Code Section 65852.1 et seq. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)

**17.61.020 Applicability, exceptions, processing.**

A. ADUs Permitted. Subject to the standards contained herein, the following are permitted ADUs:

1. One ADU and one JADU (not one or the other) per parcel shall be permitted within any residential or mixed-use zoning district that allows residential uses by right or conditional use permit except as provided below.

2. Multifamily.

a. Attached Multifamily. Within a single multifamily dwelling structure, one ADU may be created within the nonlivable space within the dwelling. Within a

~~multifamily dwelling complex, no more than twenty-five percent of the units in the complex may include an ADU of this type.~~

~~b.—Detached Multifamily. In lieu of subsection (2)(a) of this section, a maximum of two detached ADUs are allowed on the lot containing a multifamily dwelling structure. New detached units are permitted four-foot side and rear setbacks subject to avoiding existing established, utility, road or other public easements. Height limits shall be the same as for other structures on the site.~~

~~B.—ADUs Prohibited or Permitted Subject to Review.~~

~~1.—Very High Fire Hazard Severity Zones. ADUs are prohibited in very high fire hazard severity zones in the city as mapped by CalFire unless a conditional use permit is first secured in accordance with Chapter [17.78](#). The conditional use permit shall demonstrate that the ADU complies with the provisions of the state’s minimum fire safe standards as they apply to state responsibility areas, and as may be amended. ADUs pursuant to this provision shall comply with minimum fire safety setbacks. A conditional use permit may be denied pursuant to Chapter [17.78](#) based on a finding that the ADU will, under the circumstances of the particular case, be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood due to fire safety.~~

~~2.—Historical Commercial Zoning District. ADUs in the historical commercial (HC) zoning district (Chapter [17.26](#)) shall be subject to the same parking, height, setback, landscape, architectural review, maximum unit size and standards established in the HC zoning district for all other construction, modifications, and structures as necessary to prevent adverse impacts on any real property that is listed in or has been declared eligible for listing on the California Register of Historic Resources and/or National Register of Historic Places in accordance with Government Code Section [65852.2\(a\)\(1\)\(B\)\(i\)](#). Pursuant to this section, the planning commission retains its authority to issue a finding of architectural conformity in accordance with Section [17.26.080](#) in cases referred to the commission where like materials and design are not being replaced with like materials and design.~~

~~C.—Covenants, Conditions and Restrictions (CC&Rs). Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable in accordance with Civil Code Section [4751](#).~~

~~D.—Subordinate to Principal Dwelling. An ADU shall be clearly subordinate to the principal dwelling. "Subordinate," for the purposes of this chapter, means the ADU shall~~

~~have a smaller total square footage than the principal dwelling except as allowed pursuant to Section 17.61.030(E), Conversions of Existing Structures.~~

~~E.—Ministerial Approval. ADUs and JADUs shall be ministerially approved pursuant to an application for a building permit. An application for an ADU or JADU shall be deemed approved within sixty days if no action has been taken on a completed building permit prior to that date. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)~~

**~~17.61.030 ADU development standards.~~**

~~ADU development standards are as follows:~~

~~A.—An ADU of eight hundred square feet or less with a height limit of sixteen feet and four feet side and rear yard setbacks is permitted in any residential or mixed-use zoning district regardless of lot coverage, setback, or minimum lot size requirements of that district.~~

~~B.—ADU Floor Area.~~

~~1.—The minimum floor area of an ADU shall be four hundred square feet or greater unless a smaller unit, to be occupied by no more than two persons, meets the requirements of an efficiency unit as defined in Health and Safety Code Section 17958.1. For detached dwellings less than four hundred square feet, see "Tiny houses."~~

~~2.—Detached ADU. The maximum floor area of a new detached ADU shall not exceed one thousand two hundred square feet.~~

~~3.—Attached ADU. The maximum floor area of an attached ADU shall not exceed fifty percent of the floor area of the existing primary dwelling, or one thousand two hundred feet, whichever is less. In no case shall an attached ADU be required to be less than eight hundred square feet for up to a one-bedroom unit, or at least one thousand square feet for ADUs with more than one bedroom, regardless of the floor area of the existing primary dwelling.~~

~~4.—The area of garages shall not be counted when determining the maximum allowable floor area.~~

~~C.—ADU Minimum Lot Size. The minimum allowable lot size for an ADU is the same as required for the zoning district in which the ADU is located except as allowed in subsection A of this section or otherwise as expressly provided.~~

~~D.—ADU Lot Coverage. Lot coverage is the same as required for the zoning district in which the ADU is located except as allowed in subsection A of this section.~~

~~E.—Conversions of Existing Structures.~~

~~1.— The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to the minimum size, height or lot coverage requirements herein. Such structures shall be made safe pursuant to state building and safety codes. Existing structures converted to ADUs may be expanded up to one hundred fifty square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress.~~

~~2.— An existing principal dwelling may be converted to an accessory dwelling unit to allow construction of a new principal dwelling. When this occurs, both the dwelling being converted to an ADU and the new principal dwelling shall be clearly designated on all site plan(s) accompanying the building permit or permit(s). If separate building permits are secured, each site plan for each building permit shall clearly identify both the ADU and principal dwelling unit. A certificate of occupancy shall be issued for the accessory dwelling unit only after (or at the same time as) a certificate of occupancy is issued for the primary dwelling.~~

~~F.— ADU Parking and Driveways.~~

~~1.— One parking space shall be required per accessory dwelling unit or bedroom, whichever is less, except as provided in subsections (F)(2) and (3) of this section. Tandem parking is permitted to fulfill this requirement. No guest parking is required.~~

~~2.— ADUs created through the conversion of a garage, carport, or covered parking structure shall not require replacement of off-street parking spaces.~~

~~3.— No parking is required for ADUs:~~

~~a.— Located within one-half mile walking distance of public transit.~~

~~b.— Located within the historical commercial zoning district.~~

~~4.— Parking access shall be at same location as the driveway for the principal dwelling, except where the lot abuts two or more streets, in which case the driveway for the accessory dwelling unit may be separate, provided the respective driveways are on separate streets and meet safe distancing requirements per city standards.~~

~~a.— Curb cuts for driveways that access the parking for both the principal and accessory dwelling unit shall be no wider than twenty feet, unless otherwise approved by the city engineer.~~

~~b.— Curb cuts for driveways that access only the accessory dwelling unit shall be no wider than ten feet, unless otherwise approved by the city engineer.~~

~~G.— Setbacks.~~

1.— ~~Setbacks of no more than four feet from the side and rear lot lines are permitted for an attached or detached ADU in those zoning districts where required setbacks are greater than four feet, except as required to avoid existing, established, utility, road or other public easements.~~

2.— ~~Expansion of a detached structure, that is nonconforming with respect to setbacks, may occur for conversion into an ADU, except that setbacks for the expansion or conversion cannot be less than four feet for the side and rear setbacks and shall avoid existing, established, utility, road or other public easements.~~

3.— ~~Front yard setbacks for ADUs are the same as required for the primary dwelling unit, except that front yard setbacks shall be altered to accommodate an ADU meeting the criteria in subsection A of this section. Reduced setbacks shall maintain existing, established, utility, road or other public easements.~~

H.— ~~ADU Height. ADU height limits shall be the same as allowed for a primary dwelling unit in the zoning district unless otherwise expressly provided.~~

I.— ~~No ADU shall be located on a slope that exceeds twenty percent.~~

J.— ~~An ADU shall only be permitted in a structure that is on a permanent foundation. Manufactured homes on a permanent foundation are permitted as ADUs.~~

K.— ~~Nonconforming Uses and Violations. An applicant shall not be required to correct nonconforming zoning conditions (e.g., in conjunction with a conversion of an existing accessory structure).~~

~~Upon application and approval, the city will delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Government Code Section [65852.2\(n\)](#); Health and Safety Code Section [17980.12](#)).~~

L.— ~~Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required for the primary residence. Fire sprinklers are not required in an ADU if they were not required in the primary residence. However, if the primary dwelling undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after the remodel must likewise install fire sprinklers. (Government Code Sections [65852.2\(a\)\(1\)\(D\)\(xii\)](#) and [\(e\)\(3\)](#).) For ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the primary residence for the purposes of fire sprinklers. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.~~

M.— ~~Solar Panels. Newly constructed ADUs are subject to the energy code requirement to provide solar panels if the unit(s) is a newly constructed, nonmanufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the~~

~~ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from nonresidential to residential space, are not subject to the energy code requirement to provide solar panels. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)~~

**~~17.61.040 JADU development standards.~~**

~~JADU development standards are as follows. JADUs:~~

- ~~A.— Shall not exceed five hundred square feet in size.~~
- ~~B.— Shall be constructed within the walls of a proposed or existing single-family residence and are not required to be an existing bedroom or have an interior entry into the single-family residence. JADUs may be created in attached garages.~~
- ~~C.— Are not subject to any additional parking requirements except that replacement parking shall be required when a JADU is created from an attached garage.~~
- ~~D.— Are not subject to additional fees for water or sewer connections.~~
- ~~E.— Cannot be sold separately from the primary dwelling.~~
- ~~F.— The owner must reside in either the remaining portion of the primary residence or in the newly created JADU.~~
- ~~G.— JADUs are not permitted in accessory structures.~~
- ~~H.— Only one JADU is permitted per lot.~~
- ~~I.— JADUs are permitted only in single-family residences in single-family zoning districts. (Ord. 515 §2 (Att. B), 2021)~~

**~~17.61.050 Ownership and occupancy.~~**

- ~~A.— All ADUs used as rentals shall be required to be rented for a minimum term of thirty days or longer.~~
- ~~B.— The provisions of this chapter shall not be construed to place any restrictions on the age of the occupant(s) of the accessory dwelling or his/her relationship to the owner(s) and/or occupant(s) of the principal dwelling except as otherwise expressly provided.~~
- ~~C.— There are no owner occupancy requirements for ADUs except when a JADU also is on the same lot. JADUs require owner occupancy of either the newly created JADU or the single-family residence. Therefore, under this specific circumstance, a lot with an ADU would be subject to owner occupancy requirements.~~

~~D.—An ADU may be sold or otherwise conveyed separately from the primary dwelling pursuant to a deed-restricted sale that includes affordability covenants approved by the city if the primary dwelling and the ADU are built by a qualified nonprofit corporation whose mission is to provide units to low-income households in accordance with Government Code Section 65852.26. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005. Formerly 17.61.040)~~

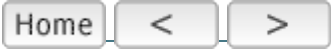
**17.61.060 Impact fees, capital improvement fees, public improvements.**

~~A.—Water and Sewer. An ADU shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water or sewer unless the ADU is constructed concurrently with a new single-family home. An ADU converted from an existing space or a JADU is exempt from connection fees and capacity fees unless constructed in conjunction with a new single-family dwelling. When constructed in conjunction with a primary dwelling, the fee shall be proportionate to that of the primary dwelling based on square footage or total number of plumbing fixtures compared to the primary dwelling. ADUs remain subject to monthly water and sewer use fees.~~

~~B.—Impact Mitigation Fees. ADUs up to seven hundred fifty square feet are exempt from impact mitigation fees. ADUs seven hundred fifty square feet or larger may be charged impact mitigation fees but such fees shall be made proportional (based on size by square foot) to those for the primary dwelling unit. If the ADU qualifies for a lower fee than a proportional fee based on a recorded affordability covenant and as provided in the city’s adopted fee schedule, then the lesser fee (or fee exemption) shall apply.~~

~~C.—School Fees. ADUs five hundred feet or smaller are not subject to school impact fees. ADUs larger than five hundred square feet may be subject to school impact fees at the option of the school.~~

~~D.—Public Improvements. No public or related physical improvements shall be required for creation or conversion on an ADU (e.g., ADUs are exempt from sidewalk and street improvements). (Ord. 515 §2 (Att. B), 2021)~~



**The Angels Camp Municipal Code is current through Ordinance 541, passed August 20, 2024.**

~~Disclaimer: The city clerk’s office has the official version of the Angels Camp Municipal Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.~~

City Website: <https://angelscamp.gov/>

City Telephone: (209) 736-2181

**ADD ALL THE FOLLOWING PER ORDINANCE 554**

**Chapter 17.61  
ACCESSORY DWELLING UNITS (ADUs) AND  
JUNIOR ACCESSORY DWELLING UNITS (JADUs)**

The City of Angels regulations for ADUs and JADUs are as set forth in California ADU law including but not limited to:

- Government Code Sections 66310-66342; and
- Government Code Sections 65852.2, 65852.21, 65852.22, 65852.23, 65852.26, 65852.27, 65852.150, 65583 (c)(7), 65585(j), 66313, 66314, 66322, 66323, 66411.7; and
- Public Resources Code Section 21080.17, 30500.5; and
- Health and Safety Code Sections 17980.12, 50504.5; and
- Civil Code Section 714.3, 4740, 4741, 4751;

and as these provisions may be amended.

Guidelines are available at <https://www.hcd.ca.gov/building-standards/adu/handbook>

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



February 27, 2026

Amy Augustine, AICP, City Planner  
Planning Department  
City of Angels  
200 Monte Verda St, Ste B  
PO BOX 667  
Angels Camp, CA 95222

Dear Amy Augustine:

**RE: Angels Camp – Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for the City of Angels Camp (City) with the California Department of Housing and Community Development (HCD) is from November 2, 2021. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance is outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are non-exhaustive changes to State ADU Law that have occurred in recent years and may warrant an update to the City's ADU ordinance:

**Updates to the [ADU Handbook \(2025\)](#)**

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

### Changes to ADU Law in

- 2025:**
- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
  - Requires rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
  - Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD’s findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
  - Revises the definition of a “junior accessory dwelling unit” to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
  - Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
  - Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
  - Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice, and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
  - Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
  - Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
  - Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
  - Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD’s findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

**Changes to ADU Law in 2024:**

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subs. (a)-(c)).
- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

**Changes to ADU Law in 2023:**

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

**Changes to ADU Law in 2021:**

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

**Changes to ADU Law in 2020:**

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subs. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

### **Changes to ADU Law in 2019:**

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by March 29, 2026, with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Michael McLaughlin at [michael.mclaughlin@hcd.ca.gov](mailto:michael.mclaughlin@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit



## MEMORANDUM

### City of Angels Planning Commission

**Date:** April 7, 2026

**To:** City of Angels Planning Commission

**From:** Amy Augustine, AICP – City Planner

**Re:** Resolutions 26-09, 26-10, 26-11, 26-12 for the Annexation of Assessor's Parcels: 058-011-017, -029, -030 (Copello); 057-011-015 (City Water Tank); 057-023-002, -025, -030 (Bret Harte High School); 064-004-037, -039, -040 (Finnegan Lane)

### RECOMMENDATION

Adopt Resolution 26-09 (058-011-017, -029, -030 - Copello), Resolution 26-10 (057-011-015 - City Water Tank); Resolution 26-11 (057-023-002, -025, -030 - Bret Harte High School); and Resolution 26-12 (064-004-037, -039, -040 - Finnegan Lane).

### BACKGROUND/ PROJECT DESCRIPTION

The City is proposing annexation of 10 parcels described in **Table 1** and shown in **Figures 1 - 3**. Many of the annexations are for clerical purposes (i.e., the City is required to pay property taxes for parcels it owns located outside of the city limits). Others are for recreational purposes (e.g., Finnegan

Lane). Still others are to ensure that agencies located mostly within the city with limited adjacent parcels located outside of the city are all located within a single jurisdiction to facilitate coordination for future activities and to follow natural boundaries such as the new SR 4 Bypass (e.g., Bret Harte High School). Some parcels are being annexed because they are served with city water and/or sewer, but are located in the County (e.g., AMA Sports Complex). Because the city is providing primary infrastructure to the parcels, it is fitting that they be located within the city. Lastly, state law discourages annexations that create islands surrounded by an incorporated city, especially those smaller than 150 acres, pursuant to Government Code Section 56375.3. Therefore, such parcels generally are annexed in conjunction with surrounding parcels (e.g., Medberry parcel on Finnegan Lane).

### ANALYSIS

Pursuant to Angels Municipal Code Section 17.85.020(C) the Planning Commission is required to make recommendations to the city council regarding annexations. The Planning Commission reviewed and recommended approval of all proposed annexations unanimously at their meeting of 3/12/26.

In 2024, the City Council adopted Resolution 24-59, the City of Angels Camp Annexation Policy (**Attachment A**).

The Angels Municipal Code does not include specific findings required for annexations. However, as a planning action affecting land use, a finding of consistency with the general plan is required.

General Plan Goal 1H calls for the city to:

Protect land adjoining, and in close proximity to, the city limits from development inconsistent with the city's stated future goals, programs (Goal 1H - Sphere of Influence and Annexations).

All of the proposed annexations are adjacent to the City limits except for the City's water tank which is located on Murphys Grade Road. State regulations governing annexations allow for annexations of city infrastructure parcels that are not adjacent to existing jurisdictional boundaries.

The City of Angels Annexation Policy was established pursuant to General Plan Implementation Program 1.H.a to establish a City annexation plan. The following identifies how each annexation is consistent with that policy (Attachment A):

Parcel Number (Owner)	Resolution	Current Use	Consistency with City of Angels Annexation Policy
058-011-017 AMA	26-01	AMA Sports Complex	Land providing recreation and open space opportunities; Land areas within the Sphere of Influence where city police and city fire normally are first on the scene.  Land uses that directly or indirectly increase demands on city services (e.g., police, fire) and/or facilities (e.g., transportation)
058-011-029 AMA	26-01	AMA Sports Complex	
058-011-030 City of Angels	26-01	Vacant	City-owned land
057-011-015 City of Angels	26-02	Water Tank	City-owned land; Property with the potential to enhance the city's ability to provide or improve water and/or wastewater service (e.g., water tank sites)
057-023-002 (Bret Harte HS)	26-03	Bret Harte HS	Natural (i.e., physical) boundaries (e.g., rivers, roads, ridges) will be followed where feasible to facilitate the identification of city boundaries (annexation would establish the SR 4 Bypass as a physical northern boundary for the City).
057-023-025 (Bret Harte HS)	26-03	Bret Harte HS	
057-023-030 (Bret Harte HS)	26-03	Bret Harte HS	

064-004-037 (City of Angels)	26-04	Vacant	Land providing recreation and open space opportunities; Scenic vistas; City-owned land.
064-004-039 (Medberry)	26-04	Vacant	0.13 acre entirely surrounded by City-owned property
064-004-040 (City of Angels)	26-04	Vacant	Land providing recreation and open space opportunities; Scenic vistas; City-owned land

Based on the preceding, the proposed annexations are consistent with the City's Annexation Policy and General Plan.

**Table 1: Proposed Annexations**

Parcel Number (Owner)	Resolution	Current Use	Acreage	Purpose for Annexation	County Zoning	City General Plan post annexation	City Zoning post annexation
058-011-017 AMA	26-01	AMA Sports Complex	6.79	Requested by applicant	Recreation	Public/Quasi Public (P)	Parks/Recreation (REC)
058-011-029 AMA	26-01	AMA Sports Complex	1.59	Requested by applicant	Recreation	Public/Quasi Public (P)	Parks/Recreation (REC)
058-011-030 City of Angels	26-01	Vacant	0.18	City owned property	Recreation	Public/Quasi Public (P)	Public (P)
057-011-015 City of Angels	26-02	Water Tank	0.66	City owned property	Public Service (PS)	Public/Quasi Public (P)	Public (P)
057-023-002 (Bret Harte HS)	26-03	Bret Harte HS	0.43	Requested by applicant Keep entire school within the City	Public Service (PS)	Public/Quasi Public (P)	Public (P)
057-023-025 (Bret Harte HS)	26-03	Bret Harte HS	7.45	Requested by applicant Keep entire school within the City	Public Service (PS)	Public/Quasi Public (P)	Public (P)
057-023-030 (Bret Harte HS)	26-03	Bret Harte HS	0.86	Requested by applicant Keep entire school within the City	Public Service (PS)	Public/Quasi Public (P)	Public (P)
064-004-037 (City of Angels)	26-04	Vacant	10.26	City owned property; Angels Creek Trail; Discontinue property taxation	Angels Camp (AC)	Public/Quasi Public (P)	Public (P)

064-004-039 (Medberry)	26-04	Vacant	0.13	Conditional/a/; State regulations to avoid a "gap" between city/county ownership and place entire property under one jurisdiction	Angels Camp (AC)	Rural Residential (RR)	Res <span style="border: 1px solid black; padding: 2px;">Section 11, Item B.</span> five-acre minimum (RE-5)
064-004-040 (City of Angels)	26-04	Vacant	0.15	City owned property; Angels Creek Trail; Discontinue property taxation	Angels Camp (AC)	Public/Quasi Public (P)	Public (P)
			28.5				

/a/ Landowner has requested not proceeding with annexation until he receives a certificate of occupancy for his structure on an adjoining parcel. This is included in Resolution 26-04.

Figure 1: Annexations Copello and Bret Harte High School

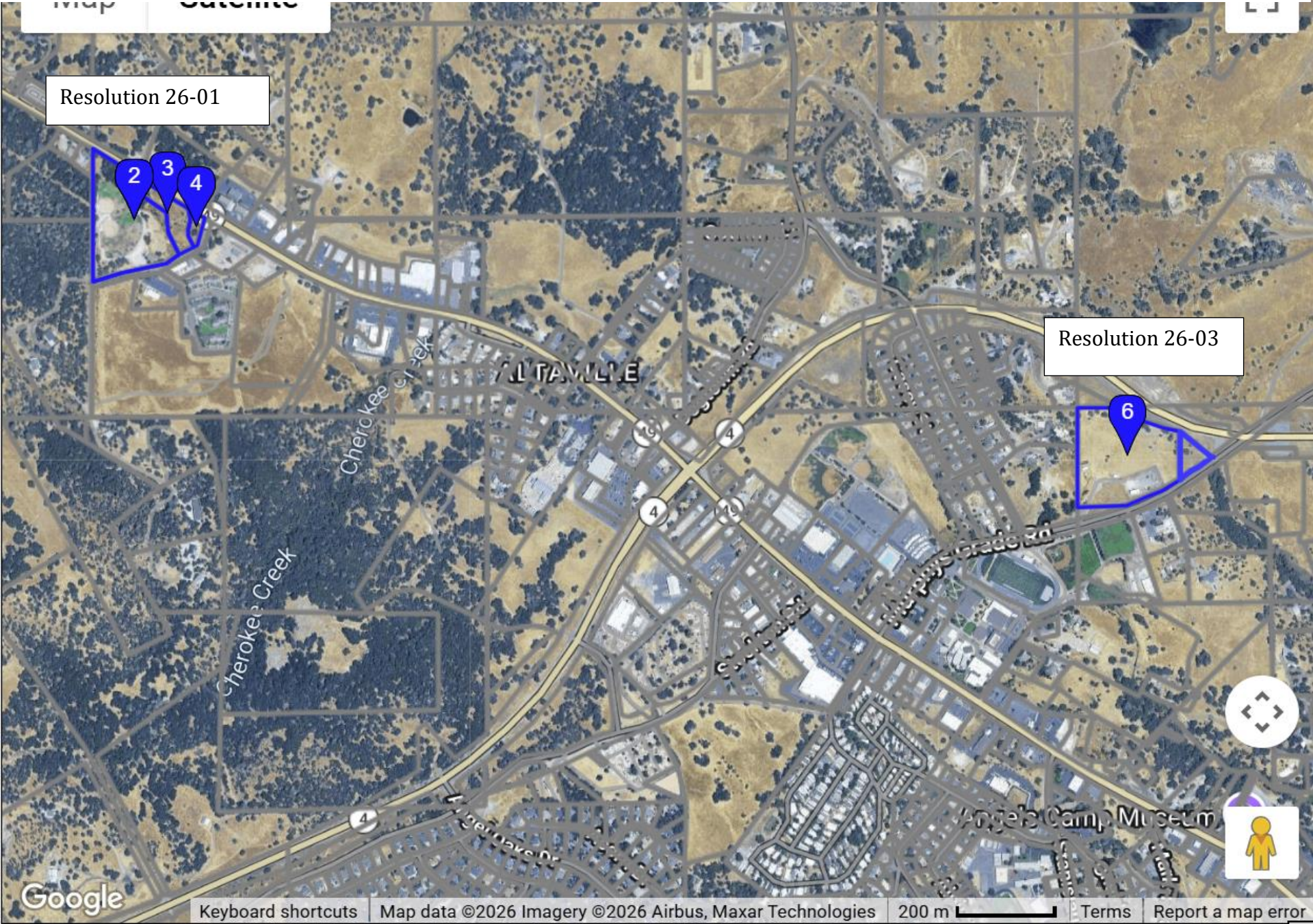


Figure 2: Annexation City Water Tank

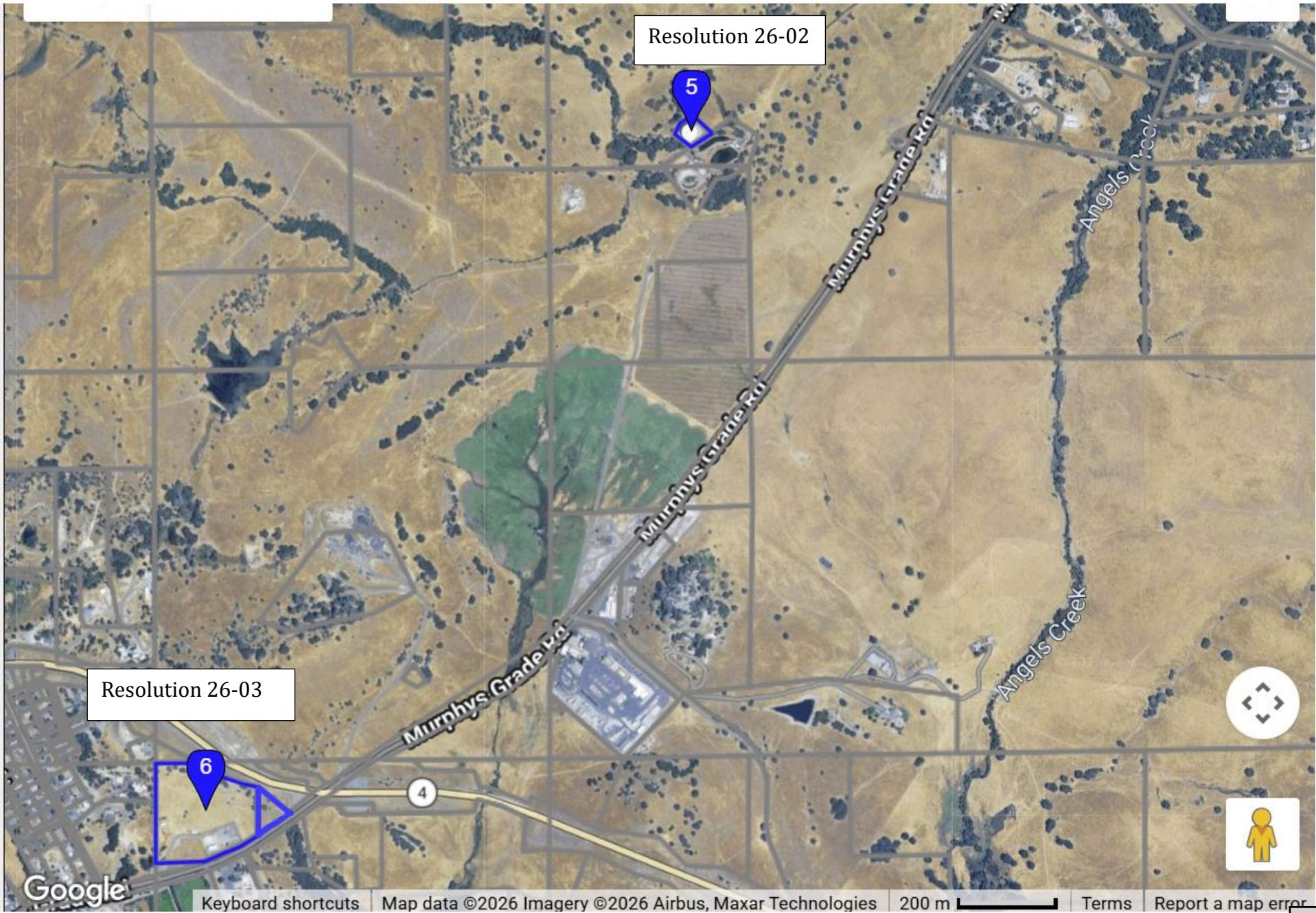
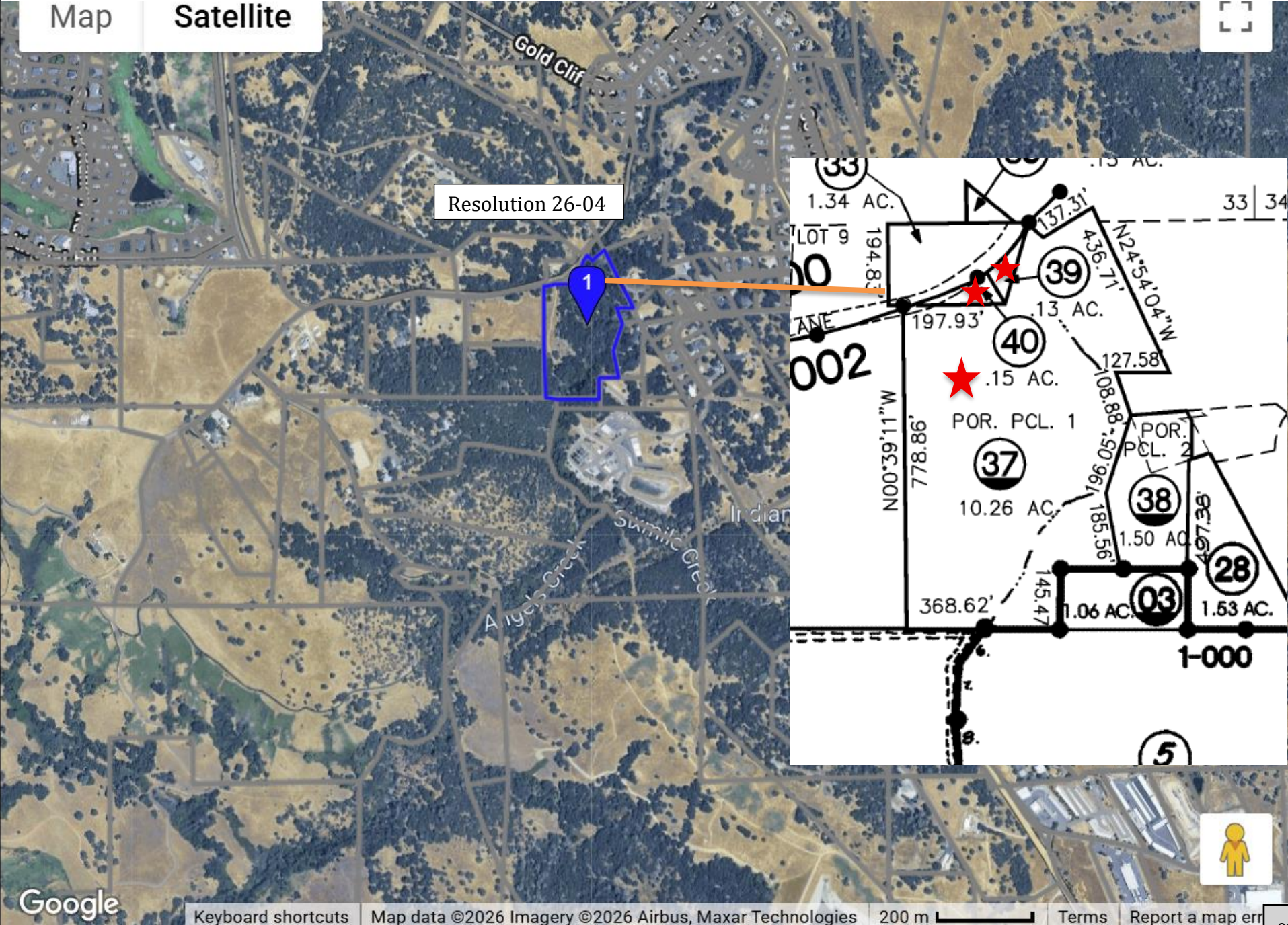


Figure 3: Finnegan Lane Parcels



**FISCAL IMPACT:**

Annexation will remove the requirement to pay property taxes for city-owned parcels located outside of the city limits. Therefore, potential cost savings could be realized. Increased costs are not anticipated due to annexation of non-city owned parcels because each already has access to city water and city sewer services and the city already is a first responder to the sites (i.e., no significant increase in demand for police, fire, or public services are anticipated).

**ENVIRONMENTAL FINDING:**

The proposed annexation is categorically exempt from the state and city guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15319, Class 19 of the guidelines which states that annexations to a city of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. Most of the parcels already are served by public water and public wastewater from the City or the City has capacity to serve them. The City confirms capacity to serve all of the parcels.

**ATTACHMENTS:**

- A. Annexation Policy
- B. Resolutions 26-09, 26-10, 26-11, 26-12

# ATTACHMENT A

## City of Angels Camp Annexation Policy

The following are proposed guidelines for evaluating annexation priorities and identifying potential annexation areas for implementing the City of Angels General Plan 2020 programs. These policies are adapted from the *City of Angels General Plan 2020 Implementation Program 1.H.a*.

Priority annexation areas should include properties encompassing the following, but not in this order:

- Transportation corridors, including planned future motorized and non-motorized routes identified in the general plan for both transportation, safety, and recreational purposes
- Major Intersections (e.g., Vallecito Road, SR 4)
- Land with high potential for economic development
- Land providing recreation and open space opportunities
- Natural (i.e., physical) boundaries (e.g., rivers, roads, ridges) will be followed where feasible to facilitate the identification of city boundaries
- Scenic vistas
- Land providing affordable housing opportunities
- Land contributing to the visual integrity or enhancement of city gateways (e.g., historic structures)
- City-owned land
- Property with the potential to enhance the city’s ability to provide or improve water and/or wastewater service (e.g., water tank sites)
- Land areas within the Sphere of Influence where city police and city fire normally are first on the scene
- Land uses that directly or indirectly increase demands on city services (e.g., police, fire) and/or facilities (e.g., transportation)

Decisions to annex should include findings related, but not limited to, the following:

- Availability and/or ability to provide water and/or wastewater

- Ability to provide adequate police, fire, park and recreation and other City services
- Impacts associated with potential traffic increases
- Potential to increase or decrease demands for affordable housing
- Maintaining the city as a distinct and separate community
- The proposed annexation is consistent with the City of Angels General Plan
- The proposed annexation is consistent with the City's Strategic Plan
- The proposed change or amendment will not be substantially detrimental to the health, safety, or general welfare of the City

**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION 26-09**

**A RESOLUTION OF THE CITY OF ANGELS CITY COUNCIL APPROVING A REQUEST TO THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION TO UNDERTAKE PROCEEDINGS TO ANNEX ASSESSOR'S PARCEL NUMBERS 058-011-017, 058-011-029 (AMA SPORTS COMPLEX, COPELLO) AND 058-011-030 (CITY OF ANGELS) TO THE CITY OF ANGELS**

**WHEREAS**, the City of Angels desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with California Government Code Section 56000 for the annexation; and

**WHEREAS**, the City of Angels Planning Commission recommended to the City Council approval of this annexation at a public hearing on March 12, 2026 pursuant to Resolution of Intent 26-01; and

**WHEREAS**, at the time and in the manner provided by law, the City of Angels gave notice of the date, time, and place of a public hearing by the City Council to initiate these proceedings; and

**WHEREAS**, a notice of intent to adopt this resolution of application has been given to each interested and subject agency; and

**WHEREAS**, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

**WHEREAS**, the territory proposed to be annexed is uninhabited (developed as a sports complex) and a map and description of the boundaries of the property are set forth in Exhibits A and B attached hereto and by this reference incorporated herein; and

**WHEREAS**, this proposal is consistent with the sphere of influence of the City of Angels; and

**WHEREAS**, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. The parcels will undergo a general plan land use amendment and rezoning as follows within 18 months of annexation:

<b>Parcel #</b>	<b>County General Plan</b>	<b>County Zoning</b>	<b>City General Plan post annexation</b>	<b>City Zoning post annexation</b>
058-011-017 (AMA owned)	Angels Camp Sphere of Influence	Recreation	Public/Quasi Public (P)	Parks/Recreation (REC)
058-011-029 (AMA owned)	Angels Camp Sphere of Influence	Recreation	Public/Quasi Public (P)	Parks/Recreation (REC)
058-011-030 (City owned)	Angels Camp Sphere of Influence	Recreation	Public/Quasi Public (P)	Public (P)

- 2. Any future development on the parcels will be subject to city services impact mitigation fees, as applicable.

**WHEREAS**, the reasons for the proposed annexation are as follows:

- The City currently serves the AMA site with public wastewater
- The City currently serves the AMA site with public water
- The site is at the south entrance to the City and development at the site affects traffic circulation and the visual appearance of the City
- City police and City fire responders generally are the first on scene for emergency response
- City desires to not pay property taxes for city-owned property

**WHEREAS**, the City of Angels has made an environmental determination for this project and finds that the proposed annexation is categorically exempt from the state and city guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15319, Class 19 of the guidelines which states that annexations to a city of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The AMA parcels already are served by public water and public wastewater from the City and the City confirms capacity to continue serving them with both.

**WHEREAS**, in accordance with Government Code Section 56653, the City Council adopts a Plan for Services for the proposed annexation attached hereto as Exhibit “C”; and

**NOW THEREFORE BE IT RESOLVED** that this Resolution of Application hereby adopted and approved by the City of Angels City Council and the Calaveras Local Agency Formation Commission is hereby requested to take proceedings for the property owned by the Angels Murphys Arnold Boosters Club, AMA Boosters Club, Inc. and the City of Angels as shown in Exhibits A and B according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, City Clerk



**HOME OF THE JUMPING FROG**

**EXHIBIT A**

**ANNEXATION  
PARCEL 1**

**LEGAL DESCRIPTION**

**APN's: 058-011-017, 029, & 030**

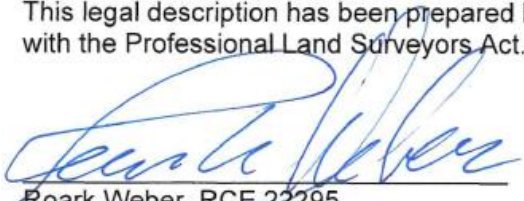
A portion of the East 1/2 of the Northwest 1/4 of Section 29 T3N, R13E, MDM more particularly described as follows:

Beginning at a point on the North line of Copello Drive; that bears S 01°14'11" W 377.01 feet from the Northwest 1/16 of said Section 29; thence

- 1<sup>st</sup> N 01°14'11" E 865.09 feet more or less to the South Right of Way line of State Route 49; thence
- 2<sup>nd</sup> S 55°15'59" E 1002.00 feet more or less along said South Right of Way line to its intersection with the North Right of Way line of Copello Drive; thence
- 3<sup>rd</sup> Along the North line of Copello Drive S 62°47'40" W 416.88 feet; thence
- 4<sup>th</sup> Continuing along said North line S 77°37'40" W 482.56 feet more or less to the Point of Beginning of herein described Annexation Parcel 1 comprised of 8.89 acres more or less.

**END DESCRIPTION**

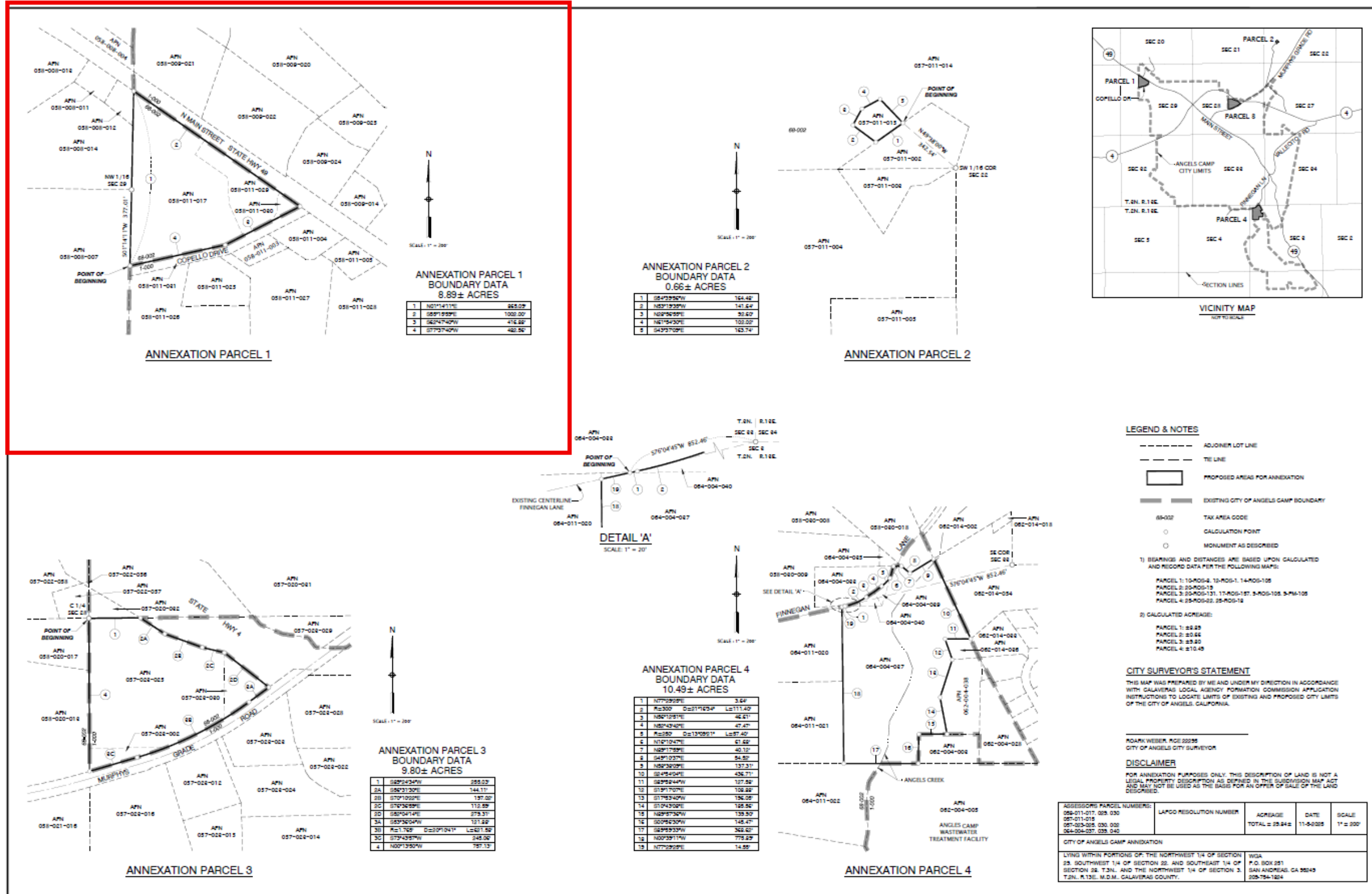
This legal description has been prepared by me or under my direction in conformance with the Professional Land Surveyors Act.



Roark Weber, RCE-22295  
City of Angels City Surveyor

11/05/2025  
Date

# EXHIBIT B



**EXHIBIT C  
PLAN FOR SERVICES**

**Description of the services currently provided or to be extended to the affected territory.**

<b>Parcel #</b>	<b>Water</b>	<b>Wastewater</b>	<b>Electrical</b>	<b>Trash</b>
058-011-017 (AMA owned)	Currently provided City of Angels	Currently provided City of Angels	PG&E	Cal-Waste
058-011-029 (AMA owned)	Currently provided City of Angels	Currently provided City of Angels	PG&E	Cal-Waste
058-011-030 (City owned)	None required	None required	None required	None required

No increase or expansion of existing services is proposed.

**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION 26-10**

**A RESOLUTION OF THE CITY COUNCIL APPROVING A REQUEST TO THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION TO UNDERTAKE PROCEEDINGS TO ANNEX ASSESSOR'S PARCEL NUMBERS 057-011-015 (CITY OF ANGELS WATER TANK) TO THE CITY OF ANGELS**

**WHEREAS**, the City of Angels desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with California Government Code Section 56000 for the annexation; and

**WHEREAS**, the City of Angels Planning Commission recommended to the City Council approval of this annexation at a public hearing on March 12, 2026 pursuant to Resolution of Intent 26-02; and

**WHEREAS**, at the time and in the manner provided by law, the City of Angels gave notice of the date, time, and place of a public hearing by the City Council to initiate these proceedings; and

**WHEREAS**, a notice of intent to adopt this resolution of application has been given to each interested and subject agency; and

**WHEREAS**, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

**WHEREAS**, the territory proposed to be annexed is uninhabited (developed as a City water storage tank) and a map and description of the boundaries of the property are set forth in Exhibits A and B attached hereto and by this reference incorporated herein; and

**WHEREAS**, this proposal is consistent with the sphere of influence of the City of Angels; and

**WHEREAS**, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. The parcel will undergo a general plan land use amendment and rezoning as follows within 18 months of annexation:

<b>Parcel #</b>	<b>County General Plan</b>	<b>County Zoning</b>	<b>City General Plan post annexation</b>	<b>City Zoning post annexation</b>
057-011-015 (City owned)	Angels Camp Sphere of Influence	Public Service (PS)	Public/Quasi Public (P)	Public (P)

**WHEREAS**, the reasons for the proposed annexation are as follows:

- The City owns, and operates critical infrastructure on, the property
- The City desires not to pay property taxes on the city-owned property

**WHEREAS**, the City of Angels has made an environmental determination for this project and finds that the proposed annexation is categorically exempt from the state and city guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15319, Class 19 of the guidelines which states that annexations to a city of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The is developed as the city’s water storage tank and provides water service to much of the City. Therefore, the need for services and capacity to serve the site are inapplicable for this annexation.

**WHEREAS**, the City Council certifies that pursuant to Section 99(b) of the State Revenue and Taxation Code, the annexation is a revenue neutral annexation; and

**WHEREAS**, the City Council certifies that, pursuant to Government Code Section 56663: Because the property in question is currently uninhabited (city water storage tank) and the city has consented to the annexation with this resolution, the City of Angels wishes to waive the notice and hearing; and

**WHEREAS**, in accordance with Government Code Section 56653, the City Council adopts a Plan for Services for the proposed annexation attached hereto as Exhibit “C”; and

**NOW THEREFORE BE IT RESOLVED** that this Resolution of Application hereby adopted and approved by the City of Angels City Council and the Calaveras Local Agency Formation Commission is hereby requested to take proceedings for the property owned by the City of Angels as shown in Exhibits A and B according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, City Clerk



**HOME OF THE JUMPING FROG**

**EXHIBIT A**

**ANNEXATION  
PARCEL 2**

**LEGAL DESCRIPTION**

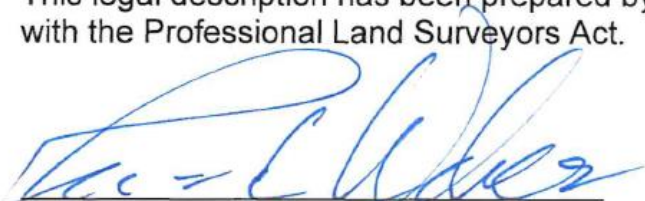
**APN: 057-011-015**

City of Angels Water Treatment Plant Parcel comprising 0.664 acres, beginning at the most Easterly corner of said Parcel that bears N 49°38' W 342.54 feet from the Southwest 1/16 corner of Section 22 T3N; R13E MDM; thence

- 1<sup>st</sup> S 54°39'56" W 164.48 feet; thence
- 2<sup>nd</sup> N 53°19'35" W 141.64 feet; thence
- 3<sup>rd</sup> N 28°56'55" E 92.60 feet; thence
- 4<sup>th</sup> N 61°54'30" E 102.02 feet; thence
- 5<sup>th</sup> S 43°37'09" E 163.74 feet to the Point of Beginning of herein described Annexation Parcel 2 comprised of 0.664 acres.

**END DESCRIPTION**

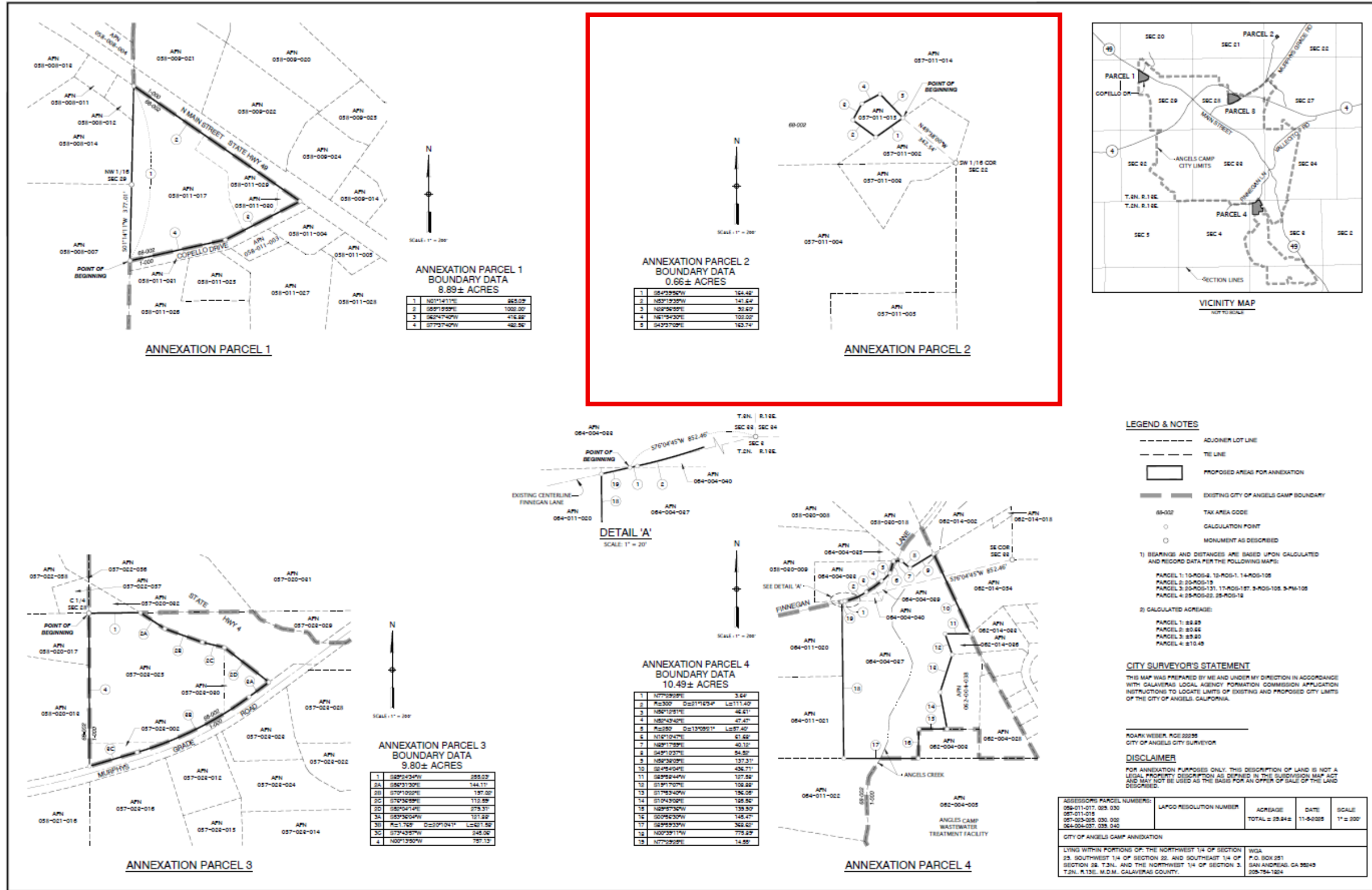
This legal description has been prepared by me or under my direction in conformance with the Professional Land Surveyors Act.



Roark Weber, RCE-22295  
City of Angels City Surveyor

11/05/2025  
Date

# EXHIBIT B



**EXHIBIT C  
PLAN FOR SERVICES**

**Description of the services currently provided or to be extended to the affected territory.**

The site is developed as a city water storage tank. No additional services are required. No change in use is proposed.

**Level and range of these services.**

See above.

**When services can feasibly be extended to the affected territory, if new services are proposed.**

See above.

**Any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.**

See above.

**How those services will be financed.**

See above.

**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION 26-11**

**A RESOLUTION OF THE CITY OF ANGELS CITY COUNCIL APPROVING A REQUEST TO THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION TO UNDERTAKE PROCEEDINGS TO ANNEX ASSESSOR'S PARCEL NUMBERS 057-023-002, 057-023-025, 057-023-030 (BRET HARTE HIGH SCHOOL) TO THE CITY OF ANGELS**

**WHEREAS**, the City of Angels desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with California Government Code Section 56000 for the annexation; and

**WHEREAS**, the City of Angels Planning Commission recommended to the City Council approval of this annexation at a public hearing on March 12, 2026 pursuant to Resolution of Intent 26-03; and

**WHEREAS**, at the time and in the manner provided by law, the City of Angels gave notice of the date, time, and place of a public hearing by the City Council to initiate these proceedings; and

**WHEREAS**, a notice of intent to adopt this resolution of application has been given to each interested and subject agency; and

**WHEREAS**, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

**WHEREAS**, the territory proposed to be annexed is uninhabited by residences (developed as a school) and a map and description of the boundaries of the property are set forth in Exhibits A and B attached hereto and by this reference incorporated herein; and

**WHEREAS**, this proposal is consistent with the sphere of influence of the City of Angels; and

**WHEREAS**, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. The parcels will undergo a general plan land use amendment and rezoning as follows within 18 months of annexation:

<b>Parcel #</b>	<b>County General Plan</b>	<b>County Zoning</b>	<b>City General Plan post annexation</b>	<b>City Zoning post annexation</b>
057-023-002	Angels Camp Sphere of Influence	Public Service (PS)	Public/Quasi Public (P)	Public (P)
057-023-025	Angels Camp Sphere of Influence	Public Service (PS)	Public/Quasi Public (P)	Public (P)
057-023-030	Angels Camp Sphere of Influence	Public Service (PS)	Public/Quasi Public (P)	Public (P)

**WHEREAS**, the reasons for the proposed annexation are as follows:

- All other parcels containing the school buildings, classrooms, and sports facilities are located within the City limits. Annexation would locate the entire school within the city limits.
- Annexation allows for public water or public wastewater to serve the parcels, if needed.

**WHEREAS**, the City of Angels has made an environmental determination for this project and finds that the proposed annexation is categorically exempt from the state and city guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15319, Class 19 of the guidelines which states that annexations to a city of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The parcels already are served by public water and public wastewater from the City and the City confirms capacity to continue serving them with both.

**WHEREAS**, the City Council certifies that pursuant to Section 99(b) of the State Revenue and Taxation Code, the annexation is a revenue neutral annexation; and

**WHEREAS**, the City Council certifies that, pursuant to Government Code Section 56663: Because the property in question is currently uninhabited (developed as a sports complex) and the property owners have consented in writing, the City of Angels wishes to waive the notice and hearing; and

**WHEREAS**, in accordance with Government Code Section 56653, the City Council adopts a Plan for Services for the proposed annexation attached hereto as Exhibit "C"; and

**NOW THEREFORE BE IT RESOLVED** that this Resolution of Application hereby adopted and approved by the City of Angels City Council and the Calaveras Local Agency Formation Commission is hereby requested to take proceedings for the property owned by the Bret Harte Union High School District as shown in Exhibits A and B according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, City Clerk



**HOME OF THE JUMPING FROG**

# EXHIBIT A

## ANNEXATION PARCEL 3

### LEGAL DESCRIPTION

**APN's: 057-023-025, 030, 002**

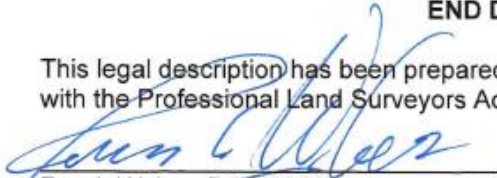
A portion of the Northwest 1/4 of the Southeast 1/4 of Section 28 T3N, R13E, MDM more particularly described beginning as follows:

Beginning at the center 1/4 corner of said Section 28 on the existing City limits line thence along the quarter section line of said section.

- 1<sup>st</sup> S 89°24'34" W 255.03 feet; thence
- 2<sup>nd</sup> Departing said quarter section line along the South Right of Way of California State Route 4 the following:
  - A. S 56°31'30" E 144.11 feet
  - B. S 70°10'22" E 197.02 feet
  - C. S 76°36'59" E 112.59 feet
  - D. S 52°04'14" E 279.31 feet more or less to the North Right of Way line of Murphys Grade Road
- 3<sup>rd</sup> Thence along said Murphys Grade Road Right of Way line in a westerly direction:
  - A. S 53°36'04" W 121.88 feet
  - B. 621.58 feet along a horizontal curve concave to the North having a radius of 1,765 feet through a central angle of 20°10'41"; thence
  - C. S 73°43'57" W 245.06 feet to the quarter section line of said Section 28 thence departing said North Right of Way line of Murphys Grade Road
- 4<sup>th</sup> N 00°13'50" W 757.13 feet more or less to the center of said Section 28 and the Point of Beginning of the herein described 9.80 acre Annexation Parcel 3.

### END DESCRIPTION

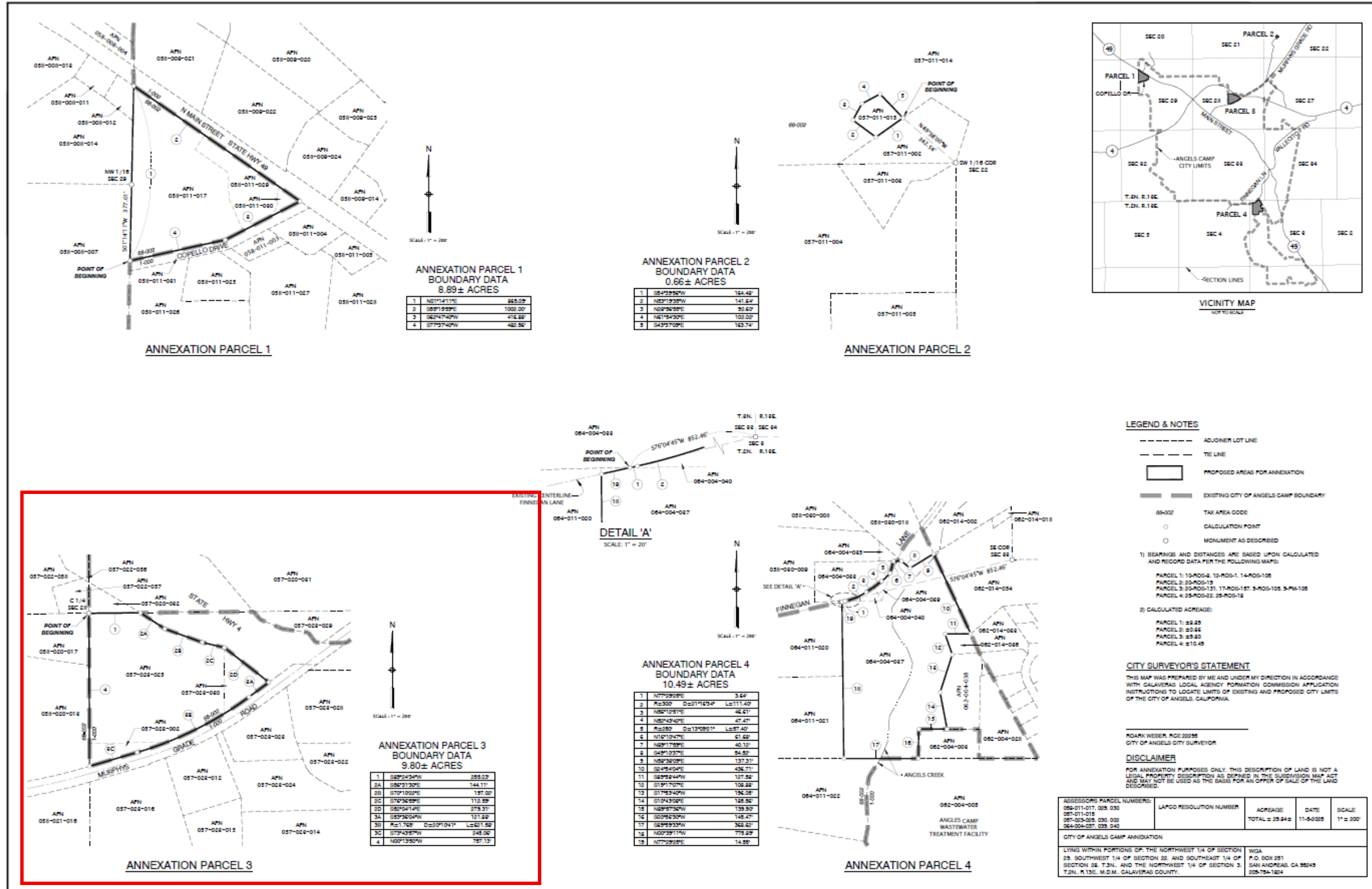
This legal description has been prepared by me or under my direction in conformance with the Professional Land Surveyors Act.



Roark Weber, RCE 22295  
City of Angels City Surveyor

11/05/2025  
Date

# EXHIBIT B



**EXHIBIT C  
PLAN FOR SERVICES**

**Description of the services currently provided or to be extended to the affected territory.**

<b>Parcel #</b>	<b>Water</b>	<b>Wastewater</b>	<b>Electric</b>	<b>Garbage</b>
057-023-002	City	City	PG&E	Cal-Waste
057-023-025	City	City	PG&E	Cal-Waste
057-023-030	City	City	PG&E	Cal-Waste

No changes to existing services are proposed.

**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION 26-12**

**A RESOLUTION OF THE CITY OF ANGELS PLANNING COMMISSION APPROVING A REQUEST TO THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION TO UNDERTAKE PROCEEDINGS TO ANNEX ASSESSOR’S PARCEL NUMBERS 064-004-037, 064-004-039, 064-004-040 (FINNEGAN) TO THE CITY OF ANGELS**

**WHEREAS**, the City of Angels desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with California Government Code Section 56000 for the annexation; and

**WHEREAS**, the City of Angels Planning Commission recommended to the City Council approval of this annexation at a public hearing on March 12, 2026 pursuant to Resolution of Intent 26-04; and

**WHEREAS**, at the time and in the manner provided by law, the City of Angels gave notice of the date, time, and place of a public hearing by the City Council to initiate these proceedings; and

**WHEREAS**, a notice of intent to adopt this resolution of application has been given to each interested and subject agency; and

**WHEREAS**, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

**WHEREAS**, the territory proposed to be annexed is not inhabited by residences and a map and description of the boundaries of the property are set forth in Exhibits A and B attached hereto and by this reference incorporated herein; and

**WHEREAS**, this proposal is consistent with the sphere of influence of the City of Angels; and

**WHEREAS**, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

- 1. The parcels will undergo a general plan land use amendment and rezoning as follows within 18 months of annexation:

<b>Parcel #</b>	<b>County General Plan</b>	<b>County Zoning</b>	<b>City General Plan post annexation</b>	<b>City Zoning post annexation</b>
064-004-037 (City owned)	Angels Camp Sphere of Influence	Angels Camp (AC)	Public/Quasi Public (P)	Public (P)
064-004-039 (Medberry)	Angels Camp Sphere of Influence	Angels Camp (AC)	Rural Residential (RR)	Residential Estate, five-acre minimum (RE-5)
064-004-040 (City owned)	Angels Camp Sphere of Influence	Angels Camp (AC)	Public/Quasi Public (P)	Public (P)

- 2. Annexation of Assessor’s Parcel 064-004-039 shall not occur until the residence located on Assessor’s Parcel 064-004-033 (1840 Finnegan Lane) has received a certificate of occupancy from the City.

**WHEREAS**, the reasons for the proposed annexation are as follows:

- Two of the parcels are owned by the city and planned for use as part of the Angels Creek Trail
- The City prefers not to pay property taxes on city-owned property.
- City desires to be the California Environmental Quality Act (CEQA) lead agency for its public facilities projects.

**WHEREAS**, the City of Angels has made an environmental determination for this project and finds that the proposed annexation is categorically exempt from the state and city guidelines for the implementation of the California Environmental Quality Act (CEQA) pursuant to Section 15319, Class 19 of the guidelines which states that annexations to a city of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The parcels do not include residences.

**WHEREAS**, the City Council certifies that, pursuant to Government Code Section 56663: Because the property in question is currently uninhabited and the property owners have conditionally consented, the City of Angels wishes to waive the notice and hearing; and

**WHEREAS**, in accordance with Government Code Section 56653, the City Council adopts a Plan for Services for the proposed annexation attached hereto as Exhibit “C”; and

**NOW THEREFORE BE IT RESOLVED** that this Resolution of Application hereby adopted and approved by the City of Angels City Council and the Calaveras Local Agency Formation Commission is hereby requested to take proceedings for the property owned by the City of Angels and Michael Medberry as shown in Exhibits A and B according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

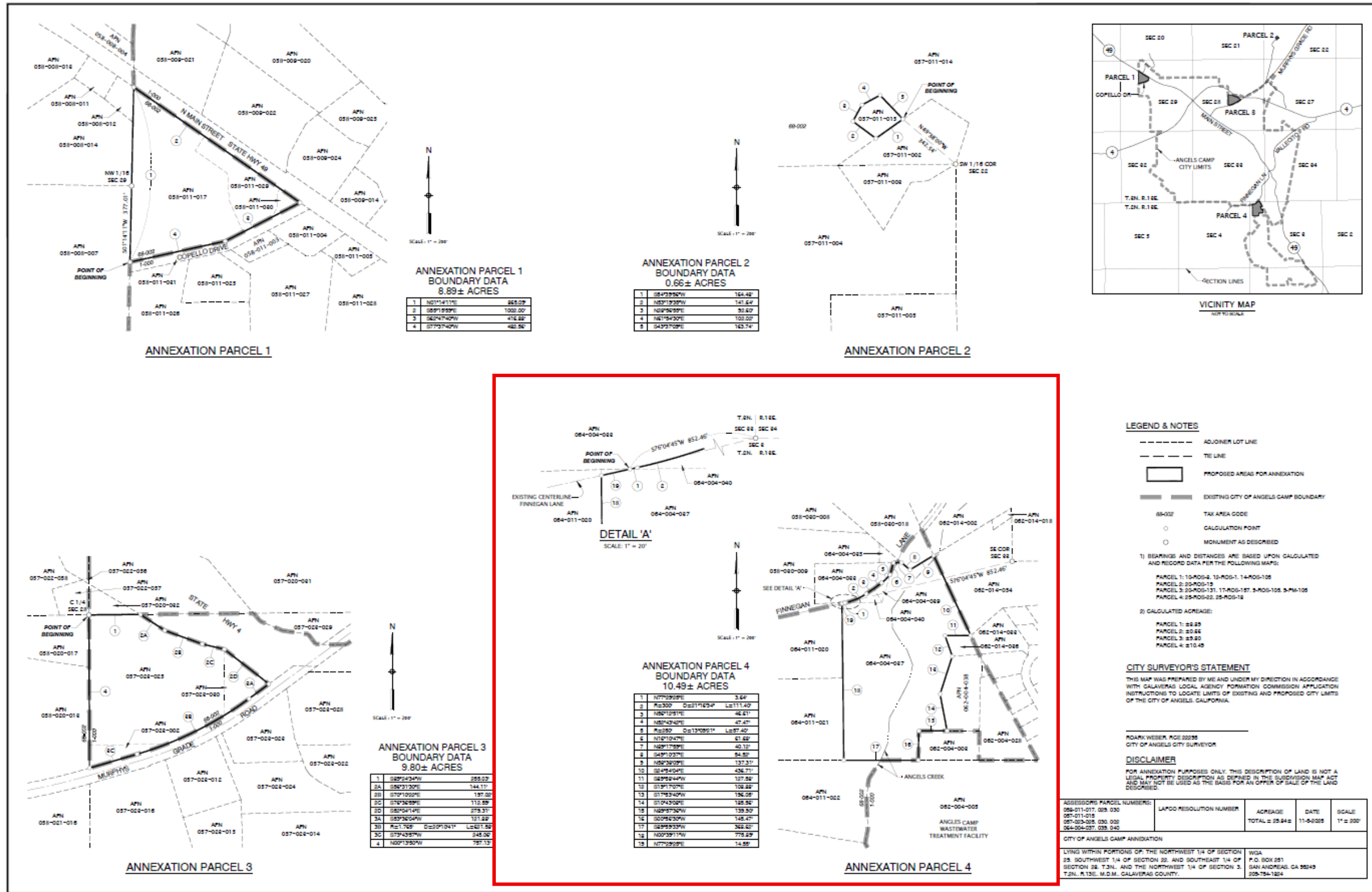
\_\_\_\_\_  
Michelle Gonzalez, City Clerk



**HOME OF THE JUMPING FROG**

**EXHIBIT A**

# EXHIBIT B



**EXHIBIT C  
PLAN FOR SERVICES**

**Description of the services currently provided or to be extended to the affected territory.**

The site will be used as a recreational trail. Public Sewer already is available adjacent to the property. Should bathrooms be developed at the trailhead, a waterline extension along Finnegan would be pursued to serve the site. Capital improvements are paid for through Capital Improvement Fees collected by the City. In addition, park fees are collected by the City and could be used in support of park facilities.



**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DATE:** March 17, 2026  
**TO:** City Council  
**FROM:** Michael Hodson, City Administrator  
**RE:** **Resolution 26-43** – Approving a Lease Agreement (26-14) between the City of Angels and True Properties to Lease 1283 South Main Street Suites “B” and “D” for a period of one year beginning April 1, 2026, in the amount of \$700 per month plus utilities with a total fiscal impact not to exceed \$10,000.

**RECOMMENDATION**

Approve Lease Agreement (26-14) between the City of Angels and True Properties to Lease 1283 South Main Street Suites “B” and “D” for a period of one year beginning April 1, 2026, in the amount of \$700 per month plus utilities

**BACKGROUND**

The City has been working with downtown business and property owners to enhance economic activity, increase tourism, and improve the overall visitor experience in the downtown corridor.

As part of these efforts, staff have explored opportunities to activate vacant or underutilized storefront spaces along Main Street.

The Angels Hotel is historically significant as the location where Mark Twain first heard the story that inspired *The Celebrated Jumping Frog of Calaveras County* in 1865. This historical connection presents a unique opportunity to create a themed attraction that supports tourism and economic development.

**DISCUSSION**

1283 South Main Street Suites “B” and “D” are highly visible, street-facing spaces located along a primary entry corridor into downtown Angels Camp. The location provides an opportunity to create an immediate visual and experiential point of interest for both vehicular and pedestrian traffic.

Staff have coordinated with the Angels Camp Museum and the Calaveras Visitors Bureau to develop a historically themed installation that recreates the setting in which Mark Twain first heard the story that became *The Celebrated Jumping Frog of Calaveras County*. The proposed





## CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

concept includes period-appropriate furnishings and décor reflective of an 1860s-era saloon environment.

The purpose of this installation is to:

- Enhance the downtown visitor experience
- Create a unique and identifiable attraction tied to Angels Camp’s historical identity
- Increase foot traffic to surrounding businesses
- Provide an educational and interactive resource for visitors, school groups, and tourists

The space is intended to function as a passive visual attraction during normal hours, with scheduled access available by reservation for:

- School field trips
- Historical tours
- Tourism-related programming
- Photo opportunities and small group experiences

Museum staff have indicated a willingness to support operations by coordinating access and assisting with interpretive programming, reducing the need for dedicated City staffing.

### Operational Considerations

- The facility will not be staffed full-time; access will be managed through reservations or coordinated openings.
- Liability exposure is expected to be minimal but will be addressed through the lease agreement and insurance requirements.
- Utilities and minor maintenance responsibilities will be managed within the proposed budget.

### Risks and Limitations

- Success is dependent on public awareness and utilization; without active promotion, the space may not reach its full potential.
- The project does not directly generate revenue and should be viewed as an economic development and tourism investment.
- Ongoing evaluation may be necessary to determine whether the benefit justifies continued lease costs beyond the initial term.

### Performance Measures



Home of the Jumping Frog - [Angelscamp.gov](http://Angelscamp.gov)



## CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

Staff will monitor:

- Number of reservations/uses
- Visitor feedback
- Observed increase in downtown foot traffic (qualitative)

This project supports the City's goals of promoting tourism, activating downtown storefronts, and leveraging historical assets to drive economic activity.

At the conclusion of the one-year term, staff will return to Council with an evaluation and recommendation regarding continuation, modification, or termination of the lease.

### FINANCIAL IMPACT

The total cost for the one-year lease term is \$8,400 (\$700 per month). Estimated utility costs are \$1,200 annually (\$100 per month).

The total budget for this project is not to exceed \$10,000, which includes lease payments, utilities, and a remaining balance of approximately \$400 to cover incidental expenses and unforeseen needs associated with the activation and maintenance of the space.

Funding is available within the TOT Tourism Fund.

### ATTACHMENTS

1. Lease Agreement
2. Resolution 26-14



# TRUE PROPERTIES

Commercial Real Estate & Property Management

## COMMERCIAL LEASE AGREEMENT

This Commercial Lease Agreement (“Agreement”) is entered into as of April 1, 2026, by and between:

**LANDLORD:** True Properties (“Landlord”)

**TENANT:** City of Angels Camp, California, Attn: City Administrator (“Tenant”)

### 1. PREMISES

1283 South Main Street, Angels Camp, California, Units B and D. The Premises shall be used solely as a retail environment for museum-style displays, exhibits, and the sale of memorabilia and related items. The Premises shall not be used as city offices.

### 2. TERM

One (1) year commencing April 1, 2026 and terminating March 31, 2027.

### 3. RENT

Rent shall be Seven Hundred Dollars (\$700.00) per month, payable on or before the first (1st) day of each month.

### 4. SECURITY DEPOSIT

Tenant shall deposit Seven Hundred Dollars (\$700.00) as a security deposit.

### 5. RENEWAL OPTION

One (1) renewal option with terms and rent to be negotiated in good faith.

### 6. UTILITIES

Tenant shall pay all utilities. Water shall be provided by Landlord.

### 7. MAINTENANCE & JANITORIAL

Tenant shall maintain the interior and provide janitorial services. Landlord shall maintain structural components.

### 8. TENANT IMPROVEMENTS

All tenant improvements shall be at Tenant’s sole cost and require Landlord approval.

### 9. DISPLAYS & SIGNAGE

All displays and signage require Landlord approval and must be museum-appropriate.

### 10. COMPLIANCE WITH LAWS

Tenant shall comply with all applicable laws and regulations.

**11. INSURANCE**

Tenant shall maintain Commercial General Liability Insurance of not less than \$1,000,000 and name Roland Wheeler as Additional Insured.

**12. INDEMNIFICATION**

Tenant shall indemnify and hold harmless Landlord and Roland Wheeler.

**13. DEFAULT**

Failure to perform shall constitute a default subject to legal remedies.

**14. SURRENDER**

Premises shall be surrendered broom-clean upon termination.

**15. GOVERNING LAW**

This Agreement shall be governed by California law.

**16. ENTIRE AGREEMENT**

This document constitutes the entire agreement.

**LANDLORD:** True Properties

By: \_\_\_\_\_ Date: \_\_\_\_\_

**TENANT:** City of Angels Camp, California

\_\_\_\_\_  
By: \_\_\_\_\_ . Date: \_\_\_\_\_  
Michael Hodson, City Administrator

CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION No. 26-43

**RESOLUTION APPROVING A LEASE AGREEMENT (26-14) BETWEEN THE CITY OF ANGELS AND TRUE PROPERTIES TO LEASE 1283 SOUTH MAIN STREET SUITES “B” AND “D” FOR A PERIOD OF ONE YEAR BEGINNING APRIL 1, 2026, IN THE AMOUNT OF \$700 PER MONTH PLUS UTILITIES WITH A TOTAL FISCAL IMPACT NOT TO EXCEED \$10,000.**

**WHEREAS**, the City has been working with downtown business and property owners to enhance economic activity, increase tourism, and improve the overall visitor experience in the downtown corridor; and

**WHEREAS**, the Angels Hotel is historically significant as the location where Mark Twain first heard the story that inspired *The Celebrated Jumping Frog of Calaveras County* in 1865. This historical connection presents a unique opportunity to create a themed attraction that supports tourism and economic development; and

**WHEREAS**, Staff have coordinated with the Angels Camp Museum and the Calaveras Visitors Bureau to develop a historically themed installation that recreates the setting in which Mark Twain first heard the story that became *The Celebrated Jumping Frog of Calaveras County*; and

**WHEREAS**, The purpose of this installation is to enhance the downtown visitor experience; create a unique and identifiable attraction tied to Angels Camp’s historical identity; increase foot traffic to surrounding businesses; provide an educational and interactive resource for visitors, school groups, and tourists; and

**WHEREAS**, this project supports the City’s goals of promoting tourism, activating downtown storefronts, and leveraging historical assets to drive economic activity.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Angels does hereby approving a lease agreement (26-14) between the City of Angels and True Properties to lease 1283 South Main Street Suites “B” and “D” for a period of one year beginning April 1, 2026, in the amount of \$700 per month plus utilities with a total fiscal impact not to exceed \$10,000..

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, Deputy City Clerk



**HOME OF THE JUMPING FROG**



**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DATE:** April 7, 2026

**TO:** City Council

**FROM:** Michael Hodson, City Administrator

**RE:** **Resolution 26-44** – Appointment of Members to the Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) Commission.

**RECOMMENDATION**

Appoint nine (9) members to the Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) Commission and establish initial staggered terms

**BACKGROUND**

The Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) was established to fund the maintenance, servicing, and protection of public improvements and infrastructure within the Greenhorn Creek development, as outlined in the annual Engineer’s Report.

In March 2026, the City Council adopted Resolution No. 26-35 formally establishing the LLD Commission as an official commission of the City, providing structure, accountability, and alignment with risk management requirements.

Consistent with that action, the City initiated a recruitment process to appoint members to the newly established Commission. The application period was opened on March 13, 2026, and closed on March 31, 2026.

**DISCUSSION**

**Recruitment Process**

The recruitment was publicly noticed and open to property owners within the District, consistent with the requirements outlined in Resolution No. 26-35.

Applications were accepted over an 18-day period, and all qualified applicants were compiled for City Council consideration.





**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**Appointment of Commissioners**

Resolution No. 26-35 provides for a Commission consisting of five (5) to nine (9) members, all of whom must be property owners within the District.

Staff recommends appointing nine (9) members to ensure:

- Broad representation of District property owners
- Adequate coverage for meetings and quorum requirements
- Capacity to effectively oversee District operations and projects

**Term Structure**

To establish continuity, staff recommends assigning staggered initial terms (one-, two-, and three-year terms). This approach ensures that future appointments do not occur all at once and maintains institutional knowledge.

*Proposed Appointments and Term Assignments*

<b>Member</b>	<b>Term Length</b>	<b>Term Expiration</b>
Member 1	1 Year	April 2027
Member 2	1 Year	April 2027
Member 3	1 Year	April 2027
Member 4	2 Years	April 2028
Member 5	2 Years	April 2028
Member 6	2 Years	April 2028
Member 7	3 Years	April 2029
Member 8	3 Years	April 2029
Member 9	3 Years	April 2029

These initial terms were determined by appointment in alphabetical order.

Following the initial terms, all subsequent appointments will be for standard three-year terms.





**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**Role of the Commission**

As established by Resolution No. 26-35, the Commission will:

- Oversee LLD operations and maintenance activities
- Review and provide input on the annual Engineer’s Report
- Assist with prioritization of projects and maintenance activities
- Coordinate with property owners and communicate District-related matters
- Provide recommendations to the City Council and City Administrator

The Commission operates in an advisory and administrative capacity and does not authorize work beyond the scope of the Engineer’s Report.

**Governance and Compliance**

All meetings of the Commission will be conducted in accordance with the Ralph M. Brown Act, and members will serve as official appointees of the City.

**FINANCIAL IMPACT**

All activities associated with the LLD Commission are funded through the LLD2 assessment fund. There is no impact to the City’s General Fund.

**ATTACHMENTS**

1. Application 1
2. Application 2
3. Application 3
4. Application 4
5. Application 5
6. Application 6
7. Application 7
8. Application 8
9. Application 9
10. Resolution 26-44





# CITY OF ANGELS APPLICATION FOR LLD COMMISSION APPOINTMENT

Name: Stephen Archer

Address: 450 Selkirk Ranch Rd. Angels Camp, CA, 95222

Phone Number: +1 3106580082 Registered Voter? Yes  No

E-mail address: stephenfinlayarcher@gmail.com Years of ownership in the LLD? 12

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

- Member of Rebecca Neilon's Ambassador Owners Group to help gain positive support for the Prop 218 Ballot - Spring 2022
- Chair/leader of the Owners LLD Committee during the organizational and initial operating period 2022-2023
- Secretary of the Owners LLD Committee 2023-Dec 2025 when the committee was disbanded.
- Volunteer engineering manager supporting the CCOE STEAM Advisory committee

From a LLD aspect, what three things do you believe the City is doing well?

- trusting the owner team to manage our own affairs under City fiduciary control.
- implementing the engineer's report process to ensure LLD needs are met economically
- looking out for owner volunteer interests like insurance
- responsive financial interface and support.

From a LLD aspect, what three areas does the City need to improve on the most?

- none except road maintenance in the community - a city responsibility

Submit completed applications to [coa@angelscamp.gov](mailto:coa@angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angels Camp

## **CITY OF ANGELS CAMP LLD Commissioner Overview**

### **Primary Commissioner Responsibilities:**

- Represent property owners within Greenhorn Creek LLD in matters associated with the oversight and management of District finances and affairs in conjunction with the City of Angels annual Engineer's Report
- **Oversee operational goals and objectives consistent with the City's Approved Annual Engineer's Report**
- **Oversee the work conducted by independent contractors and third-party vendors within the LLD**
- **Recommend an annual budget to the City of Angels for Operational, Maintenance, and Improvements within the LLD**
- **Designate LLD Commissioners to serve on appropriate committees within the LLD**

### **Commission Structure:**

**The Commission is made up of five (5) to nine (9) Commissioners appointed by the City Council**

- All members must be property owners within Greenhorn Creek LLD.
- **Members serve staggered three-year terms.**
- **Members may not be employees of the City nor serve on any other Council, Commission, or Board of the City.**
- **Members serve at the pleasure of the City Council.**

### **Commissioner Term:**

**The Commissioner's term is for three (3) years unless the Commissioner has been appointed by the City Council to fill the remaining term of a vacated seat. A Commissioner may reapply when their term is completed.**

### **Meeting Schedule:**

**The LLD Commission meets the second Tuesday of the month at 2:00 PM at the Greenhorn Creek Resort meeting room, 711 McCauley Ranch Road, Angels Camp, CA. There may be additional meetings or workshops if required.**

### **Commissioner Obligation:**

**Members will be required to attend the scheduled meetings, be willing to partake in achieving the Commission goals and requirements and adhere to the City of Angels Resolution/Ordinance. Missing three (3) consecutive meetings without an acceptable excuse, may be grounds for the LLD Commission to recommend the removal of that member from the Commission. Commissioners must take the Ethics Training Class, fill out a Statement of Economic Interests, and receive Brown Act Training**



# CITY OF ANGELS APPLICATION FOR LLD COMMISSION APPOINTMENT

Name: Jim Briner

Address: 586 Chimney Hill Ct, Angels Camp CA 95222

Phone Number: (925) 577-3916 Registered Voter? Yes X No     

E-mail address: jim.briner@yahoo.com Years of ownership in the LLD? 3.5

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

Career federal civil servant and manager of 80 finance and acquisition professionals. Expert in government contracts and fiscal law.

Prior active member of the LLD committee and finance/budget lead.

From a LLD aspect, what three things do you believe the City is doing well?

Empowering the LLD through excellent comms and coordination.

From a LLD aspect, what three areas does the City need to improve on the most?

Validate the needs of the community. Adjust budget and plans accordingly. Then execute/deliver.

Submit completed applications to [coa@angelscamp.gov](mailto:coa@angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angels Camp



CITY OF ANGELS  
APPLICATION FOR  
LLD COMMISSION APPOINTMENT

Name: Raymond Romero

Address: 674 Greenstone Way Angeles Camp CA 95222

Phone Number: 209.591.7477 Registered Voter? Yes  No

E-mail address: rromeroacrmp@gmail.com Years of ownership in the LLD? 7.5

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

I Attended many of the LLD meetings held by Rebecca Neilan to better understand where our tax dollars were being spent and the need to increase the fees. When the opportunity came up in late 2023 I applied to volunteer as a committee member and was accepted in. I had witnessed the immediate improvement in our landscape and lighting when the original volunteers took action. I have an Animal Science Degree from Cal Poly SLO and post graduation worked as a manager on a horse and cattle operation. Later working in the poultry production field for Foster Farms and Diestel turkey managing facilities, training and personnel and working with various entities to ensure compliance from a LLD aspect, what three things do you believe the City is doing well? And certifications.

1. Allowing a volunteer group that works very well together to offer solutions and improvement to keep our neighborhood looking good and keeping areas previously neglected back in shape.
2. Allowing committee volunteers to seek out low cost quality vendors to get the best "bang for our bucks"
3. Ensuring that speedy approval for projects and improvements are being done

From a LLD aspect, what three areas does the City need to improve on the most?

1. make sure the volunteer committee is a cohesive group
2. Continue to support the LLD while working within the constraints of the Engineers Report and the District Funds
3. Steve Williams has done an exceptional job supporting the needs and desires of the LLD committee and I would like to see this positive relationship

Submit completed applications to [www.angelscamp.gov](http://www.angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angeles Camp

Continue.

**LLD Bio**

**Greeting City Staff, council Members and local residents.**

**I would like to be considered as a volunteer on the LLD Committee.**

**My Name is Ray Romero and myself and my wife I have resided in Greenhorn Creek for over eight years. We came from Turlock after retirement and found a wonderful friendly golfing community to call home. We enjoy the well maintained community and even though it still gets hot in the summer it's an easy escape to the mountains to cool off.**

**I attended many of the LLD meetings held here in Greenhorn to better understand what our LLD tax dollars were being used for. When the opportunity came up I felt compelled to play a part in keeping our community maintained in the best possible manner. I saw the immediate improvement in our landscaping and lighting when the first volunteers in the LLD committee became involved, identifying areas that were under disrepair and neglect. Also making major landscaping improvements as well as historical trail restoration.**

**I have an Animal Science Degree from Cal Poly San Luis Obispo. After graduation I worked as a farm manager at a Thoroughbred horse breeding operation and cattle ranch in Buelton then onto a cattle operation in Carmel Valley. Later I moved to the Central Valley, here my work experience was in the turkey raising business. I have worked for Foster Farms and Diestel Turkey. My duties included budgeting, keeping production farms and equipment in working order and working with management practices with both company owned and contract facilities. I also was involved with personnel training and working with various outside entities to ensure all certifications were followed in our daily production practices. I have worked with a wide variety of people to ensure that production was maintained at a high level.**

**I have had the opportunity to volunteer on the GHC LLD committee since December of 2023. What I think makes this committee special is working alongside a cohesive passionate group who wants to continue to improve and maintain a very special community here in Angles Camp and ensure our LLD funds are spent in the most efficient, effective and cost saving way to keep our community looking great and keeping our property fire safe.**

**I would like to continue to act as a volunteer and keep the positive improvements in our community a top priority in the LLD areas of responsibility.**



# CITY OF ANGELS APPLICATION FOR LLD COMMISSION APPOINTMENT

Name: Jim Dinwiddie

Address: 311 Prospect Ct., Angels Camp, CA. 95222

Phone Number: 925-487-4159 Registered Voter? Yes  No

E-mail address: jimdinwiddie1253@gmail.com Years of ownership in the LLD? 21

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

- HAVE SERVED ON LLD FOR 3+ yrs. - 2 yrs. AS VICE CHAIRMAN
- CURRENTLY CHAIRMAN OF ELECTRICAL COMMITTEE
- SERVED 4 yrs. ON GREENHORN CREEK DESIGN REVIEW COMMITTEE.
- CURRENTLY, FACILITATOR OF GREENHORN CREEK ADVISORY BOARD REPRESENTING GREENHORN CREEK COMMUNITY. INTERACT DIRECTLY WITH GREENHORN CREEK RESORT & GOLF OWNERSHIP PROVIDING CONCERNS/QUESTIONS FROM COMMUNITY MEMBERS TO MANAGEMENT.

From a LLD aspect, what three things do you believe the City is doing well?

- OVERSIGHT OF LLD BUDGET & ENGINEERS REPORT.
- OVERSIGHT OF VENDOR BIDS
- EFFECTIVE COMMUNICATIONS TO PRIOR LLD BOARD'S QUESTIONS AND REQUESTS.

From a LLD aspect, what three areas does the City need to improve on the most?

- QUICKER APPROVAL PROCESS.
- ATTENDANCE AT LLD MEETINGS
- PROVIDE INSIGHTS OF LONG TERM PLANNING

## **CITY OF ANGELS CAMP LLD Commissioner Overview**

### **Primary Commissioner Responsibilities:**

- Represent property owners within Greenhorn Creek LLD in matters associated with the oversight and management of District finances and affairs in conjunction with the City of Angels annual Engineer's Report
- Oversee operational goals and objectives consistent with the City's Approved Annual Engineer's Report
- Oversee the work conducted by independent contractors and third-party vendors within the LLD
- Recommend an annual budget to the City of Angels for Operational, Maintenance, and Improvements within the LLD
- Designate LLD Commissioners to serve on appropriate committees within the LLD

### **Commission Structure:**

The Commission is made up of five (5) to nine (9) Commissioners appointed by the City Council

- All members must be property owners within Greenhorn Creek LLD.
- Members serve staggered three-year terms.
- Members may not be employees of the City nor serve on any other Council, Commission, or Board of the City.
- Members serve at the pleasure of the City Council.

### **Commissioner Term:**

The Commissioner's term is for three (3) years unless the Commissioner has been appointed by the City Council to fill the remaining term of a vacated seat. A Commissioner may reapply when their term is completed.

### **Meeting Schedule:**

The LLD Commission meets the second Tuesday of the month at 2:00 PM at the Greenhorn Creek Resort meeting room, 711 McCauley Ranch Road, Angels Camp, CA. There may be additional meetings or workshops if required.

### **Commissioner Obligation:**

Members will be required to attend the scheduled meetings, be willing to partake in achieving the Commission goals and requirements and adhere to the City of Angels Resolution/Ordinance. Missing three (3) consecutive meetings without an acceptable excuse, may be grounds for the LLD Commission to recommend the removal of that member from the Commission. Commissioners must take the Ethics Training Class, fill out a Statement of Economic Interests, and receive Brown Act Training

**CITY OF ANGELS  
CITY COUNCIL  
RESOLUTION No. 26-44**

**Resolution Appointing of Members to the Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) Commission.**

**WHEREAS**, the City of Angels (“City”) established the Greenhorn Creek Landscape and Lighting District No. 2 (“LLD2”) to fund the maintenance, servicing, and protection of public improvements and infrastructure within the District; and

**WHEREAS**, the City Council adopted Resolution No. 26-35 establishing the Greenhorn Creek LLD Commission as an official commission of the City; and

**WHEREAS**, Resolution No. 26-35 provides that the Commission shall consist of five (5) to nine (9) members, all of whom must be property owners within the District; and

**WHEREAS**, the City conducted an open recruitment process from March 13, 2026, through March 31, 2026, to solicit applications for Commission membership; and

**WHEREAS**, the City Council desires to appoint members to the Commission and establish initial staggered terms to ensure continuity of service.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Angels does hereby Appoint the following Members to the Greenhorn Creek Landscape and Lighting District No. 2 (LLD2) Commission:

<b>Member</b>	<b>Term Length</b>	<b>Term Expiration</b>
Stephen Archer	1 Year	April 2027
Jim Briner	2 Years	April 2028
Jim Dinwiddie	3 Years	April 2029
Peter Hooberman	1 Year	April 2027
Raymond Romero	2 Years	April 2028
Stephen Wilcox	3 Years	April 2029
Tom Wrightson	1 Year	April 2027

**PASSED AND ADOPTED** this 7<sup>th</sup> day of April 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Caroline Schirato, Mayor

\_\_\_\_\_  
Michelle Gonzalez, Deputy City Clerk



**HOME OF THE JUMPING FROG**



CITY OF ANGELS  
APPLICATION FOR  
LLD COMMISSION APPOINTMENT

Name: Peter Hooberman

Address: 490 Smith Flat Rd

Phone Number: (510) 910 8480 Registered Voter? Yes  No

E-mail address: ac.phoobs@gmail.com Years of ownership in the LLD? 17

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

I have been on the LLD for the past 4 years, most recently as the Governance chair

I advocate for a common sense approach to solving issues, keeping in mind that the LLD follows the guidance of the annual Engineers' Report. Since the community is an idyllic rural area it does not need radical change; it is important to focus on maintenance and public safety, especially fire prevention.

Prior to retirement, I was a physician at Eden Hospital in Castro Valley for 36 years and served terms as chair of Internal Medicine and the Quality Review Committee.

From a LLD aspect, what three things do you believe the City is doing well?

1. Delegating to community members
2. Becoming more conscious of environmental risks, especially fire
3. Being fiscally responsible

From a LLD aspect, what three areas does the City need to improve on the most?

- 1) Environmental safety for the whole city
- 2) Street maintenance
- 3) Maintaining cordial relations with Greenhorn Creek Golf Course

Submit completed applications to [coa@angelscamp.gov](mailto:coa@angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angels Camp

## **CITY OF ANGELS CAMP LLD Commissioner Overview**

### **Primary Commissioner Responsibilities:**

- Represent property owners within Greenhorn Creek LLD in matters associated with the oversight and management of District finances and affairs in conjunction with the City of Angels annual Engineer's Report
- Oversee operational goals and objectives consistent with the City's Approved Annual Engineer's Report
- Oversee the work conducted by independent contractors and third-party vendors within the LLD
- Recommend an annual budget to the City of Angels for Operational, Maintenance, and Improvements within the LLD
- Designate LLD Commissioners to serve on appropriate committees within the LLD

### **Commission Structure:**

The Commission is made up of five (5) to nine (9) Commissioners appointed by the City Council

- All members must be property owners within Greenhorn Creek LLD.
- Members serve staggered three-year terms.
- Members may not be employees of the City nor serve on any other Council, Commission, or Board of the City.
- Members serve at the pleasure of the City Council.

### **Commissioner Term:**

The Commissioner's term is for three (3) years unless the Commissioner has been appointed by the City Council to fill the remaining term of a vacated seat. A Commissioner may reapply when their term is completed.

### **Meeting Schedule:**

The LLD Commission meets the second Tuesday of the month at 2:00 PM at the Greenhorn Creek Resort meeting room, 711 McCauley Ranch Road, Angels Camp, CA. There may be additional meetings or workshops if required.

### **Commissioner Obligation:**

Members will be required to attend the scheduled meetings, be willing to partake in achieving the Commission goals and requirements and adhere to the City of Angels Resolution/Ordinance. Missing three (3) consecutive meetings without an acceptable excuse, may be grounds for the LLD Commission to recommend the removal of that member from the Commission. Commissioners must take the Ethics Training Class, fill out a Statement of Economic Interests, and receive Brown Act Training



CITY OF ANGELS  
APPLICATION FOR  
LLD COMMISSION APPOINTMENT

Name: Stephen Wilcox

Address: 533 Springhouse Rd, PO Box 547, Angels Camp 95222

Phone Number: 530-228-8444 Registered Voter? Yes  No

E-mail address: Steve.wilcox@live.com Years of ownership in the LLD? 12

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

I have supported & served the LLD committee since 2022, working with landscape maintenance management and historical site restoration. I wrote the RFP for our landscape contractor hiring and participated in search, interviews, hiring and supervision.

My background in landscaping began in college, where I worked as a landscape laborer, and subsequently established my own landscape maintenance and design business. I obtained my CA contractor license (C27).

I am dedicated to serving our community and last year co-founded our Angels Firewise Community.

From a LLD aspect, what three things do you believe the City is doing well?

- 1) Assistance with financial services is excellent  
I am passionate about paying our contractors on time!
- 2) Assistance from Public Works is excellent
- 3) Assistance from Code Enforcement (weed abatement and defensible space clearing and cleanup) is excellent!

From a LLD aspect, what three areas does the City need to improve on the most?

1) Help manage "nuisance tree" problem (poplars),

Submitted 3/17/26

Submit completed applications to [ca.angelscamp.gov](http://ca.angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angels Camp



# CITY OF ANGELS APPLICATION FOR LLD COMMISSION APPOINTMENT

Name: Tom Wrightson

Address: 594 Smith Flat RD.

Phone Number: 650-218-2106 Registered Voter? Yes  No

E-mail address: TWrightson6@gmail.com Years of ownership in the LLD? 4.5 yrs

What experience, knowledge and insight in the LLD and/or Civic Participation can you provide to the Commission?

I have lived in Angels Camp for the last 20 years, I worked in Arnold building 3 different houses. I also remodeled 2 houses in the bay Area, and most recently, in the last 2 years working with Habitat as a volunteer on different construction projects. I just completed the required Defensible Space Assessor Training as a member of the Angels Firewise a Qualified Entity, which was a 2 day course put on by Cal Fire, and have done 12 home inspections since completing. I'm new to the LLD, but feel I can have some great insight.

From a LLD aspect, what three things do you believe the City is doing well?

It seems like the City has been working great with the LLD, when there is a need for funding for repairs they have been very responsive. The City was very helpful when Greenhorn needed ~~needed~~ a new landscaper/maintenance they stepped in and helped with the process to find a new crew. When home owners have concerns with repairs the process is smooth

From a LLD aspect, what three areas does the City need to improve on the most?

The Clearing of Dead Trees along our roadways, which they have been working on,

For the most part I believe the City of Angels Camp is doing a good job.

If we can work together and cut the budget and save homeowners dollars

Submit completed applications to [coa@angelscamp.gov](mailto:coa@angelscamp.gov) or hand-deliver to City Hall, 200 Monte Verda, Angels Camp



**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DATE:** April 7, 2026

**TO:** City Council

**FROM:** Michael Hodson, City Administrator

**RE:** **INFORMATIONAL** – Introduction of Draft Updated Personnel Rules for City Council Review and Input

**RECOMMENDATION**

That the City Council:

1. Receive and review the draft updated Personnel Rules;
2. Provide initial feedback and policy direction to staff; and
3. Direct staff to continue refinement, including coordination with employee bargaining groups, and return with a final version for adoption in May 2026.

**BACKGROUND**

The City’s current Personnel Rules were adopted in 1996 (Resolution No. 96-06) and have not undergone a comprehensive update in nearly three decades. While portions have been supplemented through Memoranda of Understanding (MOUs), administrative practices, and evolving legal requirements, the existing rules no longer fully reflect current law, best practices, or the City’s operational needs.

To address this, the City Attorney prepared a comprehensive draft update of the Personnel Rules. The draft is intended to:

- Align with current federal and California employment laws
- Incorporate modern HR best practices
- Clarify roles, authority, and administrative processes
- Ensure consistency with MMBA requirements and collective bargaining obligations
- Provide a clear, organized, and legally defensible framework for personnel administration

The draft establishes a modern structure covering all major personnel functions, including classification, compensation, recruitment, discipline, grievances, and labor relations





**CITY HALL**

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

**DISCUSSION**

**Purpose of This Agenda Item**

This item is not for adoption. Rather, it is intended to:

- Introduce the draft Personnel Rules to the City Council
- Provide an opportunity for policy-level input and direction
- Ensure Council engagement early in the process before finalization

**Key Improvements in the Draft**

The updated Personnel Rules include several significant enhancements, including:

- Modernized legal compliance
  - Updated anti-discrimination, harassment, and retaliation policies
  - Incorporation of whistleblower protections and complaint procedures
- Clear administrative authority
  - Defined role of the City Administrator in implementing and enforcing personnel rules
- Improved organizational clarity
  - Logical structure and updated definitions section
- Enhanced HR processes
  - Recruitment, examinations, and eligibility procedures
  - Classification and compensation systems
- Stronger disciplinary and grievance frameworks
  - Clear due process procedures
  - Defined appeal and hearing processes
- Alignment with MOUs
  - Explicit recognition that MOUs control where conflicts exist

**Policy Considerations for Council**

As the Council reviews the draft, key areas where input is especially valuable include:

- Level of administrative authority vs. Council oversight
- Disciplinary and appeal structures
- Employee classification and compensation framework
- Ethics and conflict-of-interest expectations





**CITY HALL**

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- Scope of applicability (e.g., contractors, volunteers, appointed officials)

**Next Steps and Timeline**

Staff proposes the following process:

<b>Step</b>	<b>Timeline</b>	<b>Action</b>
Council Introduction	April 2026	Initial review and direction
Council Feedback Period	April–May 2026	Councilmember input (meeting + individual comments)
Labor Review	April–May 2026	Meet and confer with bargaining groups as required
Staff Refinement	April–May 2026	Incorporate feedback and legal review
Final Adoption	May 2026	Council consideration of final resolution

**Approach to Revisions**

Staff will:

- Collect Council input provided during this meeting
- Accept additional comments over the next several weeks
- Engage with recognized employee organizations as required under the MMBA
- Evaluate all input and incorporate changes that:
  - Improve clarity
  - Maintain legal compliance
  - Support operational effectiveness
  - Align with Council policy direction

A final version will be presented with a redline comparison and summary of changes for Council consideration in May 2026.

**FINANCIAL IMPACT**

There is no immediate fiscal impact associated with the review of the draft Personnel Rules.



Home of the Jumping Frog - [Angelscamp.gov](http://Angelscamp.gov)



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## CITY HALL

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

Future fiscal impacts, if any, will depend on:

- Implementation of specific provisions
- Changes negotiated through the meet-and-confer process
- Any operational or administrative adjustments resulting from adoption

### ATTACHMENTS

1. Draft Updated Personnel Rules (2026)
2. Existing Personnel Rules (1996)



# City of Angels

## Personnel Rules

**Commented [WC1]:** Policy, Rules, and Regs seems redundant. The trend is to either call them "Personnel Rules" or "Personnel Rules and Regulations."

Adopted by Resolution No. [ ]

**Article 1**

**Definition of Terms**

1.01 Definitions

**Article 2**

**General Provisions**

- 2.01 Personnel Policy
- 2.02 Equal Opportunity Employer
- 2.03 Powers of the City Administrator
- 2.04 Department Rules and Regulations
- 2.05 Application of Rules and Regulations
- 2.06 Adoption of Rules and Regulations
- 2.07 Amendment and Revisions of Rules and Regulations
- 2.08 Violation of Rules and Regulations
- 2.09 Right to Contract for Special Services

**Article 3**

**Classification**

- 3.01 Preparation of Classification Plan
- 3.02 Adoption of Classification Plan
- 3.03 Allocation of Positions
- 3.04 Promotional Classifications
- 3.05 Classification Descriptions
- 3.06 Classification Description Qualification Statements
- 3.07 Interpretation of Classification Descriptions
- 3.08 Official Use of Classification Title
- 3.09 Reclassification
- 3.10 Status of Incumbents in Reclassified Positions
- 3.11 Procedure for Reclassification of Incumbents
- 3.12 Classification for Temporary Employment

**Article 4**

**Pay Plan**

- 4.01 Preparation of Pay Plan
- 4.02 Adoption of Pay Plan
- 4.03 Salaries
- 4.04 Salary at Initial Appointment
- 4.05 Calculation of Anniversary Date
- 4.06 Performance Salary Increases
- 4.07 Pay Rate Changes Following Pay Range Adjustments

**Commented [WC2]:** We will update the Table of Contents once we have the contents and order finalized.

- 4.08 Pay Rate Change on Anniversary Date
- 4.09 Step Increase on Date of Promotion
- 4.10 Pay Following Reemployment
- 4.11 Pay Following Reinstatement
- 4.12 Pay Following Promotion
- 4.13 Pay Following Transfer
- 4.14 Pay Following Demotion
- 4.15 Pay Following Reclassification
- 4.16 Acting Appointment
- 4.17 Payroll Deductions

**Article 5**

**Examination Announcements**

- 5.01 Examination Announcements
- 5.02 Changes to Examination Dates

**Article 6**

**Applications and Applicants**

- 6.01 Applications for Employment
- 6.02 Citizenship Requirements
- 6.03 Incomplete Applications
- 6.04 Number of Applications
- 6.05 Application Information Subject to Verification
- 6.06 Disqualification of Applicants
- 6.07 Applicants with Criminal History
- 6.08 Access to Criminal Records by Administrator
- 6.09 Notice of Rejection
- 6.10 Application as Part of Examination

**Article 7**

**Examinations**

- 7.01 Conducting Examinations
- 7.02 Examination Necessity
- 7.03 Open and Closed Exams
- 7.04 Background Investigations
- 7.05 Rating of Exams
- 7.06 Notification of Results
- 7.07 Protest Procedures
- 7.08 Examination Records
- 7.09 Protest Status
- 7.10 Postponements and Cancellations

- 7.11 Unlimited Recruitment
- 7.12 Selective Recruitment

**Article 8**

**Eligible Lists**

- 8.01 Establishment of Eligible Lists
- 8.02 Duration and Extensions
- 8.03 Cancellations
- 8.04 Continuous Examination Results
- 8.05 Availability
- 8.06 Removals and Restorations

**Article 9**

**Appointments and Promotions**

- 9.01 Appointment Procedures
- 9.02 Request to Fill Vacancies
- 9.03 Certification and Selection
- 9.04 Medical/Psychological Exams
- 9.05 Eligibility Determination
- 9.06 Appeals
- 9.07 Various Appointment Types
- 9.08 Oath, Proof of Citizenship, Relatives Policy

**Article 10**

**Probationary Period**

- 10.01 Purpose and Duration
- 10.02 Extensions
- 10.03 Rejection Procedures

**Article 12**

**Changes in Employment Status**

- 12.01 Attainment of Permanent Status
- 12.02 Promotions and Transfers
- 12.03 Demotions

**Article 13**

**Layoff**

- 13.01 Statement of Intent
- 13.02 Notification and Employee Rights
- 13.03 Seniority and Reemployment Lists

**Article 14**

**Leaves of Absence with Pay**

- 14.01 Bereavement
- 14.02 Jury Duty
- 14.03 Subpoena
- 14.04 Military
- 14.05 Work-Related Disability

**Article 15**

**Leaves of Absence without Pay**

- 15.01 Authorization and Conditions
- 15.02 Early Return, Failure to Return

**Article 16**

**Vacation and Sick Leave**

- 16.01 Accrual and Usage
- 16.02 Illness During Vacation
- 16.03 Physician's Statements
- 16.04 Leave Payouts
- 16.05 Disability-Related Employment Changes

**Article 17**

**Outside Employment and Use of City Property**

- 17.01 Policy and Authorization
- 17.02 Prohibited Activities
- 17.03 Violations and Penalties

**Article 18**

**Disciplinary Proceedings**

- 18.01 Grounds for Discipline
- 18.02 Types of Discipline
- 18.03 Procedures and Due Process

**Article 19**

**Appeals and Hearings**

- 19.01 Appeal Procedures
- 19.02 Public Safety Officer Investigations

**Article 20**

**Grievance Procedures**

20.01 Filing and Handling of Grievances

**Article 21**

**Employee Organizations**

21.01 Certification

21.02 Rights and Duties

21.03 Meet and Confer Process

21.04 Impasse Procedures

21.05 Labor Management Committee

**Article 22**

**Miscellaneous**

22.01 Training

22.02 State Aid

22.03 Saving Clause

**ARTICLE 1**

**PURPOSE AND APPLICABILITY**

These Personnel Rules are adopted by the City Council to establish a uniform framework for employment with the City. They are intended to promote efficient public service and to ensure fair and consistent personnel administration, in compliance with applicable law and in alignment with the Municipal Code and the City’s collective bargaining obligations.

These Rules apply to all City employees unless specifically exempted or excluded. Independent contractors, volunteers, members of boards and commissions, and City Councilmembers are not considered employees and are not covered by these Rules unless explicitly stated otherwise.

These Rules are intended to operate alongside any applicable Memorandum of Understanding (“MOU”) between the City and a recognized employee organization. In the event of a clear conflict between a provision of these Rules and a provision of an MOU, the MOU shall control for employees covered by that agreement.

These Rules do not create contractual rights or an express or implied employment contract. The City retains the exclusive authority to amend or modify these Rules at any time, consistent with applicable law.

**ARTICLE 2**

**DEFINITION OF TERMS**

The following terms used in these Personnel Rules shall have the meanings assigned below, unless the context indicates otherwise. Any terms not defined herein that are defined in the Meyers-Milias-Brown Act or other applicable law shall be given the meanings ascribed to them by statute.

Acting Appointment. Temporary assignment to a vacant position in the absence of a regular employee.

Allocation. Assignment of a position to its appropriate classification based on job duties and responsibilities.

Anniversary Date. The date of an employee’s appointment to their current permanent classification.

Applicant. A person who has submitted a formal application for employment with the City.

Appointing Authority. The individual or body authorized to make or remove appointments.

Appointment. An offer and acceptance of employment in accordance with these rules.

Assignment. A designated appointment to a job classification for a set period.

At-Will. An employee who serves at the pleasure of the appointing authority, does not have a property right to continued employment with the City, and is not entitled to pre- or post-disciplinary procedural due process or evidentiary appeal.

Authorized Position. A position officially approved and funded by the City Council.

Bereavement Leave. Paid leave granted due to the death of an immediate family member.

Break in Service. Employment interruption resulting from resignation.

Certified Employee Organization. An officially recognized employee representative group.

City Administrator. The chief administrative officer appointed by the City Council to manage the day-to-day operations of the City, vested with the authority to implement and enforce these Personnel rules, oversee department operations, and exercise such other powers and duties as may be assigned by the City Council.

City Council. The City Council of the City of Angels.

Classification. A position or group of positions, the duties, authorities and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties, recruiting standards, and compensation can be applied.

Closed Examination. A competitive examination for a particular classification which may be taken by any employee who is paid by the City and who meet the requirements set forth in the examination announcement.

Compensatory Time Off (CTO). The leave time granted with pay in lieu of payment for approved overtime hours worked.

Confidential Employee. Any employee who, in the course of their duties, has access to sensitive information concerning personnel matters, labor relations, collective bargaining, and who acts in a confidential capacity to management, and who is required to develop or present management positions.

Consult. To communicate for the purpose of exchanging views, providing or obtaining advice, or notifying others of intended actions.

Continuous Service. A length of employment where there is no break in service with the City.

Day. A calendar day unless otherwise noted.

Demotion. The reassignment of an employee to a position in a lower classification or pay grade, whether voluntarily at the employee's request, as a result of a disciplinary action, or due to organizational needs, including a reduction in force.

Department. An administrative unit of the City as determined by the City Council and approved in the organizational chart of each fiscal year budget by the City Council.

Department Head. The person who administers the operation of a City department.

Designee. An employee designated by a Department Head or the City Administrator to act on their behalf, perform assigned duties in their absence, or serve in their stead as authorized.

Dismissal. Termination of an employee from the City service.

Eligible. A person whose name is on a current employment, re-employment or reinstatement list.

Employee. A person employed by the City, but not including elected officials, members of boards or commissions, or a person under contract as an independent contractor.

Employer. The employment relationship between the City and its employees and their employee organizations.

Employment List. A list of eligibles established by competitive examination who may be considered for employment with the City under specific conditions set forth in these Personnel Rules.

Examination (Test or Exam). A process to evaluate the qualifications, knowledge, skills, and abilities of applicants for a classification, which may include written tests, interviews, performance tests, or review of experience.

Exclusive Representative. An employee organization selected by majority vote of employees of a representation unit to be sole representative of all employees in that unit.

Fact-Finding. The investigation of an impasse between the City and a recognized employee organization over matters within the scope of representation, including the gathering of information and the preparation of findings or recommendations to help resolve the dispute.

Final Score. The score used to establish an applicant's ranking on an employment list. The final score may be a score computed from a combination of scores from various parts of the exam process.

Fitness For Duty. An evaluation of an employee's physical or mental ability to safely perform the essential functions of their position, with or without reasonable accommodation, in compliance with applicable law.

Grievance. A formal complaint by an employee or a recognized bargaining group concerning the interpretation or application of an applicable Memorandum of Understanding, policy, rule, regulation, or these Personnel Rules affecting working conditions. An impasse in meeting and conferring, including over the terms of a proposed Memorandum of Understanding or administrative policy, is not a grievance .

Hire Date. The date upon which an employee begins employment with the City, whether temporary, reserve, probationary, etc.

Immediate Family. Includes an employee's spouse or domestic partner, child (including stepchild or foster child), parent (including stepparent or legal guardian), sibling, grandparent, grandchild, or any relative living in the employee's household.

Impasse. A deadlock between the City and a recognized employee organization in meeting and conferring on matters within the scope of representation.

Insubordination. The willful or deliberate failure of an employee to obey a lawful and reasonable order or directive from a supervisor or other authorized City official, or conduct that demonstrates a willful disregard for authority or a refusal to perform assigned duties .

Layoff. The involuntary separation of one or more regular employees from the workforce due to the abolishment of a position or positions, a reduction in the number of employees in a given classification, or economic reasons.

Leave of Absence. An approved period of time, authorized in writing, during which an employee is permitted to be away from work, with or without pay, for purposes such as personal matters, medical needs, military service, or other reasons as allowed by law or City policy.

Management Employee. An employee who participates in the formulation, implementation, or administration of City policies and programs, exercises discretion and independent judgment in directing the work of others, or has significant responsibility in planning, organizing, or controlling departmental operations.

Mediation. The process by which an impartial third party assists in resolving an impasse between representatives of the City and a recognized employee organization on matters within the scope of representation, through non-binding recommendations.

Meet and Confer. The obligation of the City and a recognized employee organization to meet in good faith to discuss and exchange information regarding wages, hours, and other terms and conditions of employment within the scope of representation, with the

intent to reach agreement, in accordance with the requirements of the Meyers-Milias-Brown Act (“MMBA”).

Memorandum of Understanding (MOU). A written memorandum jointly prepared by the City’s representatives and representatives of a recognized employee organization, incorporating matters on which agreement has been reached through meeting and conferring. The memorandum shall be presented to the City Council for review, determination, and implementation.

Merit Increase. A salary increase on the City’s salary schedule. Increases to Steps A through D are granted upon the Department Head’s recommendation and at the sole discretion of the City Administrator. Advancement to Step E is granted at the sole discretion of the City Council.

Misconduct. Any behavior or action by an employee that violates established rules, policies, regulations, or standards or professional conduct, including acts that are dishonest, unethical, insubordinate, disruptive, or otherwise inconsistent with the proper performance of City duties.

Open Examination. A competitive examination for a particular classification in which all applicants who meet the qualifications for the classification may participate, regardless of City employment.

Oral Reprimand (Oral Warning). A verbal statement from a supervisor to an employee explaining an unsatisfactory aspect of job performance. An oral reprimand is intended to be corrective or cautionary.

Overtime. Hours worked by an employee in excess of the authorized work period for their position (for most classifications, more than forty (40) hours per week).

Part-Time Employee. An employee who is filling a part-time position and is paid on an hourly or per diem basis.

Part-Time Position. A position in which an employee is regularly scheduled to work fewer hours than a full-time position for the same classification, typically less than the standard 40-hour workweek, and generally ineligible for full-time benefits unless otherwise specified.

Pay Plan (Salary Schedule). A structured schedule that establishes the minimum and maximum rates of pay for each classification in City service. The pay plan may include pay ranges, steps, or grades and serves as a framework for determining employee compensation, including adjustments for merit, longevity, or other lawful factors.

Pay Range (Salary Range). The minimum and maximum compensation established for a classification, within which an employee’s salary may be set or adjusted.

Payroll Deduction. An arrangement under which the City deducts from the salary of the employee sums of money for various authorized purposes.

Permanent Employee. An employee who has been given permanent status upon the completion of a probationary period.

Personnel File. The official employment record maintained by the City for each employee, containing information related to the employee's performance, conduct, and employment history.

Personnel Officer. The City Administrator or designee.

Position. A combination of current duties and responsibilities assigned to a single classification or normally performed by one employee.

Position Description or Job Description. A written statement that identifies the title, classification, essential duties, responsibilities, and qualifications of a position, including any special requirements or working conditions.

Probationary Appointment. An appointment to a regular position, made from an eligible list if applicable, for a specified trial or working test period. During this period, the employee serves at will, and their suitability for continued employment is evaluated. The length of the probationary period is established by the appropriate MOU, Administrative Policy, or these Personnel Rules.

Probationary Employee. An employee appointed on a trial basis for a defined period, during which their performance, conduct, and overall suitability for the position and the City are evaluated. A probationary employee serves at-will and may be released at any time, with or without cause, and without the procedural protections afforded to permanent employees.

Promotion. The movement of an employee from one classification to another classification resulting in a higher base rate of pay.

Provisional Employee. Appointment of a person who has not qualified through examination with such appointment not to exceed six months and not constitute a part of a probationary period.

Reallocation. The reassignment of a position from one existing classification to another existing classification based on a material change in assigned duties or responsibilities, without creating a new classification or modifying the classification plan.

Reclassification. The reassignment of a position from one classification to another classification, either to an existing classification or to a newly established classification, based on substantial and continuing change in duties, responsibilities, or organizational needs that warrants review or modification of the classification plan.

Reemployment. The reappointment of a former regular employee from a reemployment list.

Reemployment List. A list of former employees who have been laid off or separated in good standing and are eligible for rehire in the same classification. Employees are placed on the list upon separation, and the list remains valid for one year from the date of placement.

Regular Employee. An employee who has been appointed to a position on a continuing basis, either full-time or part-time, and who is not serving in a temporary, provisional, or probationary capacity.

Regular Position. A position established by the City Council on a continuing basis, either full-time or part-time, intended to be filled by a regular employee who is eligible for applicable City benefits.

Reinstatement. The restoration, without examination, of a former employee to a classification in which they previously served as a regular, non-probationary employee.

Relief Employee. An appointment of an individual who has been certified from an appropriate eligible list if applicable, to address seasonal peak workloads; emergency assignments of limited duration; vacation and sick leave relief; or other situations involving fluctuating staff. Relief employees serve at the pleasure of the City.

Representation Unit. A group of employees, as recognized pursuant to the Meyers-Milias-Brown Act, who share a community of interest for purposes of collective bargaining. Representation units do not include extra-help, temporary, seasonal, relief, reserve, or intermittent employees.

Representative. An individual designated by a recognized employee organization to act on behalf of the organization or its members in matters within the scope of representation, including meeting and conferring with the City.

Resignation. The voluntary, written separation of an employee from City service, effective on the date specified by the employee or accepted by the City.

Retirement. The separation from City employment upon eligibility for retirement benefits under the City's retirement system, in accordance with applicable law and City policies.

Salary. The amount of compensation assigned to an employee for the performing the duties of a position, within the established range and step in accordance with an applicable Memorandum of Understanding or Administrative Policy.

Secondary or Outside Employment. Any work or service performed by an employee outside of their City employment, whether compensated or uncompensated. Such

employment must not interfere with the employee's performance of City duties or create a conflict of interest.

Seniority. A status attained by length of continuous service with the City.

Service Date. The date used to calculate an employee's vacation accrual rate and longevity pay in a regular position.

Shift. A scheduled period of work or duty.

Step Increase. A pay or salary increase within the limits of the pay or salary range established for a classification.

Supervisory Employee. Any employee having authority to exercise independent judgment in the interest of the City to assign, reward or discipline other employees or having the responsibility to direct them or to adjust grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature and requires the use of independent judgment.

Suspension. An involuntary absence without pay imposed by the City Administrator, with approval of the City Council, for cause.

Temporary Employee. An employee appointed for a limited period to perform work that is not ongoing or permanent, and who does not have regular or continuing status in a classification.

Termination. The permanent separation of an employee from City service for any reason, including resignation, retirement, layoff, or dismissal.

Transfer. The movement of an employee from one position to another within the same classification or to a comparable classification, either within the same department or to a different department, without loss of pay or benefits.

Vacant Position. Any position which has been authorized by the City Council, is unoccupied, and is available to be filled by appointment.

Workday. A consecutive 24-hour period established by the City during which an employee is regularly scheduled to perform assigned duties, as defined by the applicable Memorandum of Understanding, or Administrative Policy.

Workweek. A fixed, consecutive seven-day period, Sunday through Saturday, established by the City during which an employee's hours of work are recorded for purposes of calculating wages and overtime.

Written Reprimand. A formal, written notice maintained in an employee’s personnel file, documenting unsatisfactory work performance or behavior and intended to correct the employee.

Y-Rate. When an employee’s salary exceeds the maximum of the pay range for their classification, such as when an employee is demoted or reclassified/reallocated downward, the City may place the employee on a Y-Rate. Under a Y-rate, the employee’s current salary is maintained, but no further step or merit increases are granted until the salary for the new classification reaches the level on the Y-rated salary. Y-rating ensures the employee’s pay is not reduced while compensation is aligned with the revised pay structure over time.

### ARTICLE 3

#### GENERAL PROVISIONS AND ADMINISTRATION

##### SECTION 3.01 EMPLOYEE ACKNOWLEDGMENT AND COMPLIANCE

By accepting employment with the City, each employee agrees to familiarize themselves with and comply with these Personnel Rules; policies and procedures established by the City Council and the City Administrator; the policies, procedures, and directives of their employing department; and any applicable Memorandum of Understanding between the City and a recognized employee organization, as amended from time to time.

Violation of any provision of these Personnel Rules shall constitute grounds for disciplinary action, up to and including dismissal.

##### SECTION 3.02 ADMINISTRATION

**A. City Administrator Authority.** The City Administrator is the chief administrative officer and head of the administrative branch of City government (Chapter 2.08, Angels Camp Municipal Code). Employees report to the City Administrator, not the City Council. The City Administrator has authority to administer, interpret, and enforce these Personnel Rules and the City’s merit system; personnel-related ordinances, resolutions, and memoranda of understanding; and any other regulations, directives, or policies affecting the City’s personnel system.

The City Administrator may issue Administrative Regulations to establish procedures and guidelines, provided they do not conflict with these Personnel Rules or directives of the City Council. The City Administrator also has authority to direct and supervise all Department Heads and subordinate officers and employees, and may delegate responsibility to the Administrative Services Officer or other designees to carry out personnel actions. Whenever the term “City Administrator” is used in these Personnel Rules, it includes any person or entity designated by the City Administrator.

**B. Application of Personnel Rules.** These Personnel Rules apply to all City employees unless specifically exempted or excluded herein. Elected and appointed

**Commented [WC3]:** Old Sections 2.01, p. 8, 2.08, p. 10.

**Commented [WC4]:** Old Section 2.03, p. 8.

**Commented [WC5]:** Old Section 2.09, p. 10. Note that it formerly excluded elected and appointed officials, contractors, volunteers, and classifications that were exempt from a provision.

However, some provisions, like the Discrimination Policy, Code of Ethics, and Communication/Device policy probably should apply to all, even if there are limited enforcement mechanisms.

officials, volunteers, independent contractors, and consultants are generally excluded, except where a provision explicitly applies to them.

If any provision of these Personnel Rules and Regulations conflicts with a provision of a current Memorandum of Understanding (MOU) between the City and a recognized employee organization, the MOU provision shall govern for employees covered by that MOU.

**C. Right to Contract for Special Services.** The City Administrator shall review and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services related to the establishment or operation of the personnel system. The City may contract with any qualified person or agency to perform all or any portion of the responsibilities and duties set forth in these Personnel Rules.

Commented [WC6]: Old Section 2.09, p. 10.

**SECTION 3.03 CODE OF ETHICS**

City employees, officials, volunteers, contractors, and consultants shall act with honesty, integrity, and transparency; use public resources responsibly and in compliance with all laws; treat colleagues, residents, and partners with respect; avoid conflicts of interest; serve the community faithfully; and uphold the public trust in all their duties.

Commented [WC7]: I am certainly open to suggestions. It is often helpful to have a "conduct unbecoming" type rule to enforce.

**SECTION 3.04 CONFLICT OF INTEREST POLICY**

City employees must act in the best interests of the community and avoid any personal, financial, or other interests that could conflict, or appear to conflict, with the impartial performance of their duties. Employees shall not accept money, gifts, favors, or gratuities in connection with the performance of their duties and must avoid any appearance of impropriety, complying with all applicable laws and City policies.

Employees in positions designated under the City's Conflict of Interest Code must disclose reportable financial interests in accordance with the Political Reform Act. All employees must promptly report potential conflicts to their supervisor, Department Head, or the City Administrator.

**SECTION 3.05 DEPARTMENT POLICIES AND PROCEDURES**

Commented [WC8]: Old Section 2.04, p. 9.

Department Heads may develop and revise departmental policies and procedures as necessary to address operational needs, provided that such policies are consistent with these Personnel Rules, any Administrative Policies issued by the City Administrator, and applicable meet-and-confer obligations.

**SECTION 3.06 ADOPTION OF PERSONNEL RULES**

Commented [WC9]: Old Sections 2.06, 2.07, p. 10.

These Personnel Rules shall be established by resolution of the City Council.

Any proposed amendments or revisions to these Personnel Rules shall be submitted in writing to the City Council by the City Administrator. The City Council shall adopt, amend, or repeal the Personnel Rules in open session

**ARTICLE 4**

**EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-RETALIATION POLICY, AND COMPLAINT PROCEDURE**

**Commented [WC10]:** Old Section 2.02, p. 8. EEO only.

**SECTION 4.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

The City is committed to providing equal employment opportunities to all employees and applicants in all terms and conditions of employment, including hiring, compensation, training, promotion, transfer, discipline, and termination. Discrimination on the basis of race, color, religion or religious creed, national origin, ancestry, physical or mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity or expression, age (40 and over), sexual orientation, military or veteran status, or any other characteristic protected by law is strictly prohibited. Employees, volunteers, and applicants who believe they have experienced discrimination or abusive conduct are encouraged to report it promptly through the complaint procedures in these policies or by contacting the EEOC or the Civil Rights Department (CRD) (See Section 4.04).

**SECTION 4.02 POLICY AGAINST DISCRIMINATION, HARRASSMENT, AND RETALIATION**

**Commented [WC11]:** Must-have discrimination, harassment, retaliation, and complaint procedure policy.

**A. Purpose.** The purpose of this Policy Against Discrimination, Harassment, and Retaliation is to reaffirm the City’s commitment to providing a professional work environment in which all employees are treated with dignity and respect. The City is committed to maintaining a workplace that is free from unlawful discrimination, harassment, and retaliation in all aspects of employment.

The RMA recommends a whistleblowing policy as well, which is a subcategory of retaliation and is covered below.

This policy is intended to comply with applicable federal and state laws, including, but not limited to, the Fair Employment and Housing Act and Title VII of the Civil Rights Act of 1964, and to establish clear standards of conduct and reporting procedures. The City will not tolerate conduct that violates this policy and will take appropriate corrective action when such conduct is identified, including discipline up to and including termination for employees, removal of appointees, and, with respect to elected officials, any corrective measures authorized by law, such as censure, removal from assignments, or other appropriate action within the City’s legal authority.

**B. Covered Individuals and Scope.** This policy applies to applicants for employment, City employees of all classifications and ranks, elected and appointed officials, volunteers, contractors, and consultants (“Covered Individuals”). It covers all terms and conditions of employment and service to the City, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

**C. Definitions.** The following definitions apply to this Article:

- 1. "Protected Class" includes characteristics such as race, religious creed, color, national origin, ancestry, physical or mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity or expression, age (40 and over), sexual orientation, military or veteran status, and any other basis protected by law.
- 2. "Protected Activity" includes requesting a reasonable accommodation for a disability or religious belief; filing a complaint or serving as a witness; opposing or reporting conduct believed to violate this policy or applicable law, including unsafe practices, misuse of public resources, fraud, or abuse of authority; participating in or cooperating with an investigation; exercising rights under the Workplace Know Your Rights Act; and disclosing information to a governmental or law enforcement agency, including the City, when the individual reasonably believes it evidences a violation of federal, state, or local law, rule, or regulation.
- 4. "Adverse Action" includes, but is not limited to, disciplinary action, unwarranted negative evaluations, denial of promotion, reduction in pay or hours, reassignment to less desirable duties, spreading rumors, harassment, or any action that would reasonably deter someone from engaging in a Protected Activity.

**D. Policy Against Discrimination Based on Protected Class.** This policy prohibits treating a Covered Individual differently or adversely because of their actual or perceived Protected Class, or their association with someone who has, or is perceived to have, a Protected Class. Such discrimination is strictly prohibited.

**Commented [WC12]:** Anti-Discrimination policy is required.

**E. Policy Against Discrimination Based on Protected Activity.** Discrimination, harassment, and retaliation based on an individual's Protected Activity are strictly prohibited.

**F. Policy Against Harassment.** Harassment of any individual based on their actual or perceived Protected Class is strictly prohibited. This includes, without limitation, the following types of conduct:

- 1. Verbal Harassment: Derogatory, offensive, or inappropriate speech, including epithets, slurs, stereotypical comments, or verbal propositions. This includes comments, stories, or jokes regarding physical features, dress, appearance, race, or gender identity.
- 2. Physical Harassment: Physical acts such as assault, impeding or blocking movement, and offensive touching. Examples include patting, grabbing, pinching, or intentionally blocking a doorway.

3. Visual Harassment: Derogatory, offensive, or inappropriate emails, images, or drawings related to a Protected Class.

**G. Policy Against Sexual Harassment.** Sexual harassment, a form of harassment as described above, is illegal under both federal and California law, including Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA), and is strictly prohibited by the City. It occurs when an employee is subjected to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature. Sexual harassment is prohibited whether directed at an individual or resulting in a hostile, intimidating, or offensive work environment.

**Commented [WC13]:** While this is a form of harassment, the RMA suggests a specific sexual harassment policy.

Sexual harassment includes, but is not limited to:

**Quid pro quo harassment:** Submission to or rejection of sexual conduct is used as a basis for employment decisions, such as hiring, promotion, pay, work assignments, or disciplinary actions.

**Hostile work environment:** Unwelcome sexual conduct that unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment. Examples include:

- Verbal: Sexual comments, jokes, innuendo, or propositions.
- Visual: Sexual images, drawings, emails, or texts.
- Physical: Unwanted touching, patting, grabbing, or blocking movement.

Employees may violate this policy even if their conduct is well-intentioned, if the recipient appears to have consented, or if there have been no prior complaints. Similarly, the City does not consider a lack of protest by the recipient to be a valid defense. Visual, verbal, or physical conduct between two individuals may also constitute harassment of a third person, even if the third person did not directly witness the conduct and the behavior was not directed at them.

**H. Policy Against Retaliation.** Retaliation is strictly prohibited. Retaliation occurs when any individual takes an Adverse Action against a Covered Individual or other protected person because they engaged in a Protected Activity, including but not limited to reporting or opposing discrimination, harassment, or other unlawful conduct; participating in an investigation or proceeding; or engaging in legally protected whistleblowing by disclosing information the individual reasonably believes evidences a violation of law, regulation, or public policy.

**I. Respectful Workplace Policy.** The City is committed to maintaining a professional and safe work environment that is free from conduct that is intimidating, offensive, or disruptive. Behavior, whether verbal, physical, or visual, that unreasonably interferes with a Covered Individual’s work performance or creates an uncomfortable, abusive, intimidating, hostile, or offensive work environment is prohibited.

**Commented [WC14]:** This to allow redress for conduct that may not be based on a protected class, but is contrary to good morale nonetheless.

SECTION 4.03 COMPLAINT PROCEDURE

**Commented [WC15]:** We need a complaint procedure, but not necessarily this one.

**A. Reporting.** An individual who believes they have experienced or witnessed discrimination, harassment, or retaliation is encouraged to report the conduct as soon as possible. A report or complaint may be made orally or in writing to a supervisor, the Department Head, or the City Administrator, without regard to the normal chain of command. While prompt reporting is encouraged, a delay in reporting will not preclude the filing or investigation of a complaint.

Any supervisory or management employee who receives a report or complaint of discrimination, harassment, or retaliation shall immediately notify the City Administrator. Additionally, supervisors and managers who become aware of or suspect that discrimination, harassment, or retaliation may have occurred must report such conduct, regardless of whether the affected individual has made a complaint.

**B. Investigation and Documentation.** Upon receiving a complaint, or a report from a supervisor or manager, the Department Head, City Administrator, or designee shall conduct or delegate the investigation. The investigation will ordinarily include the following steps:

1. Interview the complainant, the subject of the complaint, percipient witnesses, and any other individuals who may have relevant knowledge of the facts or circumstances at issue, in an order determined at the discretion of the investigator. Interviews may be recorded.
2. Obtain, review, and preserve all relevant documents, emails, personnel records, and other evidence that may pertain to the complaint or the credibility of any party or witness.
3. Determine whether the alleged conduct constitutes a violation of policy, based on a consideration of all relevant evidence and the totality of the circumstances, applying a preponderance of the evidence standard.
4. Prepare a written report summarizing findings and conclusions (Investigative Report). The Investigative Report may recommend corrective action and policy interventions if misconduct is substantiated.
5. Present the Investigative Report to the relevant appointing authority.

Investigations shall be conducted promptly and completed as soon as practicable. Not all reports or complaints require initiation of the formal investigative and documentation procedures described above. Depending on the nature of the report, the information provided, and the circumstances involved, the City may address concerns through informal review, supervisory guidance, counseling, or other appropriate corrective measures consistent with this policy. The City may also retain a third-party investigator to conduct the review when authorized by the City Administrator.

**C. Obligation to Cooperate.** When an investigation is conducted, all individuals involved are expected to provide truthful and complete information and to cooperate fully with investigators. Any attempt to intimidate, coerce, or retaliate against individuals for providing information or participating in an investigation is strictly prohibited and may result in disciplinary action, up to and including dismissal.

**D. Conflict of Interest in Complaint Handling.** If the Department Head is the subject of a complaint, the City Administrator or designee shall perform all investigative and documentation steps. If the City Administrator is the subject of the complaint, or if the complainant reasonably believes that reporting to the City Administrator would create a conflict of interest or compromise impartial handling, the complaint may be reported to the Mayor or City Attorney. In such cases, the City Council may direct the City Attorney to retain an impartial investigator, which may include outside legal counsel or a qualified third-party investigator, to conduct the investigation in accordance with this policy.

**E. Resolution of Complaints.** Upon completion of the investigation, the appointing authority shall determine appropriate corrective or remedial action based on the Investigative Report. If the complaint is substantiated, such actions may include training, counseling, discipline, reassignment, or other measures designed to stop the misconduct and prevent its recurrence. Any action taken against the subject employee shall comply with these Personnel Rules, any applicable Memorandum of Understanding, and legal requirements, including the Peace Officers' Bill of Rights (POBR, Gov. Code §§ 3300–3313) and the Firefighters Procedural Bill of Rights Act (FBOR, Gov. Code §§ 3250–3262), as applicable.

The complainant will be notified that the investigation has been completed and whether the allegations were substantiated, to the extent permitted by applicable confidentiality and privacy laws.

**F. Confidentiality.** To the extent possible, all complaints, investigations, and related records shall be treated as confidential and shared only on a need-to-know basis to facilitate a thorough and impartial investigation or to implement corrective or disciplinary action. Complete confidentiality cannot be guaranteed, as the City must investigate complaints and provide subject employees with their due process rights, including those afforded under the Peace Officers' Bill of Rights (POBR) and the Firefighters Procedural Bill of Rights Act (FBOR), as applicable.

**G. Supervisor and Manager Responsibilities.** Each supervisor and manager is responsible for the following:

1. Preventing discrimination, harassment, and retaliation. Supervisors and managers are expected to actively monitor the work environment and take proactive steps to address and remediate violations, including removing offensive materials and correcting inappropriate language or behavior.

2. Reporting complaints or observations. Supervisors and managers must immediately report any complaints or observations of discrimination, harassment, or retaliation to the appropriate authority (Department Head or City Administrator), even if the complainant or affected employee is not their direct report and even if the misconduct is only suspected.

3. Maintaining integrity of investigations. Supervisors and managers must avoid any actions that could compromise the investigation or be perceived as retaliatory.

4. Training compliance. Supervisors and managers are required to participate in sexual harassment prevention training every two years, as mandated by law.

Commented [WC16]: Govt. Code 12950.1.

**SECTION 4.04 REPORTING TO OUTSIDE AGENCIES**

Covered Individuals are not required to use internal complaint procedures before filing a complaint with a state or federal enforcement agency. Employees may report discrimination, harassment, or retaliation directly to these agencies, which have procedures to investigate complaints and take action when the law is violated.

Employees may contact the California Civil Rights Department (CRD), which enforces state civil rights laws including employment discrimination and harassment. The CRD Contact Center can be reached at 800-884-1684 (voice) or 800-700-2320 (TTY), or by email at [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov), and additional filing information is available at the CRD website ([www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov)). CRD's headquarters is located at 651 Bannon Street, Suite 200, Sacramento, CA 95811.

Employees may also file complaints with the U.S. Equal Employment Opportunity Commission (EEOC), which enforces federal anti-discrimination laws. The EEOC can be reached at 1-800-669-4000 (voice) or 1-800-669-6820 (TTY), or via the EEOC Public Portal on its website ([www.eeoc.gov](http://www.eeoc.gov)).

Commented [WC17]: The RMA recommended that we provide contact information.

Complaints filed with an outside agency do not relieve supervisors or managers of their obligation to report known or suspected misconduct internally. Retaliation against any individual who reports misconduct to an outside agency or participates in an external investigation is strictly prohibited.

**ARTICLE 5**

**ACCOMMODATIONS, FITNESS FOR DUTY EXAMINATIONS, AND THE INTERACTIVE PROCESS**

**SECTION 5.01 REASONABLE ACCOMODATIONS**

Absent undue hardship to the City or its operations, and except where an accommodation would pose a direct threat to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation, the City

Commented [WC18]: Accommodation and interactive process recommended by RMA/ WC.

shall provide employment-related reasonable accommodations to Covered Individuals upon request as follows:

1. Disability. To qualified applicants and employees with a disability, to enable them to perform the essential functions of the position in accordance with the Americans with Disabilities Act of 1990 and the California Fair Employment and Housing Act.
2. Pregnancy, Childbirth, and Related Medical Conditions. To employees affected by pregnancy, childbirth, or related medical conditions, including lactation, when supported by medical certification where required by law, consistent with the California Fair Employment and Housing Act and the Pregnant Workers Fairness Act.
3. Victims of Qualifying Acts of Violence. To employees who are victims, or whose family members are victims, of a Qualifying Act of Violence, as defined in California Labor Code section 230.01, who request an accommodation to ensure their safety while at work, consistent with California Labor Code section 230 and California Labor Code section 230.1.
4. Religion. To employees and applicants for sincerely held religious beliefs, observances, or practices in accordance with Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act.
5. As required by law.

Where required by law, the City shall engage in a timely, good faith interactive process with the individual to determine an effective reasonable accommodation as set forth in Section 5.04.

#### SECTION 5.02 SUPPORTING DOCUMENTATION AND CERTIFICATION

The City may request reasonable documentation or certification, where permitted by applicable law, to substantiate the need for an accommodation. Employees may also be asked to confirm, in writing, that the information provided is true and accurate to the best of their knowledge. All medical and supporting documentation will be maintained in a confidential file separate from the employee's personnel file, in compliance with the California Fair Employment and Housing Act (FEHA), the Americans with Disabilities Act (ADA), and other applicable laws.

#### SECTION 5.03 FITNESS FOR DUTY EXAMINATIONS

**A. Applicants.** The City may require applicants to undergo a fitness-for-duty examination after extending a conditional offer of employment, provided the examination is job-related, consistent with business necessity, and required of all applicants for the same job classification. Such examinations may include medical or psychological assessments, or both, as necessary to determine the applicant's ability to safely and effectively perform the essential functions of the position.

**B. Current Employees.** The City may require an employee to undergo a fitness-for-duty examination when there is objective evidence that the employee's ability to perform one or more essential job functions has declined, or when there is a reasonable belief that the employee is unable to perform their essential duties safely and effectively, without risk of harm to themselves or others.

**C. Return to Work Examinations.** Employees returning from extended medical leave may be required to provide a healthcare provider's certification confirming they can safely perform their job. The certification may specify any necessary work restrictions or accommodations.

For absences due to a communicable disease, employees must promptly notify the City Administrator and their Department Head. When job-related and consistent with business needs, the City may require medical documentation showing the employee is fit for duty and, if applicable, not contagious before returning to work.

**D. Scope and Conduct of Examinations.** The City may request that the applicant's or employee's health care provider conduct the fitness-for-duty examination, or it may require that a City-selected health care provider perform the examination at the City's expense. The City will limit inquiries to the following:

1. Whether the applicant or employee has a disability within the meaning of the FEHA.
2. Whether the applicant or employee can perform the essential functions of their job, with or without reasonable accommodation.
3. Any work restrictions or functional limitations and their anticipated duration.
4. Whether reasonable accommodations are available.
5. Whether employment or continued employment poses a threat to the health or safety of the individual or others.

Except with the applicant's or employee's express written consent, the City shall not seek or use information regarding medical history, diagnosis, or treatment unrelated to the fitness-for-duty determination.

If a health care provider provides confidential medical information beyond the scope of the City's request, without valid consent, the City will return the report to the provider and request a revised report containing the non-confidential fitness-for-duty information specifically requested by the City.

**E. Appeals.** An applicant or employee who is deemed medically or psychologically unfit and wishes to appeal must follow the procedure below:

**Commented [WC19]:** This is substantively from the previous version. Note that enforcement could be risky as it could be interpreted as allowing leave-retaliation on a case-by-case basis. It is advisable to have an independent reason for ordering testing along the lines of a fitness for duty.

With a communicable disease, there is potentially a danger to others and it is a narrower class, so a FFD looks less discriminatory.

**Commented [WC20]:** Section 9.10, p. 30. This was set forth in the appointment/ pre-employment medical eval section, but it should really apply to both applicants and employees.

An appeal must be filed with the City Administrator within five (5) calendar days of receiving notice of non-employability. The sole basis for appeal is the submission of medical and/or psychological evidence demonstrating that the applicant or employee meets the required medical standards and is employable, or that a reasonable accommodation exists that would enable the applicant or employee to perform the essential functions of the position. All supporting evidence must be submitted within thirty (30) calendar days.

The City Administrator shall review the submitted evidence and, within ten (10) calendar days of receipt, determine whether the applicant or employee is employable. The decision of the City Administrator shall be final..

**E. Employee Leave or Reassignment.** In unusual circumstances where an employee may pose a risk to themselves, co-workers, or others, the Department Head may recommend, and the City Administrator may authorize in writing, the employee's reassignment or compulsory leave with pay. Such action may be taken pending the results of a medical or psychological examination and any appropriate hearing.

**F. Use of Applicant or Employee Provided Medical Information.** If an applicant or employee provides medical information from their own health care provider, the City will not share that information with the City's designated health care provider conducting the examination without the individual's written authorization. If written authorization is provided, the City will provide the information to its designated provider to determine whether it affects the original assessment.

Commented [WC21]: This is not strictly required, but best practice due to confidentiality concerns.

**SECTION 5.04 INTERACTIVE PROCESS**

**A. Employee Initiation.** Employees who require a reasonable accommodation for one of the protected categories listed in Section 5.01 should notify their Department Head or the City Administrator. Upon request, the City will engage in a timely, good-faith interactive process with the employee to identify and implement effective accommodations, unless doing so would impose an undue hardship or create a direct threat to the health or safety of the employee or others.

**B. City Initiation.** The City will initiate the interactive process when:

1. An applicant or employee requests a reasonable accommodation for any of the protected conditions listed in Section 5.01.
2. The City becomes aware of a potential need for accommodation through objective indicators such as a doctor's note, observation of the employee's work, notice from the employee or their healthcare provider, or the results of a job-related fitness-for-duty evaluation. This may occur independently of, or following, the exhaustion of leave under workers' compensation, FMLA, CFRA, or other leave rights.

**C. Interactive Communication.** After any of the circumstances described above trigger the need for an interactive process, the City Administrator or designee will promptly arrange a discussion or discussions, in person or via conference call, with the applicant or employee and their designated representative, if any. The purpose of these discussions is to engage in good-faith dialogue regarding all feasible potential reasonable accommodations.

**D. Potential Accommodations.** The interactive process may explore a wide range of possible accommodations tailored to the employee's needs, the job, and operational requirements. Examples include modified work duties or schedules, reassignment to a different position, temporary leave, changes to workplace facilities or equipment, flexible time off, or safety measures. The City will consider employee preferences but retains the right to select any reasonable accommodation it deems effective.

**E. Determination.** Upon completion of the interactive process, the City Administrator or designee will:

1. Review all relevant information provided by the applicant or employee.
2. Consider all potential reasonable accommodations, including those suggested by the individual, that would enable the applicant or employee to perform the essential functions of the position.
3. Evaluate whether further discussion or additional information is needed.
4. Determine whether reasonable accommodation(s) exists that would enable the individual to perform the essential functions of the position without creating a direct threat to the health or safety of the individual or others, or imposing an undue hardship on City operations. When multiple reasonable accommodations exist, the City may select the accommodation that best meets operational needs or is least disruptive to City operations.
5. Notify the individual of the determination in writing. Decisions will be made based on the facts and circumstances of each case, with discretion applied in a consistent and legally compliant manner.

**SECTION 5.05 CONFIDENTIALITY OF MEDICAL INFORMATION**

Medical records and information related to fitness-for-duty evaluations or accommodation needs are confidential and will be maintained separately from non-medical records. Access is limited to the City Administrator or designee, the City's legal counsel, first aid or safety personnel in emergencies, and supervisors responsible for implementing accommodations. Records may be disclosed only as permitted by federal or state law.

**ARTICLE 6  
EMPLOYMENT STATUS**

SECTION 6.01 CATEGORIES OF APPOINTMENT

Employment in the municipal service is organized into the following categories:

**A. At-Will.** An at-will employee is one who serves at the pleasure of the appointing authority, has no property right to continued employment with the City, and is not entitled to any pre- or post-disciplinary procedural due process or evidentiary appeal.

**B. Probationary.** A probationary employee is one who, through the regular examination process, has been appointed to an authorized position with a monthly salary and is serving a probationary period either following initial employment with the City or after promotion to a higher job classification. The probationary period is as set forth in Article 14 of these Personnel Rules or in the applicable Memorandum of Understanding (MOU). During the probationary period, the employee serves at the pleasure of the appointing authority, has no property right to continued employment, and is not entitled to any pre- or post-disciplinary procedural due process or evidentiary appeal. A probationary employee serving in the initial probationary period is considered an at-will employee.

**C. Regular.** Regular employees are those who (1) have been appointed to an authorized position in the Employee Compensation Plan with a monthly salary, and (2) have successfully completed their probationary period and have been retained, as provided in Article 14 of these Personnel Rules. Regular employees may serve in either full-time or part-time positions.

**D. Temporary.** Temporary employees are hired to work on a short-term, seasonal, extra-help, or project basis. They may be full-time (scheduled to work 40 hours per week) or part-time (scheduled to work less than 40 hours per week) and appointed in accordance with Section 13.07. Temporary employees serve at-will, have no property right to continued employment, and generally are not entitled to City benefits, except as may be provided in a Memorandum of Understanding (MOU) or an employment agreement.

**E. Retired Annuitants.** Retired annuitants are individuals who have retired from the California Public Employees' retirement System ("CalPERS") and are appointed on a limited-term or interim basis in accordance with law and CalPERS regulations. They are subject to limitations on work hours, compensation, and duration of employment, and are also subject to applicable reporting requirements. Retired annuitants may work full-time or part-time on a short-term, project, or seasonal basis; however, their employment is at-will and does not create a property right or entitlement to City benefits beyond what is permitted by law.

**F. Provisional.** A provisional employee is one who is temporarily appointed to a position in the competitive service when no eligible list exists or when a recruitment is pending in accordance with Section 13.06.

**Commented [WC22]:** The Rules reference "provisional appointments" in various sections (e.g., former Section 8.08, p. 27, 9.11, p. 30).

SECTION 6.02 VOLUNTEERS

A volunteer is not a City employee, but rather an individual who provides services to the City for civic or philanthropic purposes and receives no compensation or benefits other than nominal fees or reimbursement of authorized expenses. Volunteers serve at will and at the pleasure of the appointing authority. They have no property interest or right to continued service and are not entitled to pre-disciplinary or post-disciplinary procedural due process, including any evidentiary appeal.

**SECTION 6.03 INDEPENDENT CONTRACTORS**

An independent contractor is not a City employee and provides services solely pursuant to a contract approved by the City Council in accordance with the City's purchasing policies and procedures.

**ARTICLE 7**

**CLASSIFICATION PLAN AND POSITION MANAGEMENT**

**SECTION 7.01. CLASSIFICATION PLAN AND ALLOCATION**

**A. Preparation and Maintenance.** The City Administrator, or a designated person or agency, shall determine and document the duties and responsibilities of all City positions and establish and maintain a classification plan. Positions with substantially similar duties, responsibilities, authority, and work characteristics shall be assigned to the same classification. The plan may include classifications with no current incumbents to accommodate future organizational growth or structural changes.

Commented [WC23]: Old Section 3.01, p. 11.

**B. Adoption and Amendment.** The classification plan shall be adopted by resolution of the City Council. The City Administrator may recommend amendments, and proposed revisions may be submitted in writing by any interested party, including recognized employee organizations. The Council may create, adjust, divide, combine, revise, or abolish classifications as necessary.

**C. Allocation of Positions.** All positions in the City service shall be established by the City Council. No new position shall be filled until the classification plan has been amended to provide for the position, except that temporary positions may be authorized by the City Council or the City Administrator as set forth in Section 7.05.

Commented [WC24]: Old Section 3.03, p. 11.

**D. Official Use of Classification Titles.** Each position shall be identified by its classification title in all personnel, payroll, and budget records.

**SECTION 7.02 CLASSIFICATION DESCRIPTIONS AND QUALIFICATIONS**

**A. Classification Descriptions.** The City Administrator shall prepare and maintain a written description for each classification. Each description shall include the classification title, definition, nature of work, typical duties, and required qualifications. Classification descriptions serve as a reference for consistent application of the classification plan. They are descriptive and not restrictive, indicating typical duties but

Commented [WC25]: Old Section 3.05, p. 11.

not limiting the assignment of other tasks of similar kind or responsibility. Each description should be considered in its entirety and in relation to other classifications.

**B. Qualification Statements.** The following requirements and expectations generally apply to all positions and serve as guidance for preparing and applying qualification statements in classification and job descriptions:

**Commented [WC26]:** Old Section 3.06, p. 11.

1. Qualification statements shall set forth minimum education, experience, training, licenses, certifications, or job-related physical requirements. They may also identify desirable qualifications that are not required but beneficial.
2. Qualities such as honesty, literacy, reliability, professionalism, and the ability to work effectively with supervisors and colleagues are assumed for all positions. Positions involving public contact may inherently require proficiency in reading, writing, and speaking English.
3. Employees required to drive City or personal vehicles on City business must possess a valid California driver’s license and, if using a personal vehicle, maintain legally adequate insurance. The City shall cover the cost of any basic examination required for licensure.
4. Employees required to maintain professional certificates, licenses, permits, or registrations must do so in accordance with law. Costs of maintenance are the responsibility of the employee unless otherwise specified.

**Commented [WC27]:** This is a softened version of the original: “...the ability to read, write, and speak the English language...”

**Commented [WC28]:** Labor Code 226.7(b).

**SECTION 7.03 PROMOTIONAL CLASSIFICATIONS**

**Commented [WC29]:** Old Section 3.04, p. 11.

The City Administrator may recommend arranging classifications into promotional series when classifications are similar or closely related in duties, responsibilities, and requirements. This arrangement is intended to support career progression within the City service.

**SECTION 7.04 RECLASSIFICATION**

**Commented [WC30]:** Old Sections 3.10-3.12, p. 13-14.

**A. Review of Positions.** When a position’s duties or responsibilities change materially, the City Administrator may review the position and recommend reclassification to the City Council.

**B. Status of Incumbents Upon Reclassification.** Employees occupying positions that are reclassified may retain their position without further examination if:

1. The reclassification recognizes a change in duties that already existed for a significant period;
2. The change occurred during the incumbent’s tenure and was not the result of planned management action; and

3. The incumbent possesses the knowledge, skills, and abilities required for the new classification.

**C. Procedure for Incumbent Reclassification.**

**Commented [WC31]:** Old Section 3.11, p. 13.

When reclassification is considered, the City Administrator shall consider the provisions of Section 7.05(b) and determine whether the reclassification constitutes a downward, lateral, or upgrade, and shall recommend to the City Council appropriate action. the following principles shall apply:

1. Downward: The incumbent may accept a demotion to the reallocated position or be assigned to a vacant position within the same classification and retain permanent status. If the incumbent refuses demotion or reassignment, the layoff procedure will be applied.
2. Lateral: The incumbent will remain in the classification to which the position is reallocated without change in status.
3. Upgrade: The employee will retain permanent status in the new classification if the City Administrator determines that the duties have not materially changed during the incumbent’s tenure, or that any changes were gradual and the incumbent has performed higher-level duties for a significant period, typically six (6) months. In cases of reorganization, the City Administrator may require successful completion of a one (1) year probationary period before granting permanent status in the new classification. If none of these conditions are met, the employee may be transferred, demoted, laid off, or compete for the reallocated position.

(See Section 9.17 – Pay Following Reclassification.)

**SECTION 7.05 TEMPORARY POSITIONS**

**Commented [WC32]:** This is from Section 3.12, p. 14 of the old version. Language added to differentiate between the language stating all positions had to be put on the Class Plan.

Department Heads may request the creation of temporary positions by providing justification and proposed classification title and salary to the City Administrator, who will submit recommendations to the City Council. Temporary appointments may be authorized through the adoption of the budget, approval of temporary staffing measures, or by appointment of a temporary employee through an employment agreement.

When necessary for efficient and economical department operation, the City Administrator may authorize temporary appointments in accordance with Section 13.7. Temporary employees may be full-time or part-time and serve at the pleasure of the City Administrator, subject to applicable employment laws and policies.

**SECTION 7.06 TRANSFERS**

At the discretion of the City Administrator or Department Head, an employee may be transferred from one job classification to another within the same salary range or from

one assignment to another within the same classification. Involuntary transfers may only be made to classifications for which the employee meets the minimum qualifications.

SECTION 7.07 CONTINUED EMPLOYMENT

Continued employment with the City of Angels Camp is contingent upon good behavior, satisfactory work performance, the necessity of the work, and the availability of funds.

ARTICLE 8

**WORK HOURS, OVERTIME, AND ATTENDANCE**

Commented [WC33]: RMA/ WC Recommended.

SECTION 8.01 WORKWEEK

**A. Standard Work Hours.** The City shall use 2,080 hours as the standard annual work hours for calculating hourly rates of pay and for any other computations based on annual work hours, unless otherwise provided in a Memorandum of Understanding (MOU) or Administrative Policy.

**B. Standard Workweek.** For purposes of the Fair Labor Standards Act (FLSA), the City's workweek shall consist of seven (7) consecutive 24-hour periods beginning Sunday at 12:00 a.m. and ending Saturday at 11:59 p.m. The workweek shall remain fixed and regularly recurring unless formally modified by the City in accordance with applicable law.

Commented [WC34]: Michelle: please ensure this Article is consistent with payroll practices.

SECTION 8.02 OVERTIME

**A. General Rule.** Except as otherwise provided in an applicable Memorandum of Understanding (MOU), a formally adopted work period under the Fair Labor Standards Act, or where a more protective standard applies under state or federal law, non-exempt employees shall be compensated at one and one-half (1½) times their regular rate of pay for all hours worked in excess of forty (40) hours in the City's designated FLSA workweek, as set forth in Section 8.01.

**B. Approval and Reporting.** Overtime work must be authorized in advance by a supervisor, except in emergency situations. All hours worked, whether authorized or not, must be accurately reported and will be compensated in accordance with applicable law. Failure to obtain prior authorization or to report all hours worked may result in disciplinary action, up to and including termination.

**C. Exempt Employees.** Employees designated as exempt under the Fair Labor Standards Act (FLSA) are not eligible for overtime compensation unless expressly provided by an MOU or employment agreement.

SECTION 8.03 ATTENDANCE

Regular attendance and punctuality are essential to the effective operation of City services. Employees are expected to work their assigned schedules and fulfill the duties and responsibilities of their positions. While exempt employees may have greater

Commented [WC35]: Some cities define excessive tardiness/absenteeism, such as 3 times in a 30-day period and 3 days/ 3 month period, respectively. This would make it less arbitrary and easier to enforce.

flexibility in scheduling to meet the demands of their positions, all employees are expected to manage their time in a manner that supports operational needs.

Employees who are unable to report to work as scheduled or who will be late must notify their supervisor as soon as practicable, in accordance with department procedures. Absences or tardiness that are not properly reported or approved may be considered unexcused.

Authorized absences include those approved in advance or protected by law, an applicable memorandum of understanding (MOU), or City policy. Excessive or unapproved absenteeism or tardiness that adversely affects operations or job performance may result in corrective action, consistent with applicable law, MOUs, and City policies.

SECTION 8.04 JOB ABANDONMENT

Commented [WC36]: RMA recommended.

**A. Purpose.** The City expects employees to maintain regular attendance as set forth in Section 8.03. This policy defines the circumstances under which the City may deem an employee to have abandoned their position. Job abandonment occurs when an employee is absent from work for three (3) days without authorization and fails to notify the City for a specified period, showing no intention to return to work.

**B. City Action.** When an employee is absent without authorization and fails to provide notice, the Department Head shall make reasonable efforts to contact the employee and keep the City Administrator informed. If contact cannot be made or the employee does not provide a satisfactory explanation, the City may treat the employee as having voluntarily resigned due to job abandonment. Written notice of the termination will be sent to the employee’s address on file, with the separation effective as of the last day worked.

**C. Exceptions.** The City Administrator may waive the time requirements or take other appropriate action in case of emergency, illness, or other circumstances beyond the employee’s control.

**ARTICLE 9**

**PAY PLAN**

Commented [WC37]: Old Art. 4, p. 14.

SECTION 9.01 PREPARATION OF PAY PLAN

The City Administrator shall prepare and maintain a pay plan (or salary schedule) for all classifications in City service. The pay plan shall establish pay ranges and steps, indicating the minimum and maximum bi-weekly rates for each classification.

SECTION 9.02 ADOPTION OF PAY PLAN

The pay plan (or salary schedule) shall be established and amended by resolution of the City Council. Each classification in City service shall be assigned to a pay range with salary steps or an hourly rate.

**SECTION 9.03 SALARIES**

All pay rates shall be based on full-time service in full-time positions, unless otherwise authorized by the City Council

**SECTION 9.04 SALARY AT INITIAL APPOINTMENT**

Salary at initial employment shall be set at a step determined by the City Administrator based on the employee's qualifications and experience. Appointments above Step C require approval by the City Council.

**SECTION 9.05 CALCULATION OF ANNIVERSARY DATE**

Every regular employee in a classification with an established salary range shall have an anniversary date. All salary adjustments, except longevity pay, shall take effect on the anniversary date or any time thereafter. The date of any subsequent salary adjustment, excluding longevity pay, shall become the employee's new anniversary date. The anniversary date is distinct from the employee's service date, which is used for calculating vacation and longevity pay, and from the date of hire, which is the date the employee began working for the City, whether in a temporary, reserve, or probationary capacity. For employees who are reemployed, the anniversary date shall be the effective date of reemployment, and for employees who are reinstated, the anniversary date shall be the effective date of reinstatement.

**SECTION 9.06 PERFORMANCE SALARY INCREASES**

**A. Eligibility for Step Increases.** Department Heads may recommend a step increase to the next step in the salary range for a classification only when the employee has demonstrated satisfactory work performance. Department Heads may recommend an additional merit increase for employees demonstrating exceptional performance, but only after the employee has attained Step E on the salary schedule.

**B. Processing Step Increases.** The City Administrator shall process all approved step increases and notify the appropriate parties in writing of all approved increases. Such notification shall serve as authorization for Payroll to adjust the employee's salary to the higher step rate.

**C. Step Increases Discretionary.** Step increases are not automatic. They are granted at the sole discretion of the City Administrator based on the employee's merit, fitness, and value to the City, as documented in performance evaluations conducted by the Department Head or designee.

**D. Merit Increases Beyond Step E.** A merit increase shall be granted and take effect only after a written recommendation from the Department Head and the City Administrator, and with the approval of the City Council for any employee who has reached Step E in the salary schedule.

**Commented [WC38]:** The old language stated: "...employees who have demonstrated appropriate standards..." (Section 4.06, p. 15).

SECTION 9.07 APPLICABLE SALARY RATES FOLLOWING PAY RANGE INCREASES AND DECREASES

Commented [WC39]: Old Section 4.07, p. 16.

**A. Upward Pay Adjustments.** When the pay range for a classification is revised upward, incumbents in the affected classification shall have their salaries adjusted to the corresponding step in the new pay range (e.g., Step B to Step B, Step C to Step C, etc.).

**B. Downward Pay Adjustments.** When the pay range for a classification is revised downward, incumbents in the affected classification may have their salaries adjusted to the corresponding step in the new pay range (e.g., Step B to Step B, Step C to Step C), or they may be placed on a Y-Rate at the discretion of the City Administrator.

SECTION 9.08 PAY RATE CHANGE ON ANNIVERSARY DATE

When a pay range change becomes effective on an employee's anniversary date, the employee shall first receive first any applicable range adjustment, followed by the corresponding step adjustment.

SECTION 9.09 STEP INCREASE ON DATE OF PROMOTION

When a pay range change becomes effective on an employee's anniversary date, the employee shall first receive any applicable range adjustment, followed by the corresponding step adjustment.

SECTION 9.10 APPLICABLE PAY FOLLOWING REEMPLOYMENT

Upon appointment from a reemployment list, as provided in Section 16.04 of these Personnel Rules, the employee shall receive the same salary step in the pay range that they held prior to layoff.

SECTION 9.11 APPLICABLE PAY FOLLOWING REINSTATEMENT

Upon reinstatement, as provided in Section 13.12 of these Personnel Rules, the employee shall receive no more than the same salary step in the pay range held prior to voluntary resignation or voluntary demotion. A new anniversary date shall be established for the employee coinciding with the date of reinstatement.

SECTION 9.12 APPLICABLE PAY AND ANNIVERSARY DATE FOLLOWING PROMOTION

Commented [WC40]: Old Section 4.13, p. 17-17. Note that my copy has the following page order: 15, 16, 18, 17, 20, 19, and 21. It seems the pages were out of order when it was copied. This required a bit of reconstruction.

**A. Pay.** Upon promotion, an employee shall be placed at the step of the new salary range that provides a minimum five percent (5%) increase over their previous salary. If the top step of the new range is less than five percent (5%) above the employee's current salary, the employee shall be placed at the top step of the new range.

**B. Anniversary Date.** Effective on the date of the promotion, a new anniversary date shall be established, coinciding with the effective date of the promotion.

SECTION 9.13 APPLICABLE PAY FOLLOWING TRANSFER

Upon the transfer of any employee from one position to another in the same classification or to another classification to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the same anniversary date.

**SECTION 9.14 APPLICABLE PAY FOLLOWING DEMOTION**

Upon the demotion of an employee to a classification with a lower maximum salary, the employee shall be assigned to a salary step in the lower pay range as follows:

1. **Disciplinary Demotion:** The employee may be placed at any step in the lower pay range that is at least one step below the salary previously received in the former classification, or as otherwise determined by the appointing authority.
2. **Voluntary Demotion:** If the demotion is voluntary, recommended by the Department Head, and approved by the City Administrator, the employee shall be assigned to the step in the new pay range that most closely matches the previous salary. If an exact match is not available, the employee shall be placed at the nearest lower step. The employee's prior anniversary date shall be retained.

**SECTION 9.15 APPLICABLE PAY FOLLOWING RECLASSIFICATION**

**A. Lateral Reclassification.** If a position is reclassified to a classification with the same maximum salary, the incumbent's salary and anniversary date shall remain unchanged.

**B. Upward Reclassification.** If a position is reclassified to a classification with a higher maximum salary, the incumbent's salary shall be adjusted in accordance with Sections 4.09 and 4.12 of these Personnel Rules.

**C. Downward Reclassification.** If a position is reclassified to a classification with a lower maximum salary, the incumbent shall be placed on the step of the new salary range that provides the same salary previously received. If the incumbent's current salary falls between steps in the new range, the employee shall be placed on the step immediately above their current salary.

**SECTION 9.16 ACTING APPOINTMENT OR OUT OF CLASSIFICATION AUTHORIZATION AND PAY**

Commented [WC41]: Old Section 4.16, p. 18

**A. Authorization.** The City Administrator may authorize, in writing, a special salary adjustment for an employee temporarily assigned to perform the duties of a higher-level position when it is determined to be in the best interest of the City. Employees receiving an acting appointment must meet the minimum qualifications for the higher-level position. Acting appointments may be considered in situations where:

1. A permanent position incumbent is expected to be absent for a significant period, generally thirty (30) days or more; or

- 2. A permanent position vacancy exists and organizational constraints preclude filling the position in a timely manner.
- 3. The best interests of the City would be served from either a special project completion, training, or special assignment standpoint.
- 4. The assignment applies to a formal job classification as adopted by the City Council.
- 4. The classification title for employees serving in an acting capacity shall remain unchanged.

Commented [WC42]: Old Section 6.04(H), p. 19.

Commented [WC43]: Kaite, please help! I've exhausted my top-ruler skills.

**B. Duration.** Acting appointments may extend for no longer than six (6) months, except that the City Administrator may approve a single additional extension of up to six (6) months if either of the following conditions is met:

- 1. The City has conducted a recruitment process for the vacancy and determines it is in the best interest of the City to conduct an additional recruitment; or
- 2. The incumbent employee is on leave anticipated to expire after the initial one-hundred and twenty (120) calendar days but prior to the expiration of an additional 120 days.

This extension option must be exercised in writing no later than the one hundred and twentieth (120th) calendar day following the employee's notification. If the option is not exercised, any employee temporarily assigned out of classification shall cease the assignment and, on the one hundred and twenty-first (121st) calendar day, shall be returned to their regular assignment.

**C. Compensation.** When the employee authorized to work in the acting position has worked in the higher classification for a minimum of one (1) two-week pay period, the employee shall receive adjusted compensation at the first step in the pay range for the higher classification or a five percent (5%) increase over their current rate, whichever is greater, retroactive to the first workday in the higher classification. The City may not manipulate acting assignments to avoid paying the higher compensation. Upon termination of the acting assignment, the employee shall be returned to the salary of their former position.

Commented [WC44]: Old Section 4.16(F), (G), (I), p. 18-19.

(See also Section 13.9, Acting Appointments.)

**SECTION 9.17 TEMPORARY PAY ADJUSTMENT FOR ADDITIONAL DUTIES**

**A. Authorization.** With City Council approval, the City Administrator may authorize, in writing, a temporary pay adjustment for an exempt employee who assumes significant additional duties or responsibilities due to a vacancy, extended leave, or other temporary absence in another position. The additional duties must not be included in

the employee’s current job description and must require a substantial commitment of additional time.

**B. Duration and Compensation.** The temporary pay adjustment shall be effective for the period the employee performs the additional duties or for the period authorized by the City Administrator, whichever ends first, and shall not be considered a permanent salary increase. The City Administrator’s written authorization shall specify the amount of the adjustment, the effective date, and the anticipated duration. If the employee performs the additional duties for a minimum of one (1) two-week pay period, the adjustment may be up to five percent (5%) over the employee’s current salary rate, as determined by the City Administrator and approved by the City Council, and may be applied retroactively to the first workday the employee assumed the additional duties.

**SECTION 9.18 PAYROLL DEDUCTIONS**

Deductions from employees’ wages shall be made in accordance with applicable federal and state law, any applicable employment contract or memorandum of understanding (MOU), City policies, and with the prior written approval of the City Administrator.

Mandatory deductions required by law include, but are not limited to, federal and state income tax withholdings, Social Security, Medicare, and any other legally required contributions.

Voluntary deductions made pursuant to the employee’s written authorization include, but are not limited to, employee organization dues, deferred compensation contributions, insurance premiums, and any deductions adopted in an applicable MOU.

All deductions shall comply with California law, including the limitations and notice requirements set forth in the California Labor Code.

**ARTICLE 10**

**RECRUITMENT, ANNOUNCEMENTS, AND APPLICATIONS**

**SECTION 10.01 RECRUITMENT POLICY**

The City is committed to a fair and open process designed to attract qualified individuals based on merit, job-related qualifications, and the needs of City service. All recruitment and application procedures will promote equal employment opportunity and comply with applicable state and federal law, supporting the City’s goal of maintaining a skilled and effective workforce. The City Council is not bound by this Article when recruiting or appointing the City Administrator or any Department Head, in order to preserve its discretion to select individuals it deems best suited for key executive positions.

**SECTION 10.02 OPEN AND CLOSED RECRUITMENTS**

**Commented [WC45]:** Steve: This is intended to formalize in policy the procedure you used for Michelle when she picked up a second job. There are multiple ways to structure it. Although it could be drafted to apply to non-exempt employees, it is more likely that the out-of-class provisions in Section 9.16 would apply in most circumstances.

**Commented [WC46]:** Old Section 4.17, p. 19. It was not compliant.

**Commented [WC47]:** Old Art. 6, p. 20 (applications), Art. 5, p. 19 (announcements).

I have added substantial language to the Recruitment, Announcements, Applications, and Appointment section to align with the practices of other cities, while ensuring it remains consistent with and compliant with the former version. Please let me know if any of this does not apply or requires clarification.

**A. Recruitment.** Recruitment is the process used to announce a job opening in the competitive service and/or to invite qualified individuals to apply and participate in the examination process. A recruitment may be initiated by the City Administrator at any time, regardless of whether a current vacancy exists. Recruitments may be conducted on a continuous basis to ensure, whenever practicable, that the City maintains a pool of qualified applicants for current and future employment opportunities. The City reserves the right to suspend, cancel, or modify any recruitment at its discretion.

**B. Open Recruitments.** "Open recruitments" are open to all individuals who meet the requirements and conditions specified in the examination announcement. Closed recruitments are restricted to qualified current City employees. The City Administrator may designate a recruitment open or closed, based on what is in the best interest of the City.

**C. Closed Recruitments.** "Closed recruitments" are limited to qualified current City employees who meet the requirements set forth in the announcement. The City Administrator may designate a recruitment as closed when it is determined to be in the best interest of the City. All requirements and conditions for participation will be specified in the examination announcement.

**Commented [WC48]:** Old Section 7.04, p. 23.

**SECTION 10.03 LIMITED RECRUITMENT**

When it is anticipated that the applicant group will be large relative to the number of anticipated vacancies, the City Administrator may take steps to limit the size of the applicant group through: (a) shortening the filing period; (b) specifying a maximum number of applicants to be accepted; or (c) other means appropriate to the circumstances and consistent with these Personnel Rules.

**Commented [WC49]:** Old Section 7.12, p. 25. Note the title was "Unlimited recruitment," but the language speaks to limitation.

**SECTION 10.04 SELECTIVE RECRUITMENT**

The City Administrator may, within a job classification, restrict recruitment or selection to individual possessing a unique or specialized skill when the duties of a specific position require such skill.

**Commented [WC50]:** Old Section 7.13, p. 25.

**SECTION 10.05 RECRUITMENT/ EXAMINATION ANNOUNCEMENTS**

Recruitment, examination, or job announcements shall be publicized in a manner designed to reach qualified individuals, as determined by the City Administrator or designee. Each announcement shall include the classification title and pay, a description of the work to be performed, the type of examination, the final date for accepting applications, the method of application, and any other pertinent information. The City Administrator may extend, postpone, or cancel any dates specified in a recruitment or examination announcement based on the needs of the City.

**Commented [WC51]:** Old Art. 5, p. 19-20. This was termed an "examination announcement" and required postings on a bulletin posted in public view.

Also, the old rule required that the announcement contain a statement that the City is "an affirmative action equal-opportunity employer," which I have omitted.

**Commented [WC52]:** Steve: I kept this very general while providing some basic structure. Note that if we have been using an application form for some time, I should check it for compliance. Many cities are not complying with the relatively recent 'ban the box' law regarding criminal convictions.

**SECTION 10.06 APPLICATIONS FOR EMPLOYMENT**

To ensure a fair, consistent, and orderly recruitment process, all applicants for City employment must comply with the following application requirements:

**Commented [WC53]:** Old Section 6.01, p. 20.

1. Applications shall be considered part of the examination process and they must be complete. The City Administrator or designee may decline to consider incomplete applications.
2. Applications must include the applicant's signature, or an electronic signature where applicable, certifying that all information provided is true and complete. The City Administrator or designee may decline to consider applications that are not signed.
3. Applications must be received by the person or office designated in the recruitment announcement on or before the final filing date and time. The City Administrator or designee may decline to consider applications received after the deadline.
4. Applications and addenda to applications shall become the property of the City.
5. Resumes or other documents may supplement the application but shall not substitute for it.
6. A separate, signed application must be submitted each time an applicant applies and for each classification of position for which they apply.

Commented [WC54]: Old Section 6.10, p. 22.

Commented [WC55]: Old Section 6.03, p. 20.

Commented [WC56]: Old Section 6.04, p. 20.

When the number of qualified applicants is excessive, the City Administrator or designee may limit further recruitment to the most qualified candidates and may close the application period early once a predetermined number of applications has been received.

Commented [WC57]: Old Section 6.04, p. 21.

**SECTION 10.07 APPLICATION REVIEW AND REJECTION**

The City Administrator or designee may reject any application that is incomplete, improperly completed, submitted after the application deadline, or indicates that the applicant does not meet the minimum qualifications for the position. Notice of any rejection shall be sent to the applicant by mail or email.

**SECTION 10.08 CITIZENSHIP OF APPLICANTS**

Employment is open to qualified persons who are citizens of the United States, as well as to qualified persons who are not citizens who meet State and federal requirements for employment in State and local government.

**SECTION 10.09 VERIFICATION OF QUALIFICATIONS**

Commented [WC58]: Old Section 6.05, p. 21.

**A. Applicant Information.** During the employment process, the City may verify information provided by applicants through employment references, education verification, and other job-related inquiries.

**B. Documentation of Credentials.** Applicants may be required to provide the City Administrator or designee with certified copies of any diploma, license, or other

accreditation or certification claimed or required to meet the minimum qualifications for the position.

**C. Driving Record Verification.** For positions that require driving, all finalists will undergo verification of driving records through the California Department of Motor Vehicles, as well as fingerprinting and reference checks, consistent with applicable law.

**Commented [WC59]:** This stated: "All finalists will be verified through...DMV..." There are two aspects: 1)confirming license status, which we can only do when driving is required for the job, and 2) background checks, which are covered below.

**D. Authorization and Consent.** The City will obtain written authorization before conducting any background or DMV check. Applicants will be informed of the type and purpose of the information collected and must consent to its release. Required disclosures under state and federal law will be provided if results could affect hiring decisions.

**Commented [WC60]:** Per Civ. Code 1786, 18 U.S.C. 2721.

We need to comply with this, but we do not necessarily need it in the policy.

**SECTION 10.10 APPLICANT DISQUALIFICATION**

**Commented [WC61]:** Old Section 6.06, p. 21.

The City Administrator may disqualify any applicant from consideration, before or after an examination, if the applicant's appointment would be contrary to the best interests of the City. Grounds for disqualification may include, but are not limited to, the following:

1. The applicant lacks any qualifications or requirements established for the position, as set forth in the classification description or these Personnel Rules.
2. The applicant is physically or psychologically unable to perform the duties of the position, and no reasonable accommodation can be made to enable performance..
3. The applicant knowingly makes a false statement, or engages in or attempts to engage in deception or fraud in their application, examination, or in securing eligibility for appointment.
4. The applicant engages in excessive use of intoxicating beverages or illegal use of narcotics or other controlled substances in a manner that could adversely affect work performance..
5. The applicant has been separated from prior employment, either by dismissal or resignation in lieu of dismissal, for cause, based on (a) legitimate, job-related, non-discriminatory, and non-retaliatory reason(s).
6. Reference or background checks indicate probable unfitness for the position.
7. The applicant fails to comply with the requirements set forth in the recruitment announcement.
8. The applicant uses or attempts to use personal or political influence, pressure, or bribery to obtain advantage in an examination or appointment.

**Commented [WC62]:** CCP 1002.5 prohibits blanket no rehire (if EE filed a claim and in a settlement agreement).

9. The applicant fails to appear at the designated time and place for any part of an examination, or fails to respond within a reasonable time to communications regarding the recruitment process or availability for employment.

**SECTION 10.11 NOTICE OF REJECTION OF APPLICATIONS**

When an application is rejected, the City Administrator or designee shall notify the applicant in writing, either by mail to the last known address, by email, or by both.

**Commented [WC63]:** Old Section 6.07, p. 22. Updated to include email.

**SECTION 10.12 APPLICANT CONVICTION HISTORY AND CITY ADMINISTRATOR ACCESS TO CRIMINAL RECORDS**

Applicants for employment may be required to undergo criminal history checks in accordance with Section 11.10 of these Personnel Rules.

**Commented [WC64]:** Old Section 6.07 & 6.08. Since we can only do post-offer criminal history checks (LE aside), I thought it would fit better as part of the examination process, not the application process.

**ARTICLE 11  
EXAMINATIONS**

**SECTION 11.01 TYPES OF EXAMINATIONS**

The City Administrator may, at their discretion, conduct the following types of examinations:

1. "Open Examinations" are open to all individuals who meet the requirements and conditions specified in the examination announcement.
2. "Closed Examinations" are open to any current City employee who meets the requirements and conditions set forth in the examination announcement.
3. "Promotional Examinations" are restricted to current employees seeking advancement to a higher-level position within the same department. Only regular employees who meet the minimum qualifications set forth in the examination announcement may compete in promotional examinations. Promotional examinations shall be competitive, but this requirement shall not be construed to require more than one applicant for the position.
4. "Continuous Examinations" remain open at the discretion of the City Administrator rather than fixed application or examination dates. Applicants can apply and take examination any time while the examination remains open, and successful candidates are added to an eligibility list as they qualify.

**Commented [WC65]:** Old Section 7.03, p. 23.

**Commented [WC66]:** Old Section 7.04, p. 23.  
I added promotional examinations and continuous examinations for more flexibility.

**SECTION 11.02 CONDUCT OF EXAMINATIONS**

**A. Oversight and Purpose.** The City Administrator or designee shall oversee all examinations for City positions, including their preparation, administration, and conduct. Examinations shall be impartial and designed to fairly and accurately assess applicants' ability to perform the job functions identified in the classification or job descriptions. This Article shall not limit the City Council in recruiting or appointing a City Administrator, nor

shall it limit the City Administrator or City Council in recruiting or appointing a Department Head.

**B. Assessment Techniques.** Techniques may include, but are not limited to, the following: review of applications; achievement or aptitude tests; interviews; performance or work-sample evaluations; physical or agility assessments; evaluation of prior or current work performance; review of personal background and references; successful completion of prescribed training; or other job-related methods as determined by the City Administrator. Applicants who meet the minimum qualifications and pass all examinations may be subject to a background and/or reference check pursuant to Section 11.10.

Commented [WC67]: Old Section 7.01(B), p. 23.

**C. Standards and Limitations.** The following standards apply to all City examinations:

1. The probationary period is an integral part of the examination and selection process.
2. Physical, psychological, or medical assessments shall be limited to evaluating job-related fitness for duty and shall not be used in a discriminatory manner.
3. Examinations shall provide equal opportunity to all candidates and shall assess only factors directly related to the essential requirements of the position.

Commented [WC68]: Old Section 10.01, p. 34.

**D. Scheduling and Administration.** The City Administrator may schedule and conduct examinations as deemed necessary, whether or not a vacancy currently exists, and retains discretion to determine the manner, timing, and order of all examinations.

Commented [WC69]: Old Section 7.02, p. 23.

**E. Examination Results and Disqualification.** Failure in any part of an examination, or the inability to meet the standards outlined in the job announcement, may result in the applicant being deemed unsuccessful for the entire examination or disqualified from subsequent parts. Applicants will be notified by mail of their status in the examination process. An applicant who fails an examination is ineligible to retest for the same position for six (6) months.

Commented [WC70]: Old Section 7.07, p. 24

Commented [WC71]: Steve: This is a common limitation, but it's completely optional.

**F. Examination Accommodations.** An applicant with a disability may request accommodations during the examination process. Upon receiving such a request, the City Administrator or designee may request reasonable documentation to verify the existence of the disability. (See Article 5).

SECTION 11.03 **EXAMINATION SCORES**

Commented [WC72]: Old Section 7.06, p. 23-24.

The City Administrator shall establish the minimum passing score for each test and the minimum overall score required for an applicant to qualify for consideration for appointment. Unless otherwise specified in the recruitment announcement, an applicant's final score shall be based on the combined results of all tests and evaluations included in the examination. An applicant who fails to achieve a passing

score on any required component of the examination shall be disqualified from participating in subsequent components of the examination.

SECTION 11.04 NOTICE OF EXAMINATION RESULTS

Commented [WC73]: Old Section 7.07, p. 24.

Each applicant in an examination shall be sent written notice of the results including, if applicable, the final score and relative position on the employment list. Notice may be sent to the applicant's last known mailing address or email address on file.

SECTION 11.05 PROTEST OF WRITTEN TESTS

Commented [WC74]: Old Section 7.08, p. 24.

For closed examinations only, an employee may protest the accuracy of scoring or the substantive content of written tests. Protests must be submitted to the City Administrator within ten (10) calendar days of the date the examination results were mailed. Upon receipt of a timely protest, the City Administrator may take such corrective measures as deemed appropriate, if any. Correction of any score shall not invalidate any prior appointment.

Commented [WC75]: This used to be "working days." Working days can be difficult to calculate and it is easier to count days consistently throughout.

When a protest is filed, the City Administrator may, after considering the needs of the City, continue scoring tests and conducting other parts of the closed examination, certification, and appointment process prior to resolving the protest. Appointments made while a protest is under consideration shall not be invalidated, even if the City Administrator subsequently upholds the protest or takes corrective action.

Commented [WC76]: Old Section 7.10, p. 24-25.

SECTION 11.06 EXAMINATION RECORDS

Commented [WC77]: Old Section 7.09, p. 24.

Examination records are working documents, confidential in nature, and not public records. The City Administrator shall establish and maintain procedures to ensure the confidentiality of examination records, including rating sheets, test results, reference checks, background investigations, physical and psychological examination records, and documents or data related to ethnicity, sex, age, or citizenship/legal status. The relative position of an applicant on an eligible list shall be made known only to the applicant and to City employees involved in the recruitment or employment process.

SECTION 11.07 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS

Commented [WC78]: Old Section 7.11, p. 25.

If, in the opinion of the City Administrator, an insufficient number of qualified applicants have applied for an examination, the City Administrator may extend the final filing date, reschedule the examination or any component tests, or cancel the examination(s) or recruitment.

SECTION 11.10 BACKGROUND INVESTIGATIONS AND CRIMINAL HISTORY REVIEW

Commented [WC79]: Old Section 7.05, p. 23. Note that the old provision simply stated the City Admin. may investigate the background of any applicant. This Section 11.10 is compliant with the Fair Chance Act and the Investigative Consumer Reporting Agencies Act, both of which apply to background investigations.

**A. Background Investigations.** The City Administrator or designee may conduct background investigations to verify job-related credentials, including education, employment history, and references, when consistent with business necessity. Such

The language in this Section is not required, but is intended to serve as a guide for an Administrator or ASO.

investigations may occur at any stage of the selection process, except as otherwise limited by law.

**B. Access to Criminal Records.** In accordance with California Penal Code Sections 11105(b)(10) and 13300(b)(10), and Labor Code Section 432.7, the City Administrator or designee is authorized, as permitted by law, to access and use Criminal Offender Record Information maintained by the California Department of Justice or local law enforcement agencies when necessary to fulfill employment or certification duties under these Personnel Rules.

**Commented [WC80]:** Note that for most positions this will be post-conditional offer of employment.

**C. Fair Chance Act Compliance.** In accordance with the California Fair Chance Act (Gov. Code §12952), the City shall not inquire into, consider, or take adverse action based on an applicant’s criminal conviction history until after a conditional offer of employment, unless allowed by law. Applicants who have received a conditional offer may be required to submit to fingerprinting and a criminal history background check through the California Department of Justice and, when applicable, the Federal Bureau of Investigation, including Live Scan processing.

**Commented [WC81]:** Such as law enforcement.

**D. Consideration of Convictions.** The City will not deny employment solely because of a criminal conviction, except as allowed by law. For most positions, the City generally will not consider misdemeanor marijuana-related convictions that are over two years old or convictions that have been judicially sealed, expunged, or eradicated. In evaluating convictions, the City may consider the nature, date, and circumstances of the offense, evidence of rehabilitation, and whether the offense is relevant to the duties of the position.

**E. Confidentiality.** All background investigations shall comply with applicable federal, state, and local law, and information obtained shall be used solely for employment purposes and maintained as confidential.

**F. Notice and Review of Consumer Reports.** If the City intends to take an adverse employment action based in whole or in part on a consumer report, the applicant or employee shall be provided, in accordance with applicable law:

**Commented [WC82]:** Under ICRA, if a consumer report is used to deny employment, the City must give the applicant a copy of the report and an opportunity to dispute inaccuracies before taking final action.

“Consumer report” is defined as any written, oral, or other communication of information regarding an applicant’s credit, criminal history, employment history, or other background used for employment decisions.

1. Pre-Adverse Action Notice: Written notice that a consumer report was obtained and may be used in the employment decision. This notice shall include a copy of the report and a summary of the applicant’s rights under the California Investigative Consumer Reporting Agencies Act (ICRA).
2. Opportunity to Review and Dispute: The applicant or employee shall have a reasonable period of time to review the report and dispute any inaccurate or incomplete information with the reporting agency before the City takes final adverse action.

**ARTICLE 12**  
**ELIGIBILITY LISTS**

**Commented [WC83]:** Old Art. 8, p. 25.

**SECTION 12.01 ESTABLISHMENT OF ELIGIBILITY LISTS**

An eligibility list is a ranked list of applicants who have successfully completed an examination process and are eligible for appointment to a specific job classification.

Upon completion of scoring, the names of successful applicants shall be arranged in order of final score, from the highest to the lowest passing score. Eligibility lists shall become effective when certified by the City Administrator.

The City Council is not required to establish a formal eligibility list when appointing the City Administrator or a Department Head.

**Commented [WC84]:** Another city came under scrutiny for not following its personnel rules when appointing a department head, because the rules were silent regarding to whom they applied.

**SECTION 12.02 DURATION OF ELIGIBILITY LISTS**

Eligibility lists shall remain in effect for the period established by the City Administrator at the time of certification or until the City Administrator determines the needs of the City would be best served by a new examination process. When fewer than three eligible names remain on an eligibility list, the City Administrator may declare a list exhausted.

**Commented [WC85]:** Old Section 8.03 and 8.04, p. 25-26.

Prior to its expiration, the City Administrator may extend the effective period of an eligibility for up to an additional twelve (12) months.

**SECTION 12.03 ELIGIBILITY LISTS RESULTING FROM CONTINUOUS EXAMINATION**

Persons attaining a passing score on a continuous examination shall be added to any existing eligibility list. Their relative standing on such lists shall be determined by the final scores earned by all individuals on the most recent eligibility list.

**SECTION 12.04 ADDRESS CHANGES AND AVAILABILITY FOR APPOINTMENT**

It is the responsibility of individuals on eligibility or re-employment lists, or those requesting reinstatement, to notify the Personnel Office of any change of address or other change that may affect availability for appointment.

Individuals on eligibility lists or re-employment lists who do not indicate willingness to accept employment under the offered conditions will be considered to have declined appointment, and their names may be withheld from certification for other positions in with the same employment conditions.

**SECTION 12.05 REMOVAL OF NAMES FROM ELIGIBILITY LISTS**

The City Administrator may remove an individual's name from an eligibility list for any of the following reasons:

1. Disqualification for the reasons identified in these Personnel Rules that would constitute grounds for termination of employment;
2. Receipt of unsatisfactory performance reports, background investigations, or reference checks;

3. An unsatisfactory result on a medical, physical, or psychological examination indicating that the individual is unable to perform the essential functions of the position, with or without reasonable accommodation, as applicable;
4. Evidence that the eligible individual cannot be located or is unresponsive. Sufficient evidence includes, but is not limited to, failure to respond within five (5) workdays to a mailed or emailed notice, or failure to notify the City with of a change of address resulting in returned correspondence. The City Administrator may restore the individual's name to the eligibility list for acceptable reasons, provided that such restoration does not prejudice the recruitment process.
5. When an appointment has been made for the position for which the eligibility list was established;
6. Upon receipt of a written statement from the eligible individual to remove their name from the list;
7. If the eligible individual declines an offer of regular employment in the classification for which the eligibility list was established; or
8. If the eligible individual is notified of an appointment and fails to assume the position within two weeks, or within such time as directed by the City.

**SECTION 12.06 CERTIFICATION OF ELIGIBILITY LIST**

Commented [WC86]: Old Section 9.03, p. 28.

Except as otherwise provided in these Personnel Rules, when a position is to be filled from an eligibility list, the City Administrator or designee shall certify to the Department Head the top three candidates on the list for consideration (See Section 13.03).

**SECTION 12.07 SPECIAL CERTIFICATION OF ELIGIBILITY LISTS**

When an eligibility list for a classification contains fewer than three names, the City Administrator or designee may authorize the certification of fewer than three names or make provisional appointments to regular positions until additional names are added through one or more examinations. However, no provisional appointment may be made if any names are available on the re-employment list for the classification (see Provisional Appointments, Section 13.08).

**SECTION 12.08 REINSTATEMENT TO ELIGIBILITY LIST**

Any individual whose name has been removed from an eligibility list may request restoration by submitting a written request to the City Administrator specifying the reason(s) supporting the request. Restoration may be requested only during the original period of eligibility or any approved extension, and the City Administrator retains full discretion to grant or deny restoration. The City Administrator's lack of response to any request shall be deemed a denial.

**ARTICLE 13**

**APPOINTMENTS AND PROMOTIONS**

**Commented [WC87]:** Old Art. 9, p. 28.

**SECTION 13.01 APPOINTMENTS AND PROMOTIONS**

**Commented [WC88]:** Old Sections 9.01, 9.03, p. 27-28.

All appointments and promotions shall be made based on merit and fitness. Vacancies in non-management positions may be filled by transfer, demotion, re-employment, reinstatement, or from a list of eligible candidates certified by the City Administrator or designee in accordance with Article 12. When necessary, a provisional appointment may be made pursuant to Section 13.06. The method for filling the vacancy shall be determined by the Department Head in consultation with the City Administrator.

This Article does not apply to the City Council in its appointment of Department Heads or the City Administrator.

**SECTION 13.02 REQUEST TO FILL VACANCIES**

Whenever a position is to be filled, the Department Head shall notify the City Administrator and, if applicable, request the certification of eligible individuals, providing all information required on the form(s) supplied by the City Administrator.

**SECTION 13.03 CANDIDATE SELECTION FROM ELIGIBILITY LIST**

**Commented [WC89]:** Old Section 9.05, p. 28.

Once the Department Head or designee has received the certified eligibility list from the City Administrator and completed the interview and testing process and has selected the top candidate, they shall submit a letter of intent to hire to the City Administrator. Upon the City Administrator's written concurrence, the Department Head will contact the applicant to extend an offer of employment, which may be conditional.

No appointment shall be made until the background evaluation and any other pre-employment tests deemed necessary and appropriate have been successfully completed.

**SECTION 13.04 PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS**

**Commented [WC90]:** Old Section 9.06, p. 28.

**A. Post-Offer Testing.** Once a conditional offer of employment has been made by the City and accepted by the applicant, the City may require a medical or psychological examination, or both, provided the examination is job-related and consistent with business necessity.

**Commented [WC91]:** Old Section 9.06, p. 28. I added essential function language for ADA compliance.

If the results of the examination(s) indicate the applicant cannot perform the essential functions of the position with or without reasonable accommodation, or that accommodating the applicant would create an undue hardship for the City, the City may withdraw the conditional offer of employment. (See Section 13.05).

**B. Promotional Testing.** Psychological and/or medical examination(s) may be required for a promotional appointment if job related and consistent with business necessity, on the recommendation of the Department Head to the City Administrator.

**Commented [WC92]:** Note that we must exercise extreme care before requiring medical or psychological testing, even for law enforcement positions. We would need a strong, documented basis to demonstrate that the new position differs in a meaningful way from the current role, and that any testing is clearly job-related and consistent with business necessity.

**C. Reporting for Duty.** An applicant who successfully completes the required psychological and/or medical examination(s) and reports for duty within the period prescribed by the Department Head shall be deemed appointed. Failure to do so will be deemed a refusal of the appointment.

**D. Examination Confidentiality.** All examination results are confidential and shall be reviewed only by the Department Head, the City Administrator, or their designee, and used solely for employment-related purposes.

**SECTION 13.05 ELIGIBILITY DETERMINATION**

Following any medical or psychological examination, the City Administrator and the appropriate Department Head shall review the results. If a disability exists that prevents the applicant from performing one or more of the essential job functions, the City shall follow the reasonable accommodation process set forth in Article 5, in accordance with the Americans with Disabilities Act.

**SECTION 13.06 PROVISIONAL APPOINTMENTS**

A provisional appointment to a regular position may be made when the needs of the City make it impractical to provide advance notice of pending or anticipated vacancies, during a recruitment, or when an eligibility list contains fewer than three (3) names as provided in Section 12.07 of these Personnel Rules, and delaying the appointment until a new list can be prepared and certified is not feasible. Provisional appointments may be made subject to the following conditions:

1. The City Administrator may approve a provisional appointment to a position until a regular appointment can be made.
2. As soon as practicable after a provisional appointment, the City Administrator shall cause an examination to be prepared and an eligibility list established.
3. No person shall serve in a provisional appointment more than six (6) consecutive months.
4. Time served in as a provisional employee shall not entitle the individual to special credit on any examination or in the establishment of any eligibility or employment list.
5. If a provisional employee is subsequently appointed as regular employee, service as a provisional employee shall not count for any purpose, including for purposes of probation, except for establishing the employee's seniority start date.
6. Unless otherwise approved by the City Administrator benefits, including but not limited to, retirement, health/medical insurance, life insurance,

disability insurance, vision care, dental care, vacation, sick leave, and holiday pay, shall not accrue or be granted to provisional employees.

- 7. Provisional employees have no expectation of continued employment, serve at the will of the City, and may be removed at any time without the right to appeal or hearing.

**SECTION 13.07 EXTRA-HELP AND TEMPORARY APPOINTMENTS**

**Commented [WC93]:** Old Section 9.12, p. 31.

Upon the recommendation of the City Administrator, the City Council may approve extra-help or temporary appointments subject to the following conditions:

- 1. Time served under extra help or temporary appointment shall not entitle the appointment to special credit on any examination or in the establishment of any employment list.
- 2. When an eligibility or employment list exists, extra help or temporary appointments shall be made from the list. Acceptance of such employment does not remove a person from the list.
- 3. Extra help or temporary employment does not constitute a permanent appointment. If an extra help or temporary employee is subsequently hired as a regular employee, time served in the extra help or temporary role shall not count for any purpose except for establishing the employee's seniority start date.
- 4. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday pay shall not accrue or be granted to extra help or temporary employees.
- 5. An extra-help or temporary employees have no expectation of continued employment, serve at the will of the City, and may be removed at any time without the right to appeal or hearing.

**SECTION 13.8 REGULAR PART-TIME APPOINTMENTS**

Upon the recommendation of the City Administrator and with the approval of Council, a regular part-time appointment may be made when part-time work is available on a continuous and ongoing basis.

**Commented [WC94]:** Old Section 9.13, p. 31-32. former version stated only that regular part-time appointments may be made without reference to how.

**SECTION 13.9 ACTING APPOINTMENTS**

**Commented [WC95]:** Old Section 9.14, p. 32.

An acting appointment is the temporary assignment of an existing City employee to a vacant position for a limited period. Acting appointments may be made when operational demands make in impractical to leave the position vacant. The City Administrator may approve acting appointments subject to the following conditions:

1. The Department Head or City Administrator shall certify that the position is temporarily vacant due to the absence of the employee who normally fills such position.
2. No special credit shall be granted in any examination or in the establishment of any eligibility or employment list for services rendered in an acting role.
3. An acting appointment may, but is not required to be, made from an eligibility list. Any individual on an eligibility list who an acting appointment shall retain their place on such list.
4. An employee serving in an acting appointment shall no acquire regular status in the acting position.
5. Employee in acting appointments shall experience no change to their benefits, including, but not limited to, retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, and all leave accruals.
6. An employee in an acting appointment may be removed from the acting position and returned to their original probationary or regular position at any time, for any reason or no reason, without the right to appeal or hearing.
7. Employees appointed to acting positions shall perform all the duties and responsibilities of the position for at least the full number of work hours each workday.
8. Upon conclusion of the acting appointment, the employee shall return to their prior position.
9. An employee appointed to an acting assignment may be eligible for temporary increased compensation in accordance with Section 9.16.

**SECTION 13.10 REINSTATEMENT APPOINTMENTS**

A reinstatement appointment for individuals previously employed by the City may be made upon recommendation of the Department Head and City Administrator and approved by the City Council, provided that the individual meets the minimum qualifications for the position and, when deemed appropriate, the City receives a favorable medical report from the medical examiner. The following conditions shall apply to reinstatement appointments:

1. Any person reinstated shall be treated as a new employee and shall have no vested interest in, nor be entitled to, any benefits, accruals, or seniority from prior City employment, except to the extent that the City

Council specifically and unambiguously grants such prior benefit, accrual, or seniority.

- 2. Any person seeking reinstatement must have previously completed probation and attained permanent status.
- 3. Reinstatement confers no rights and is granted solely at the City's discretion.

**SECTION 13.11 EMPLOYEE OATH OF OFFICE**

Every employee, before assuming the duties of employment, shall take and subscribe to the Oath of Office required Article 20, Section 3, of the California Constitution.

For temporary employees, the oath or affirmation taken as required by this Section shall remain effective for all successive periods of employment that commence within one calendar year from the date the oath or affirmation was originally subscribed.

No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless the employee has taken and subscribed to the oath or affirmation required by this Section.

**Commented [WC96]:** The theory is that if they have not taken the oath they are not entitled to act on behalf of the City. While this language is technically true, this would be difficult to enforce.

**SECTION 13.12 PROOF OF CITIZENSHIP OR LOCAL RESIDENCY**

Any person appointed to a regular position shall be required to provide documentation to the City Administrator establishing identity and authorization to work in the United States, in accordance with applicable federal and state law.

**Commented [WC97]:** Cannot require proof of citizenship as a blanket rule unless it is a legal requirement. ICRA requires authorization to work.

**ARTICLE 14**

**PROBATIONARY PERIOD**

**Commented [WC98]:** Old Art. 10, p. 34.

**SECTION 14.01 PURPOSE OF PROBATIONARY PERIOD**

The probationary period is an integral part of the testing and selection process. It is intended to allow observation of the employee's work, to support the employee in adjusting to the position, and to provide an opportunity to release any probationary employee who does not meet performance expectations or is not a good fit for the City or the position. A probationary employee serves at-will and may be released at any time during the probationary period, with or without cause, and without the procedural protections afforded to permanent employees.

**SECTION 14.02 PROBATIONARY PERIODS FOR INITIAL AND PROMOTIONAL APPOINTMENTS**

**A. Initial Appointments.** All regular appointments, whether full-time or part-time, are tentative and subject to a probationary period of at least six (6) months, unless otherwise specified by an applicable Memorandum of Understanding, Administrative Policy, or Employment Agreement. The probationary period begins on the effective date of appointment to a regular position

**Commented [WC99]:** There is no minimum period set forth in the former language, rather it defers to MOUs or Admin Policies. I submit we set a minimum, whether it is 6 months or a year. MOUs would prevail if conflicting. Many cities do a 12 month probationary period.

**B. Promotional Appointments.** Employees promoted to a higher classification shall serve a probationary period of at least six (6) months in the new position, unless otherwise specified by an applicable Memorandum of Understanding, Administrative Policy, or Employment Agreement. The probationary period begins on the employee's first day in the new position.

**Commented [WC100]:** Note that the former language only impliedly included promotional probation: "All regular appointments..." but it clearly contemplates promotional probation in later sections.

**C. Effective Date.** Time served in other classifications, or in provisional, extra-help, temporary, emergency, or acting appointments, does not count toward the probationary period. Likewise, service in a part-time capacity is not credited toward completion of the probationary period for a full-time position.

**SECTION 14.03 EXTENSION OF PROBATIONARY PERIOD**

**A. Extension of Probationary Appointment.** As an alternative to the release of a probationary employee, the probationary period may be extended for additional periods, normally not to exceed a total of six (6) additional months absent extenuating circumstances. An extension of the probationary period must be approved in writing by the City Administrator.

**Commented [WC101]:** Old Section 10.03, p. 34.

**B. Unpaid Leaves of Absence.** Leaves of absence without pay shall not count toward completion of the probationary period. The probationary period will be automatically extended by the number of unpaid leave days that exceed one pay period.

**C. Extensions for Absences Preventing Evaluation.** If the probationary employee is not on an unpaid leave of absence but the City is otherwise unable to conduct a meaningful evaluation of the employee's performance of the essential functions of the position due to injury, leave, or modified duty, the Department Head may request, and the City Administrator may approve, a pause or extension of the probationary period for a period sufficient to permit proper evaluation.

**Commented [WC102]:** To account for workers' compensation. An employee may be injured early in the probationary period and be on modified duty.

**SECTION 14.04 RELEASE FROM PROBATION**

**Commented [WC103]:** Old Section 10.04, p. 34.

**A. Probationary Appointment.** With the written approval of the City Administrator, a probationary employee may be released from employment at any time during the probationary period, with or without cause. Such release shall not be subject to appeal. The effective date of termination shall not extend beyond the last day of the probationary period.

**B. Probationary Promotion.** An employee who does not successfully complete the probationary period in a promoted position shall be reinstated to their previous position if a vacancy exists, unless the employee is dismissed from City service for cause.

**ARTICLE 15**

**CHANGES IN EMPLOYMENT STATUS**

**SECTION 15.01 ATTAINMENT OF PERMANENT STATUS**

An employee appointed to a position shall attain permanent status in the classification upon successful completion of the probationary period as set forth in Article 14 or in the applicable Memorandum of Understanding.

**SECTION 15.02 EMPLOYEE STATUS AFTER PROMOTION**

An employee who has been promoted and successfully completes the designated probationary period in the new classification as set forth in Article 14 or the applicable Memorandum of Understanding shall gain attain regular status in that classification.

**SECTION 15.03 EMPLOYEE TRANSFER**

At the discretion of the City Administrator, an employee may be transferred to another position in the same classification or a comparable classification at the same salary level when it is in the best interest of the City.

Whenever possible, and except when waived by the employee, the employee being considered for transfer shall be notified at least five (5) calendar days in advance of the effective date of the transfer.

**SECTION 15.04 EMPLOYEE DEMOTION**

**A. Reasons for Demotion.** An employee may be demoted at their request, as a result of a reduction in force or other organizational needs, or for disciplinary reasons.

**B. Voluntary Demotion.** A permanent regular employee may request a demotion by submitting a written request to the City Administrator, who retains full discretion over the approval of such requests.

Voluntary demotions may be made to a vacant position or by a downgrade within the same position, when recommended by the Department Head and approved in writing by the City Administrator.

No employee may voluntarily demote to a position for which they do not meet the minimum qualifications, and no employee has a right to voluntarily demotion, regardless of whether they meet the minimum qualifications.

**ARTICLE 16**

**LAYOFF**

Commented [WC104]: Old Art. 13, p. 36.

**SECTION 16.01 INTENT AND NOTIFICATION**

**A. Statement of Intent.** Whenever the City Council determines it is necessary to abolish a position or employment, the employee holding that position may be laid off or demoted without disciplinary action and without the right to appeal.

**B. Employee Notification.** Whenever possible, employees shall be given at least fourteen (14) calendar days' written notice of a layoff.

**SECTION 16.02 REDUCTION IN FORCE AND EMPLOYEE DISPLACEMENT RIGHTS**

**A. Demotion to Vacancy.** When a reduction in the workforce occurs, the City Administrator shall first consider demotion for employees scheduled for layoff, placing them in a lower classification vacancy for which they are qualified, if available.

**B. Employee Displacement Rights.** Employees affected by layoff may displace employees in the same department who have less seniority in a lower classification within the same classification series (Skilled Maintenance Worker to a Maintenance Worker) or in a lower classification in which they previously held permanent status. For purposes of this section, seniority includes all periods of full-time service at or above the classification level where the layoff occurs. Any periods of leave without pay or absences due to disciplinary action shall not be counted toward seniority for purposes of this section.

**Commented [WC105]:** Old Sections 13.04, 13.05, p. 36-37.

**Commented [WC106]:** This version of seniority seemingly only credits employee for time in that position to be laid off or higher. Alternatively, he could be credited for time at or above the position he is bumping to.

For instance, a Skilled MW who wants to bump to a regular MW should get seniority credit for the time he spent as a regular MW and time spent as a Skilled MW.

In order to displace a former or lower classification, an employee must have more seniority than at least one incumbent in the target classification and must submit a written request for displacement to the City Administrator within five (5) working days of receiving notice of layoff. Employees exercising displacement rights shall be placed at the salary step that results in the least loss of pay. In no case shall the salary exceed the amount received in the classification from which the employee was laid off.

**C. Probation Following Displacement.** Employees displacing into a lower or comparable classification shall serve a probationary period in the new classification unless they have previously successfully completed a probationary period in the classification or a classification in the classification series.

**SECTION 16.03 LAYOFF PROCEDURES**

**A. Order of Layoff.** In each classification, employees shall ordinarily be laid in the following order of employment status: temporary, provisional, part-time, probationary and regular full-time.

**Commented [WC107]:** Old Section 13.06(A), p. 37.

Temporary, provisional, part-time, and probationary employees shall be laid off based on the needs of the City, as determined by the City Administrator.

**B. Order of Layoff within Classification.** In cases where two or more regular employees occupy the classification from which the layoff is to be made, such employees shall be laid off based on their most recent evaluation rating within the classification, provided the evaluation has been on file for at least thirty (30) days and no more than twelve (12) months prior to layoff as follows:

**Commented [WC108]:** Old Section 13.06(B). I added the first, second, third, and lastly language for clarity.

1. First, all employees having an overall rating of "unsatisfactory or needs improvement" or the equivalent;
2. Second, all employees having an overall rating of "standard," "meets expectations," or the equivalent;

3. Third, all employees having an overall rating of “superior,” or “exceeds expectations” or the equivalent;

4. Lastly, employees having an overall rating of “outstanding,” or “exceptional” or the equivalent.

**Commented [WC109]:** This is new language intended to give structure to considering employee evaluations within a class.

**C. Limited Consideration of Seniority.** For layoff purposes, the City Administrator may consider the relative seniority of employees only when the qualifications and abilities of the affected employees are substantially equal.

**Commented [WC110]:** Old Section 13.06(C), p. 37.

**SECTION 16.04 REEMPLOYMENT LIST**

**Commented [WC111]:** Old Section 13.07, p. 37.

The names of employees laid off or demoted in accordance with these Personnel Rules shall be placed on a reemployment list. Reemployment lists from different departments, or compiled at different times for the same classification, shall be combined into a single list.

**Commented [WC112]:** Do we want lists from different departments combined?

The City Administrator shall use the reemployment list to fill vacancies in the same or lower classification before certification is made from an eligible list.

Upon reinstatement, a former employee shall be subject to the probationary period prescribed for the classification. Upon the recommendation of the department head, the City Administrator may grant the reinstated employee credit for prior service in computing salary, vacation and sick leave accrual, and other benefits.

**SECTION 16.05 DURATION OF REEMPLOYMENT LIST**

**Commented [WC113]:** Old Section 13.08, p. 38.

The names of employees laid off shall remain on the reemployment list for one (1) year, except that employees appointed to regular positions of the same level from which they were laid off shall be removed from the list upon reappointment. Individuals who refuse reemployment shall also be removed from the list. Employees reemployed in a lower classification or on a temporary basis shall remain on the list for the higher classification for the duration of the one (1) year.

**ARTICLE 17**

**LEAVES OF ABSENCE WITH PAY**

**Commented [WC114]:** Old Art. 14, p. 38.

**SECTION 17.01 BEREAVEMENT LEAVE**

**Commented [WC115]:** Labor Code 12945.7 mandates 5 unpaid days for bereavement, or 2 additional unpaid days. Added 30 day/ 12-month time constraints.

**A. Paid Bereavement Leave.** Employees who have been employed by the City for at least thirty (30) days are eligible for up to three (3) scheduled workdays of paid bereavement leave once per twelve (12)-month period, measured on a rolling basis from the date the bereavement leave is first taken, upon the death of a qualifying family member. Time off taken during paid bereavement leave shall not affect the employee’s accrual of vacation, sick leave, or other benefits.

**B. Unpaid Bereavement Leave.** Employees who have been employed by the City for at least thirty (30) days are eligible for up to two (2) additional scheduled workdays of

unpaid bereavement leave during the same twelve (12)-month period, measured on a rolling basis from the date the bereavement leave is first taken, in accordance with California law. An employee may elect to use accrued vacation, sick leave, compensatory time, or other available paid leave in accordance with applicable policies, these Personnel Rules, or any applicable memoranda of understanding.

**Commented [WC116]:** The 12 months is how much time an employee may take in the period measured from the first time it is taken. The three months below is per family member.

**C. Qualifying Family Members.** For purposes of this Section, a qualifying family member includes a spouse or domestic partner, child, parent, sibling, grandparent, grandchild, parent-in-law, or a designated person, defined as an individual related by blood or whose association with the employee is the equivalent of a family relationship, limited to one (1) designated person per twelve (12)-month period.

**D. Notification and Documentation.** Employees should notify their supervisor, Department Head, or the City Administrator as soon as practicable of the need for bereavement leave. The City may require reasonable documentation of the death.

**E. Limitations.** Bereavement leave need not be taken consecutively but must be taken within three (3) months of the date of death, or, if the employee is on another type of leave at the time of death, within three (3) months of the employee's return to work.

SECTION 17.02 **JURY DUTY**

**Commented [WC117]:** Old Section 14.02, p. 38.

**A. Eligibility and Notice.** Each probationary or permanent full-time or part-time employee who is required to report for jury duty shall be granted a leave of absence upon presentation of the jury duty notice to the Department Head. Employees are encouraged to provide advance notice of jury duty whenever possible.

**B. Compensation.** Employees shall receive full pay for time served on jury duty that falls within their regular assigned work hours. Any fees received from the court for jury service, including compensation, mileage, and subsistence allowances, shall be retained by the employee.

**C. Verification.** Employees summoned to jury duty must provide evidence of the summons and documentation of the actual days served to the Department Head, who shall forward such information to the City Administrator.

SECTION 17.03 **SUBPOENA**

**Commented [WC118]:** Old Section 14.03, p. 38.

Employees shall receive full pay for court appearances required for their official duties when subpoenaed, provided that all fees received for such appearances are remitted to the City. Compensation for mileage, subsistence allowances, or other reimbursable expenses shall not be considered fees and may be retained by the employee..

SECTION 17.04 **MILITARY LEAVE OF ABSENCE**

**Commented [WC119]:** Old Section 14.04, p. 39.

Note that CA Military and Veterans Code 395.01 and Govt. Code 19775 sets forth compensation requirements for military leave for public employees. In some circumstances, the City must pay them for the first 30 days of certain types of military leave. It also provides that the City "may" pay them for a longer period. Rather than recite the rules here, I left it at "we will comply with the law."

**A. Eligibility.** Military leave shall be granted in accordance with all applicable state and federal laws, and employees shall receive pay and benefits to the extent required by law during the period of military leave.

**B. Notice and Scheduling.** Employees entitled to military leave shall provide their Department Head and the City Administrator an opportunity, within the limits of military regulations, to coordinate the timing of such leave. Whenever possible, employees should notify their Department Head at least thirty (30) calendar days in advance of the requested leave start date.

**C. Documentation.** To qualify for military leave, employees must present official military orders to their Department Head.

**SECTION 17.05 WORK-RELATED DISABILITY LEAVE**

**Commented [WC120]:** Old Section 14.05, p. 39.

**A. Filing of Workers' Compensation Claims.** Employees must promptly report all work-related injuries or illnesses and file a Workers' Compensation claim form as soon as possible, and no later than thirty (30) days after the injury or illness is discovered. Failure to timely report an injury or file a claim may result in a delay or denial of benefits. Employees are responsible for providing accurate and complete information regarding the injury to ensure proper processing of their claim.

**B. Use of Sick Leave During Initial Three-Day Waiting Period.** Whenever a regular full time employee, other than an employee subject to the provisions of Labor Code section 4850 et seq. (Police and Fire), is directed by the employee's physician to be absent from duty due to an injury arising out of and in the course of employment, the employee shall receive sick leave compensation for the first three (3) calendar days of such absence, provided the employee has sufficient accrued sick leave to cover the period.

**Commented [WC121]:** The Labor Code provides that the 1<sup>st</sup> 3 days off are not compensated unless the temporary disability lasts more than 14 days or the employee is hospitalized. I believe that is what this Section intended to address.

If the employee's work-related disability continues for more than fourteen (14) calendar days, or if the employee is hospitalized, the first three (3) days of absence shall be compensated in accordance with the Workers' Compensation Act.

**C. Supplementing Temporary Disability.** Beginning with the fourth calendar day of such absence, the employee may elect to supplement workers compensation temporary disability benefits with prorated accrued sick leave in an amount sufficient to bring the employee's total compensation up to, but not exceeding, the employee's regular base pay.

After exhausting accrued sick leave, an employee may use any accumulated compensatory time off, accrued holiday leave, or vacation leave in the same manner.

**D. Disability Leave for 4850 Employees.** Employees covered by Labor Code section 4850 et seq. (police and fire) shall not have any portion of their work-related disability leave charged against accrued sick leave while they are receiving 4850 benefits. Once 4850 leave is exhausted, the employee may continue to receive pay by using accrued sick leave first, followed by compensatory time off, accrued holidays, and vacation leave, in that order, until all such leave is exhausted.

**Commented [WC122]:** 4850 is full base salary replacement.

**E. Misuse of Temporary Disability Leave.** Employees who are found to abuse or fraudulently use the temporary disability program described above shall be subject to disciplinary action up to and including termination from City service.

**F. Physicians' Reports.** An employee using these temporary disability provisions must provide the Department Head and City Administrator with a copy of the attending physician's report, including a description of the nature and anticipated duration of the disability. The employee may be required to undergo physical, psychological, or other medical examinations as directed by the City or its workers' compensation claims administrator.

Employees are required to provide the Department Head and City Administrator with updates on their medical condition at intervals designated by the City Administrator. Such updates must be limited to information necessary to assess the employee's ability to perform job duties or to manage leave, consistent with applicable privacy and disability laws.

**G. Leave Accrual During Temporary Disability.** An employee using these temporary disability provisions shall continue to accrue vacation, holidays, and sick leave while receiving temporary disability payments under California Workers' Compensation Law or while otherwise in paid status with the City.

**Commented [WC123]:** Changed "workers' compensation payments" to "temporary disability payments". The injured worker may continue to receive permanent disability after separation.

**ARTICLE 18**

**LEAVES OF ABSENCE WITHOUT PAY**

**Commented [WC124]:** Old Art. 15, p. 40.

**SECTION 18.01 AUTHORIZATION FOR LEAVE OF ABSENCE WITHOUT PAY**

Employees are not entitled to a leave without pay except as required by law.

**A. Leave Requests.** Under special circumstances, requests for leaves of absence without pay may be granted by the City Administrator for a period of up to one (1) year. An employee must submit a written request to for any unpaid leave of absence to the City Administrator.

**B. Medical Leave.** A medical leave of absence without pay shall not be authorized until the employee has exhausted all accrued leave balances, except where otherwise required by law or by an applicable Memorandum of Understanding.

**C. Personal Leave.** A personal leave of absence does not permit the use of accrued sick leave.

**SECTION 18.02 EARLY RETURN FROM AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY**

Employees may request permission from the City Administrator to return from an authorized leave of absence without pay before the scheduled expiration of the leave. Such requests may be granted at the sole discretion of the City Administrator, taking into account the operational needs of the City.

SECTION 18.03 STATUS OF EMPLOYEE ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY

**A. Continuity of Service.** An authorized leave of absence without pay shall not be construed as a break in service, except as noted below. Rights accrued as of the time the leave is granted shall be retained by the employee.

**B. Benefits During Unpaid Leave.** Employees on an authorized leave of absence without pay shall not accrue benefits, including but not limited to, health/medical insurance, life insurance, vision care, dental care, vacation, sick leave, holidays, retirement, and payments for special assignments if the leave period exceeds one pay period.

Employees and their dependents may continue health/medical insurance by paying the premiums for the duration of the leave on a monthly, advance basis. The premium paid by the employee must reflect the current COBRA (California Omnibus Budget Reconciliation Act) rate and be received by the City at least one week before the beginning of the covered month.

**C. Return to Employment.** An employee returning from an authorized leave of absence without pay shall retain the same status and be placed at the same salary step in the pay range for their classification as was in effect at the commencement of the leave.

**D. Service Credit.** Time spent on an authorized leave of absence without pay shall not count towards service, and the employee's service and anniversary dates shall be adjusted forward by the total period of the absence.

SECTION 18.04 FAILURE TO RETURN FROM AUTHORIZED LEAVE OF ABSENCE

Failure of an employee to return to his/her employment upon the expiration of any authorized leave of absence without pay shall constitute an automatic resignation from City Service. If the employee can show proof that there was good cause for the failure to return upon the expiration of the authorized leave of absence, the City Administrator may authorize an extension of said leave.

**ARTICLE 19**

**VACATION AND SICK LEAVE**

Commented [WC125]: Old Art. 16, p. 42.

SECTION 19.01 VACATION ACCRUAL

**A. Accrual Based on Length of Continuous Service.** Each probationary and full-time employee shall accrue vacation benefits based on their length of continuous service and in accordance with the provisions of any applicable Memorandum of Understanding or employment agreement.

**B. Proportional Accrual.** Each probationary and permanent employee shall accrue vacation in proportion to their scheduled hours of work per week relative to the standard

full-time work week; however, the total vacation hours accrued shall not exceed the amount provided to full-time employees. Vacation accrual shall also be governed by the provisions of any applicable memoranda of understanding or employment agreement.

**C. Exclusion From Vacation Accrual.** Provisional, temporary, extra-help, and emergency employees shall not accrue vacation benefits.

**SECTION 19.02 MAXIMUM VACATION ACCRUAL**

When an employee reaches the maximum number of vacation hours allowed under the applicable Memorandum of Understanding or employment agreement, vacation accrual shall cease. Accrual may continue beyond the maximum only if the employee obtains written approval from the City Administrator to increase their maximum vacation balance.

**SECTION 19.03 TIME OF VACATION**

Employees may request dates for vacation, but all vacation schedules are subject to the approval of the City Administrator, upon the recommendation of the Department Head, with due consideration for the operational needs of the City and the preferences of the employee.

**SECTION 19.04 HOLIDAYS FALLING DURING VACATION**

When a holiday or day observed in lieu of a holiday falls on a day an employee is scheduled to be on vacation, the day shall not be charged as against the employee's vacation balance. The employee shall receive holiday pay for that day and shall neither be paid vacation nor have vacation hours deducted.

**SECTION 19.05 ILLNESS OR ACCIDENT DURING VACATION**

An illness or accident that occurs during a regularly approved and scheduled vacation period may be converted to sick leave if approved in writing by the City Administrator, provided that the employee immediately submits the following to their Department Head upon return to duty:

1. A written request to convert the vacation time to sick leave; and
2. A written statement signed by the employee's attending physician certifying the nature of the illness or injury and dates which the employee was physically unable to work.

**SECTION 19.06 PAYMENT FOR LEAVE BALANCES UPON TERMINATION**

Unless otherwise provided in an applicable Memorandum of Understanding or employment agreement, an employee who separates from City employment shall be compensated at their current rate of pay for any vacation, CTO, holiday, and other similar leave balances accrued but not used as of the date of separation. In accordance with California law, and unless otherwise prescribed by applicable Memorandum of

Understanding, unused sick leave balances and similar leave balances are not eligible for cash-out upon separation, in order to encourage employees to use it for their health and well-being.

SECTION 19.07 PURPOSE AND ELIGIBILITY FOR SICK LEAVE

**A. Purpose.** The purpose of this section is to provide employees with continuity of pay when they are unable to perform the duties of their position due to illness, injury, or the need for medical care as set forth in Section 16.08. Sick leave is a not a vested property right; therefore, accrued sick leave has no cash value and will not be paid out upon termination from employment.

**B. Eligibility.** The City provides paid sick leave to eligible employees in accordance with California law. Paid sick leave is available to full-time, part-time, and temporary employees who meet the following requirements:

1. The employee has worked for the City for at least thirty (30) days within one year from the commencement of employment; and
2. The employee has completed a ninety (90) calendar day employment period before using accrued sick leave.

**C. Notification.** Any employee requesting sick leave shall notify their supervisor or department no later than one hour after the start of their work shift, or immediately upon becoming ill during work hours, unless otherwise specified by the Department Head.

**D. Incompatible Activities and Leave Abuse.** No employee on sick leave shall engage in work or activities that could hinder their recovery or ability to perform assigned duties.

While the City encourages legitimate use of sick leave, it may review patterns of use, such as repeated absences immediately before or after weekends, holidays, or scheduled days off, to ensure compliance with applicable law and City policy. If a pattern raises reasonable concerns about improper use, the City may require verification or take other appropriate action consistent with the law, these Personnel Rules, and any applicable memoranda of understanding.

Employees are expected to use sick leave only for purposes permitted by law and City policy. Misuse or abuse of sick leave, including misrepresenting the reason for leave, may result in disciplinary action.

SECTION 19.08 SICK LEAVE USE

An employee with accrued sick leave may use it for the following purposes:

1. To recover from physical or mental illness or injury; or
2. To seek medical diagnoses, treatment, or preventative care for an employee or the employee's family; or

**Commented [WC126]:** Note that Section 6.16 states: "An employee who resigns, is laid off, or is dismissed from City service shall be compensated for unused sick leave per their MOU or Administrative Policy."

My reading is that, consistent with standard practice in California, **sick leave generally has no cash value upon separation**, and non-payment is the norm unless specifically provided for in a memorandum of understanding (MOU) or administrative policy. That said, others might interpret the language differently

**Commented [WC127]:** WPC: Check internal Citation.

**Commented [WC128]:** Sick leave is a right, but not a property right.

**Commented [WC129]:** This is not required, and we'd need to enforce this policy carefully, but it would give us a mechanism to proceed in the case of sick leave abuse.

**Commented [WC130]:** Old Section 16.08, p. 42 (much expanded).

3. Enforcement quarantine of the employee in accordance with community health regulations; or
4. To care for a family member who is ill or needs medical diagnosis, treatment, or preventative care, with a maximum of fifteen (15) days of family sick leave taken per calendar year; or
5. Medical, vision and dental appointments which cannot be scheduled at other than work hours; or
6. As salary supplementation while temporarily disabled for a work-related injury. (See Section 17.05.); or
7. Employees may use accrued sick leave for the purposes authorized under Labor Code section 246.5 and Government Code section 12945.8, including:
  - a) Jury duty, if not paid pursuant to Section 17.02.
  - b) Legal protection: If the employee is a victim of domestic violence, sexual assault, or stalking and must appear in court to comply with a subpoena or court order, or to obtain a temporary restraining order, restraining order, or other injunctive relief to ensure the health, safety, or welfare of the employee or their child, including protecting family members.
  - c) Medical care: Seeking medical treatment for themselves or assisting a family member in obtaining medical care or recovering from injuries.
  - d) Victim services: Accessing domestic violence shelters, rape crisis centers, or other victim service organizations.
  - e) Mental health care: Receiving psychological counseling or mental health services.
  - f) Safety planning: Taking steps to prevent future violence.
  - g) Relocation: Moving or securing new housing, or enrolling children in school or childcare as a result of violence.
  - h) Caregiving: Providing care for a family member recovering from injuries.
  - i) Legal services: Seeking civil or criminal legal assistance for themselves or a family member.
  - j) Court proceedings: Preparing for, attending, or participating in legal proceedings related to victimization.

- k) Child or dependent care: Preparing for, attending, or participating in legal proceedings related to victimization.

SECTION 19.09 SICK LEAVE ACCRUAL

Commented [WC131]: Old Section 16.09, p. 44.

Sick leave accrues at the rate specified in the employee's applicable Memorandum of Understanding, Administrative Policy, or employment agreement, but in no case shall it accrue at less than one (1) hour of paid sick leave for every thirty (30) hours worked. Sick leave shall be calculated based on the employee's regular work schedule, as required by California law.

Probationary, provisional, temporary, and permanent part-time employees who work for the City for thirty (30) or more days within a year shall accrue paid sick leave at a rate of not less than one (1) hour for every thirty (30) hours worked. Such employees shall be entitled to use accrued paid sick leave beginning on the ninetieth (90th) day of employment. In no event shall the total annual accrual for part time, provisional, or temporary employees exceed the number of hours allowed for full-time employees.

Commented [WC132]: Policy formerly stated provisional and temp. employees do not accrue sick leave. The new law is that they do. I set the minimum per Labor Code 246.

SECTION 19.10 MAXIMUM ACCRUAL OF SICK LEAVE

Commented [WC133]: Old Section 16.10, p. 44.

Employees may accrue sick leave without limit unless otherwise specified in the applicable Memorandum of Understanding, administrative policy, or employment agreement.

An employee may continue to accrue sick leave while receiving disability benefits for a work-related injury as set forth in Section 17.05, or as specified in an applicable Memorandum of Understanding.

SECTION 19.11 SICK LEAVE DOCUMENTATION

For absences more than three (3) consecutive workdays, the City may request reasonable documentation verifying the need for sick leave. With due regard to employees' privacy and safety, such documentation may include certification from a healthcare provider, a court subpoena or notice, or verification from a counselor.

Commented [WC134]: This is probably OK, but we need to be careful. The PSL (LC 246.5) and Kin Care (LC 233) allows "reasonable documentation," which can include self-certification. Crime Victim Leave (LC 230, 230.1) allows employers to verify the absence is for a legitimate purpose.

SECTION 19.12 EXPIRATION OF SICK LEAVE

**A. Expiration of Sick Leave.** If an employee's illness continues after the expiration of sick leave, the absence shall be charged to compensatory time off, accumulated holidays, and vacation, in that order.

I submit that we need a mechanism to ask for verification when leave is egregious, but they should be on a case-by-case basis with input from WB.

**B. Leave of Absence Without Pay for Recovery.** Upon exhaustion of sick leave, compensatory time off, accumulated holidays, and vacation, an employee may request a leave of absence without pay to recover from illness pursuant to Article 18 (Leaves of Absences without Pay). The request must be submitted to the employee's Department Head for referral to and consideration by the City Administrator and include a written explanation of the illness and an estimate of the time required for recovery, signed by the employee's physician.

Commented [WC135]: Old Section 16.12.

**SECTION 19.13 MEDICAL RELEASE AND EXAMINATION AFTER SICK LEAVE**

Prior to returning to duty, an employee who has been on sick leave or a leave of absence may be required to provide a fitness-for-duty certification or undergo a physical, medical, and/or psychological examination as directed by the City Administrator in accordance with Section 5.03. The results of such examination shall be used solely to determine the employee’s ability to perform the essential functions of the position, with or without reasonable accommodations. The costs of such examinations shall be borne by the City, and all medical information will be maintained confidentially in accordance with applicable law.

**Commented [WC136]:** Steve, Sarah and I considered removing this entirely since leave by itself normally would not be enough to order a fitness for duty, as we’ve recently discussed. However, the leave could be a factor in making the determination, but we’d ultimately need a reasonable belief the employee’s medical condition may affect job performance or safety. I left it because we may want to rely on it, but it should be a case-by-case determination.

**SECTION 19.14 HOLIDAYS FALLING DURING SICK LEAVE**

When a holiday, or a day observed in lieu of a holiday, occurs on a day for which an employee is on approved sick leave, the employee shall not be charged sick leave for that day. The employee shall be compensated for the day as a holiday, and no sick leave shall be deducted.

**SECTION 19.15 RELEASE FROM EMPLOYMENT OR REDUCTION IN RANK DUE TO PHYSICAL OR MENTAL DISABILITY**

When an employee is unable to perform the essential duties of their position due to illness or injury, whether work-related or non-work-related, the City will engage in a good faith interactive process to explore reasonable accommodations. If, after this process, the City determines that no reasonable accommodations can enable the employee to perform the essential duties, or if the employee declines the offered accommodations, the City may separate the employee from employment.

**Commented [WC137]:** Old Section 16.15, p. 45.

**SECTION 19.16 PAYMENT FOR SICK LEAVE UPON TERMINATION**

An employee who separates from City service shall not be compensated for unused sick leave, except as expressly provided in an applicable Memorandum of Understanding, Administrative Policy, or employment agreement.

**Commented [WC138]:** The former version deferred to the MOU, but seemingly indicated that sick leave is generally payable upon separation. The proposed version provides a default that sick leave is not compensated upon separation unless authorized by MOU.

**ARTICLE 20**

**FAMILY AND MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)**

**SECTION 20.01 PURPOSE AND APPLICABILITY**

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees with up to twelve (12) workweeks (480 hours) of unpaid, job-protected leave within a twelve-month period for qualifying reasons, including the employee’s own serious health condition; care for a seriously ill family member; bonding with a newly born, adopted, or foster child; or participation in a qualifying exigency related to a family member’s military deployment to a foreign country.

**Commented [WC139]:** The FMLA applies to employers with fewer than 50 employees. However, the RMA suggests including it to allow room for growth. Also, the requirements are not more onerous than the CFRA and they run concurrently for the most part.

**Commented [WC140]:** Mandatory. 29 C.F.R. 825.300.

**SECTION 20.02 ELIGIBILITY**

To be eligible for FMLA/CFRA leave, an employee must meet both of the following requirements:

1. The employee must have been employed by the City for at least twelve (12) months; and
2. The employee must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the FMLA/CFRA leave. (Accrued leave hours, such as vacation or sick leave, do not count toward this total.)

**SECTION 20.03 QUALIFYING REASONS**

FMLA/CFRA leave may be taken only for the following reasons, in accordance with the requirements prescribed by law:

1. The birth of a child, or the placement of a child with the employee for adoption or foster care, and to bond with the child;
2. To care for a child, parent, spouse, registered domestic partner, or designated person<sup>1</sup>, with a serious health condition (as defined by law);  
or
3. The employee’s own serious health condition that renders the employee unable to perform the essential functions of their position.
4. To care for a covered servicemember with a serious illness or injury or injury (FMLA only);
5. Certain qualifying exigencies related to a covered family member’s military service (FMLA only).

**SECTION 20.04 AMOUNT OF LEAVE**

Eligible employees are entitled to up to twelve (12) workweeks of leave during a designated twelve-month period, as defined by City policy, for qualifying reasons under FMLA and/or CFRA. Employees may take FMLA/CFRA leave on a continuous or intermittent basis, as supported by a health care provider’s medical certification.

Where leave qualifies under both FMLA and CFRA, the leave shall run concurrently, to the extent permitted by law.

**Commented [WC141]:** For instance, 4850 leave and military/exigency leave under the FMLA do not run concurrently.

<sup>1</sup> Pursuant to the California Family Rights Act (CFRA), a “designated person” is any individual who is related to the employee by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the leave is requested. For purposes of CFRA leave, the City may limit an employee to one designated person per twelve-month period.

SECTION 20.05 PAID AND UNPAID LEAVE AND BENEFITS

**A. Use of Leave Balances.** FMLA/CFRA leave is generally unpaid. To remain in paid status, employees are required to concurrently use and exhaust all available accrued paid leave, such as sick leave, vacation, compensatory time, or other applicable leave, in accordance with this policy, applicable Memoranda of Understanding, and the law.

Employees on paid leave will continue to accrue sick leave and vacation leave at their normal rate. Employees on unpaid leave will not accrue any leave.

Leave shall be used in the following order unless otherwise permitted by law or the terms of a disability plan:

1. Employee's own serious health condition. Sick leave must be used first, followed by vacation leave, then any other accrued time off.
2. Serious health condition of a family member or designated person. The employee may elect to use sick leave. If the employee does not elect to use sick leave, vacation leave must be used first, followed by any other accrued paid time off other than sick leave.
3. Birth of a child or placement for adoption or foster care. Vacation leave must be used first, followed by any other accrued paid time off other than sick leave.
4. Qualifying military-related exigency. Vacation leave must be used first, followed by any other accrued paid time off other than sick leave.
5. Caring for a covered service member. The employee may use sick leave. If sick leave is not elected, vacation leave must be used first, followed by any other accrued paid time off other than sick leave.

**B. Benefits.** During approved FMLA/CFRA leave, the City shall maintain the employee's group health benefits on the same terms and conditions as if the employee were actively working, provided the employee continues to make any required employee contributions.

The City may recover the portion of the group health plan premiums it paid on behalf of an employee if the employee fails to return to work at the end of the approved leave period. Recovery will not occur if the employee's failure to return is due to the continuation, recurrence, or onset of a serious health condition that qualifies for FMLA/CFRA leave or other circumstances beyond the employee's control.

**C. Exhaustion of Leave.** Employees who wish to take leave beyond the family, medical, or military caregiver leave provided under this policy may request a leave of absence with pay, using accrued leave, or a leave of absence without pay pursuant to Article 18. Such leave requests will be granted in accordance with the applicable Memorandum of Understanding and these Personnel Rules.

SECTION 20.06 NOTICE AND CERTIFICATION

**A. Leave Request.** An employee requesting FMLA/CFRA leave must submit a completed leave request to the City Administrator at least 30 days before the leave is scheduled to begin. In the event of an unforeseen circumstance or sudden incapacitation, the employee or the employee's authorized representative must notify the City Administrator as soon as the need for leave becomes known.

**B. Medical Certification.** The City may require medical certification or other documentation supporting the need for leave, as permitted by law. Failure to provide required certification may result in delay or denial of leave protection.

**C. Certification Dispute.** If the City has a good-faith reason to question the validity of an employee's medical certification, the City may require a second opinion from a health care provider selected and paid for by the City. If the second opinion conflicts with the first, the City may require a third opinion from a provider mutually approved by the City and the employee, with costs covered by the City. The third opinion will be binding. Copies of the second and third opinions will be provided to the employee, upon request, at no cost.

SECTION 20.07 RETURN TO WORK AND DISABILITY

**A. Reinstatement.** Upon timely return from approved FMLA/CFRA leave, an employee shall be reinstated to the same or a comparable position, subject to applicable legal exceptions. Employees returning from leave for their own serious health condition may be required to provide a fitness-for-duty certification. (See Section 5.03.)

**B. Failure to Return to Work.** After a medical leave of absence, employees must return to work on the date designated by their medical provider. If the employee is unable to return on the scheduled date, they must notify the City Administrator or designee as soon as possible. Failure to return to work at the end of the authorized leave period will be considered a voluntary resignation.

**C. Disability.** If, upon returning from leave, an employee is unable to perform the essential functions of their position due to a physical or mental disability, the City will engage in an interactive process with the employee to identify a potential reasonable accommodation that would enable the employee to perform their job, in accordance with Article 5.

SECTION 20.08 COORDINATION WITH OTHER LEAVES

FMLA/CFRA leave shall run concurrently with other applicable leaves to the maximum extent permitted by law, including but not limited to workers' compensation leave and Pregnancy Disability Leave, as applicable.

SECTION 20.09 SUPERSEDING AUTHORITY

Nothing in this policy is intended to diminish any rights provided under the FMLA, CFRA, or other applicable law. In the event of a conflict between this policy and state or federal law, the law shall govern. Where an applicable Memorandum of Understanding provides greater benefits, the terms of the MOU shall control.

**ARTICLE 21**

**PREGNANCY DISABILITY LEAVE**

Commented [WC142]: Required. Govt. Code 12945.

**SECTION 21.01 PURPOSE AND APPLICABILITY**

The California Pregnancy Disability Leave (PDL) law provides eligible employees with an unpaid leave of absence if they are disabled by pregnancy, childbirth, or related medical conditions. PDL ensures that employees may take time off for medical care, recovery, or other pregnancy-related conditions while maintaining job protection and continued health benefits.

**SECTION 22.02 DISABILITY**

For purposes of PDL, an employee is considered “disabled” if, in the opinion of her health care provider, she is unable to perform one or more essential job functions, or can perform them only with undue risk to herself, her pregnancy, or others.

PDL may be taken for any period during which the employee is physically unable to work due to pregnancy or a pregnancy-related medical condition. Examples include:

- Prenatal care or treatment
- Severe morning sickness
- Doctor-ordered bed rest
- Childbirth and recovery from childbirth
- Other pregnancy-related medical conditions

**SECTION 22.03 LEAVE AMOUNT**

Eligible employees may take up to four (4) months (approximately 17 1/3 weeks) of Pregnancy Disability Leave (PDL) per pregnancy. For employees working less than a full-time schedule or on an alternate workweek, leave is calculated on a pro rata basis.

PDL may be taken continuously, intermittently, or on a reduced work schedule, as medically necessary. PDL runs concurrently with FMLA if the employee is eligible. CFRA leave for baby bonding may begin after the conclusion of PDL.

**SECTION 22.04 USE OF PAID LEAVE**

Pregnancy Disability Leave (PDL) is generally unpaid. Employees are required to use accrued sick leave, but may elect to use accrued vacation, compensatory time, or floating holidays. Employees may also be eligible for salary replacement through State

Disability Insurance (SDI), Paid Family Leave (PFL), or Short-Term Disability Insurance, as applicable.

The City will maintain group health coverage for the duration of PDL (up to four months) under the same terms and conditions as if the employee were actively working. Employees remain responsible for any employee-paid portion of premiums and other benefits, and contribution rates are subject to change during leave.

**SECTION 22.05 NOTICE AND MEDICAL CERTIFICATION**

Employees must provide as much notice as possible and submit a leave request through standard procedures. For foreseeable leave, at least 30 days' notice is required, including the estimated duration.

For planned medical treatment, employees should make reasonable efforts to schedule appointments to minimize disruption to City operations.

The City may require medical certification from the employee's health-care provider, including the reason for leave and the probable duration. Providers may not disclose the underlying diagnosis without the employee's consent.

**SECTION 22.06 ACCOMODATIONS WHILE WORKING**

If an employee is able to continue working with a reasonable accommodation, the City will provide such accommodation in accordance with the health care provider's recommendation. Examples may include transfer to a less strenuous or hazardous position or modification of job duties. (See Article 5.)

**SECTION 22.07 RETURN TO WORK**

Employees will ordinarily be reinstated to the same position or a comparable job, which will occur within two business days of notice to return or as soon as reasonably possible if two days is not feasible. The City may be excused from reinstating an employee for legitimate business reasons unrelated to PDL, such as layoffs.

**ARTICLE 23**

**PREGNANCY LACTATION BREAKS AND ACCOMODATION**

Commented [WC143]: Required. Govt. Labor Code 1031.

**SECTION 23.01 PURPOSE**

The City is committed to promoting a family-friendly work environment and recognizes the importance of supporting lactating employees.

This policy is established to:

- Promote a supportive work environment for lactating employees;
- Inform employees of their legal rights to request lactation accommodations;

- Advise employees of the City’s obligations to provide suitable lactation spaces; and
- Provide a clear process for requesting lactation accommodations.

This policy is intended to comply with California Labor Code §§ 1030 through 1034 and Government Code § 12945. In the event of a conflict between this policy and state or federal law, the law shall govern. Where an applicable Memorandum of Understanding provides greater benefits, the terms of the MOU shall control.

**SECTION 23.02 POLICY**

**A. Lactation Breaks and Scheduling.** The City shall provide lactating employees with:

1. Use of a lactation room or location; and
2. Reasonable break time to express breast milk.

Exempt employees:

- Time used for lactation breaks does not need to be recorded.

Non-exempt employees:

- May use regular paid rest periods or unpaid meal periods for lactation purposes.
- Supervisors are encouraged to allow flexible scheduling of rest periods whenever possible.
- Additional reasonable break time beyond regular periods will be unpaid if no work is performed.

Employees should provide their department with a regular lactation schedule to ensure space availability and adequate work coverage. If the schedule changes, employees shall notify their supervisor or Department Head to establish a revised schedule. If the City is unable to provide the requested break time or location, a written response will be provided to the employee.

**B. Temporary Lactation Locations.** Due to operational, financial, or space constraints, the City may provide temporary lactations stations. Temporary locations must:

- Not be a bathroom;
- Be in close proximity to the employee’s work area;
- Be shielded from view and free from intrusion;
- Comply with all applicable legal requirements.

**C. Notice and Access to Policy.** A copy of this policy, along with contact information for the City Administrator or Administrative Services Officer, will be provided to new

employees at the time of hire, employees approved for Pregnancy Disability Leave, and employees inquiring about parental or bonding leave.

**SECTION 23.03 LACTATION SPACE REQUIREMENTS**

Lactation rooms or locations must:

- Be close to the employee’s work area or field territory;
- Be shielded from view and free from intrusion;
- Not be a bathroom;
- Be safe, clean, and free from toxic or hazardous materials (per Labor Code §6382);
- Include a place to sit and a surface for a breast pump and personal items;
- Provide access to electricity or alternative power sources for breast pumps;
- May include an employee’s regular work area if it meets the above requirements;
- May be a multi-purpose room if it satisfies all requirements. Priority for lactation use is required while in use;
- Should have a lock;
- Be near a sink with running water and a refrigerator or alternative cooling device (e.g., City-provided cooler).

Departments should consult with the City Administrator or the City Attorney to ensure that lactation accommodations for field employees comply with all applicable laws and policies.

**SECTION 23.04 RESPONSIBILITIES**

**A. Employees.** Employees are responsible for notifying their department of lactation accommodation requests in advance, either verbally or in writing; notifying the City Administrator or Administrative Services Officer of any issues with lactation accommodations; informing their department of any changes to their lactation schedule or when the accommodation is no longer needed; and reporting any harassment, discrimination, or retaliation.

**B. Department Heads and Supervisors.** Department heads, designees, and supervisors are responsible for being familiar with this policy, assisting in identifying appropriate lactation locations, and communicating accommodation requests to the City Administrator or Administrative Services Officer for coordination.

**C. City Administrator and Administrative Services Officer.** The City Administrator or Administrative Services Officer is responsible for maintaining confidential records of accommodation requests and related communications in the employee’s medical file, providing copies of accommodations to the department, and ensuring compliance with this policy.

**Commented [WC144]:** Steve: I thought the ASO would be a good person to help the CA administer this. We could change it to “designee.”

**SECTION 23.05 DEFINITIONS**

**Meal Break:** A 30–60-minute break as defined under FLSA and applicable MOUs.

**Reasonable Time:** Time required to express milk, including travel to/from the lactation location, set-up/clean-up, and storage of milk.

**Rest Break:** A paid 15-minute break as defined under FLSA and applicable MOUs or Personnel Rules.

**Retaliation:** Any adverse action against an employee requesting or using lactation accommodations, including filing complaints.

**SECTION 23.06 PROCEDURE FOR REQUESTING ACCOMMODATION**

**A. Requesting Lactation Accommodation.** Employees must submit a completed Lactation Accommodation Request to their supervisor and the City Administrator or Administrative Services Officer at least five (5) business days before the requested start date, including any additional break time needed beyond regular rest or meal periods and an anticipated lactation schedule, and must promptly notify their supervisor and the City Administrator or Administrative Services Officer of any changes or when the need for accommodation ends.

**B. Department Response.** The department will provide a written acknowledgment of the request and outline the accommodations, and a copy of the request and response will be sent to the City Administrator or Administrative Services Officer. Denial of a request requires review and approval by the City Administrator or Administrative Services Officer. Once approved, lactation breaks should not be interrupted except in cases of emergency.

**C. City Records.** Records of lactation accommodation requests and their resolutions must be maintained for three years and include the employee’s name, the date of the request, and a description of the resolution. Any denied requests must include the written denial and the rationale for the decision.

**SECTION 23.07 RETALIATION AND COMPLAINTS**

The City strictly prohibits discharge, harassment, discrimination, or retaliation against any employee for exercising rights under this policy or California Labor Code sections 1030 through 1034 (see Article 5).

Employees who believe their rights under this policy have been violated may report the matter to the City Administrator, the Administrative Services Officer, or the California Labor Commissioner.

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

Questions regarding this policy should be directed to the City Administrator or the Administrative Services Officer.

**ARTICLE 24**

**PROHIBITION OF DRUGS AND ALCOHOL IN THE WORKPLACE**

Commented [WC145]: RMA recommended.

**SECTION 24.01 PURPOSE**

The City has a duty to its employees and to the public to maintain a workplace free from alcohol and drugs and to ensure that City services are delivered safely and effectively. This policy applies to all City employees, whether on City property or while conducting City business at any location, except where superseded by an applicable Memorandum of Understanding or mandatory federal drug and alcohol regulations. Strict compliance with this policy is a condition of employment, and violations may result in disciplinary action, up to and including termination.

The purpose of the City’s Drug and Alcohol Abuse Policy is to:

1. Establish and maintain a safe, secure, healthy, and alcohol- and drug-free working environment for all employees;
2. Protect the public and all individuals who interact with City employees;
3. Reduce alcohol- or drug-related inefficiencies, risks, injuries, and property damage; and
4. Provide guidelines for the rehabilitation of employees who seek the City’s assistance in addressing alcohol or drug-related dependence or problems.

**SECTION 24.02 DEFINITIONS RELATED TO DRUG AND ALCOHOL ABUSE POLICY**

The following definitions apply to this Article:

**Alcohol:** Alcohol means ethyl alcohol or ethanol, including any beverage, mixture, or preparation containing alcohol. The term includes beer, wine, distilled spirits, and any other substance containing alcohol.

**City Premises:** All buildings, parking lots, land, service yards, patios, lunchrooms, break areas, restrooms, loading docks, City-owned vehicles, work sites, or any other location where employees perform services for the City, regardless of City ownership or control.

**Employee:** Any person legally occupying a full-time or part-time position in the service of the City.

**Illegal Drug:** Any substance that is illegal to use, sell, transfer, possess, manufacture, or consume under federal, state, or local law.

**Prescribed Drug:** Any drug or medication lawfully prescribed for use by an employee by a licensed medical practitioner.

**Reasonable Suspicion:** Reasonable suspicion exists if objective factors indicate impairment, including unusual or erratic behavior, incoherence, body odor, red or watery eyes, unsteady gait, slurred speech, lapses in performance, or other evidence of drug or alcohol influence. Testing may also be required after work-related accidents or safety violations.

**Under the Influence:** Any state in which alcohol or drugs have modified behavior, resulting in substandard or impaired job performance, diminished motor reflexes, impaired coordination, speech, or mental concentration, or other conduct that poses a safety hazard to the employee, coworkers, or others.

**SECTION 24.03 PROHIBITED CONDUCT**

The following acts are strictly prohibited and may result in disciplinary action, up to and including termination:

1. Reporting to work or performing duties under the influence of alcohol or drugs.
2. Using, possessing, distributing, manufacturing, purchasing, or selling alcohol, illegal drugs, or any prescription drug not lawfully prescribed during work hours, including rest breaks, on City property or while performing City business.
3. Failing to notify the Department Head before work when taking any medication or drug that could impair the safe and effective performance of duties or operation of City equipment.
4. Failing to notify the Department Head or City Administrator of any workplace-related criminal drug conviction within five days of the conviction.
5. Having a criminal conviction for a drug violation that occurred in the workplace.

Violations of this policy that may constitute criminal conduct will be reported to the appropriate law enforcement authorities.

**SECTION 24.04 PRESCRIPTION DRUGS**

Employees may possess and use prescription drugs only as prescribed by a licensed medical provider and must follow the directions, dosage, and combination specified. If the use of a prescription drug during work hours could affect the employee's ability to perform duties safely, including operating heavy equipment, the employee is responsible for obtaining a written opinion from their medical provider. Employees must not use prescription or over-the-counter medications in a manner that impairs judgment, coordination, or the ability to perform essential job functions safely.

Employees must notify their supervisor, Department Head, or the City Administrator if medication may impact their ability to perform safety-sensitive duties. All information regarding prescription drug use will be treated as confidential medical information.

#### SECTION 24.05 DRUG AND ALCOHOL TESTING

The City may test applicants and employees for drug or alcohol use under certain circumstances. All testing will be conducted through a certified outside laboratory.

**A. Pre-Employment Testing.** Applicants for positions requiring pre-employment testing must pass a drug and alcohol test following a conditional offer of employment. Such positions include, but are not limited to, safety-sensitive roles affecting public safety, such as operating heavy trucks transporting hazardous materials, enforcing drug laws, or operating natural gas pipelines, and positions involving direct contact with or influence over children.

**B. Reasonable Suspicion Testing.** The City may require testing for employees suspected of being under the influence of drugs or alcohol at work. Supervisors must document the facts supporting reasonable suspicion in writing and review them with the Department Head. Testing must be approved by the City Administrator. Once approved, the employee will be relieved from duty, transported to the testing facility, and sent home afterward. The employee may use sick or other paid leave until results are received.

**C. DOT-Regulated Testing.** Employees in positions subject to the Department of Transportation (DOT) drug and alcohol testing requirements will be tested in accordance with all applicable federal regulations. This includes pre-employment, random, post-accident, reasonable suspicion, and return-to-duty testing as required by the DOT.

**D. Refusal to Submit to Testing.** An employee's refusal to consent to a medical examination or drug/alcohol test may result in immediate suspension pending investigation. Employees who refuse testing are not eligible for rehabilitation benefits under this policy. Employees who voluntarily participate in counseling before being asked to test may use the rehabilitation benefits. Refusal may also be considered misconduct or unsatisfactory job performance, subject to discipline.

#### SECTION 24.06 TESTING PROCEDURES

If an employee consents to testing, the employee must complete and sign an Authorization for Testing Form, an Authorization for Release and Use of Testing Information, and any other documents required by the testing facility. The Department Head, City Administrator, or their designee will arrange transportation for the employee to the designated testing facility.

Employees will not be tested for inactive metabolites from off-duty cannabis use unless permitted by law.

Commented [WC146]: Govt. Code 12954.

**SECTION 24.07 TESTING RESULTS**

**A. Positive Test Results.** Positive test results may be retested to ensure accuracy and prevent false positives. Chain-of-custody procedures will be strictly maintained. Test results are confidential and will be kept in a separate medical records file. Employees may request access to their results or disclosure to parties with a legitimate need to know.

A confirmed positive result may result in disciplinary action, up to and including termination.

If the employee demonstrates that a medical or psychological condition caused the behavior, the City may place the employee on medical leave and require a release from a licensed physician prior to returning to work. The City may also require an evaluation by a City-selected physician before reinstatement.

**B. Negative or Inconclusive Results.** If the results of a drug or alcohol test are negative or inconclusive, no disciplinary action will be taken. The employee will promptly resume their regular duties, and any sick or vacation leave used while awaiting the test results will be reinstated or credited.

**C. Tampering, Adulteration, or Dilution.** If a test result or the testing facility indicates that a sample may have been tampered with, adulterated, or diluted, the City will conduct a prompt investigation to determine the circumstances. If the investigation indicates that the employee intentionally tampered with, adulterated, or diluted the sample, it will be treated as a confirmed positive result and may result in disciplinary action, up to and including termination.

Pending completion of the investigation, the City may place the employee on administrative leave. The employee may also be required to undergo a new test under direct observation.

**D. Appeals and Employee Rights.** Employees have the right to review their test results and submit relevant medical or other supporting information to contest the results. Any disciplinary action arising from a confirmed test result may be appealed pursuant to the applicable Memorandum of Understanding or in accordance with Article 29 of these Personnel Rules.

**SECTION 24.08 INSPECTIONS AND SEARCHES**

To maintain a safe and drug-free workplace, the City reserves the right to inspect City-owned or controlled property, including lockers, desks, vehicles, and work areas. If there is reason to believe alcohol or drugs are present, the City may involve law enforcement to conduct a search.

**SECTION 24.09 REHABILITATION AND EMPLOYEE ASSISTANCE**

Employees are encouraged to voluntarily seek help for drug or alcohol use and may be eligible for rehabilitation or counseling through the City's Employee Assistance Program. Participation in such programs does not excuse violations of this policy, and employees remain subject to disciplinary action for misconduct, unsafe behavior, or other policy violations, regardless of enrollment in a rehabilitation program. Early self-referral is encouraged to address issues before they escalate to disciplinary matters.

Commented [WC147]: Do we have EAP?

**ARTICLE 25**

**NEPOTISM POLICY**

Commented [WC148]: RMA/ WC recommended.

**SECTION 25.01 PURPOSE**

To maintain public trust in City government, ensure fairness among employees, and to promote safety, security, supervision, and morale, the City prohibits the employment or appointment of relatives, spouses, and domestic partners in positions where conflicts of interest may occur. The following restrictions apply to appointments made by the City Council and the City Administrator, as well as to employees who supervise or are supervised by relatives or individuals with whom they have a dating or domestic partnership relationship.

**SECTION 25.02 DEFINITIONS**

The following definitions apply to this Article:

**Relative:** A person related to an employee or official by blood, marriage, or registered domestic partnership within the third degree of kinship, including:

- Children, stepchildren, and grandchildren
- Parents and grandparents
- Siblings, including half-siblings
- Aunts, uncles, nieces, and nephews
- Spouse or domestic partner
- In-laws of any of the above

**Spouse:** A person who is legally married to another person, or a person who is a registered domestic partner under California law.

**Supervisory Relationship:** A relationship in which one employee has the authority or responsibility, by virtue of their City position, to direct, control, reward, or discipline another employee.

**SECTION 25.03 EMPLOYMENT OF RELATIVES**

The City will not appoint, promote, or transfer any person within the same department, division, or facility where a relative already holds a position if any of the following conditions would result:

1. Both employees report to the same supervisor.
2. A supervisory relationship exists between the relatives.
3. The employees share duties on (a) work assignment(s).
4. The arrangement could create an adverse impact on supervision, safety, morale, or efficiency.

**SECTION 25.04 EMPLOYMENT OF SPOUSES OR DOMESTIC PARTNERS**

The City will not appoint, promote, or transfer a person to a department, division, or facility where the person's spouse or registered domestic partner already holds a position if such employment would result in any of the following:

1. One spouse or domestic partner would be under the direct supervision of the other.
2. A potential conflict of interest or workplace hazard exists that is greater than what would apply to employees who are not married or in a domestic partnership.

**SECTION 25.05 CHANGES IN RELATIONSHIP STATUS**

**A. Employee Disclosure of Changed Status.** Employees who enter into a relationship that creates a supervisory connection with a relative, spouse, domestic partner, or dating partner must immediately disclose the relationship to their Department Head or the City Administrator.

**B. Conflicts and Potential Conflicts Among Employees.** The City Administrator has the authority to determine whether the employment of family members, spouses, domestic partners, or employees in dating relationships within the same department, division, or reporting chain creates an actual or perceived conflict of interest that could negatively affect the working environment, supervision, or operations.

**C. Review and Resolution of Conflicts.** If an actual or perceived conflict is identified, the City Administrator or designee will review the circumstances, including the positions involved, the relative seniority of the employees, and the best interests of the City. The City Administrator or designee will then take appropriate action to eliminate or mitigate the conflict. Such actions may apply to one or both employees and may include reassignment, demotion, transfer, modification of supervisory duties, or other administrative adjustments.

**Commented [WC149]:** Some policies prohibit the appointment of anyone who is a relative of a sitting councilmember.  
  
Other policies prohibit dating relationships to one degree or another.

**D. Separation.** If two employees working in the same department later become spouses or domestic partners, and their continued employment cannot be accommodated in a manner the City Administrator finds consistent with the City's interest in supervision, safety, security, or morale, the City Administrator has sole discretion to dismiss one of the employees. In the absence of a voluntary resignation, the less senior employee will be dismissed. Such a dismissal is not considered disciplinary and is not subject to grievance, appeal, or pre- or post-disciplinary due process.

**ARTICLE 26**

**PERFORMANCE EVALUATIONS**

City employees' job performance shall be evaluated at least once annually. Evaluations shall be conducted in accordance with a schedule established by the City Administrator or Department Head, based on the operational needs of the applicable Department. In addition, the Department Head may conduct a performance evaluation at any time, at their discretion.

Performance evaluations are not subject to appeal. An employee may request a discussion of the evaluation and may submit a written response. Any response submitted within thirty (30) days of receiving the evaluation will be placed in the employee's personnel file.

**Commented [WC150]:** Note the old language only stated the employee may file a written response without limitation. I submit we should put a time limit on any response. 30 days is the POBR/FBOR benchmark.

**ARTICLE 27**

**SECONDARY OR OUTSIDE EMPLOYMENT**

**SECTION 27.01 POLICY CONCERNING OUTSIDE EMPLOYMENT**

**A. General Rule.** Employees may request permission to engage in secondary or outside employment, activities, or enterprises during non-working hours, provided the activity is lawful and does not conflict with their duties, responsibilities, or obligations to the City, as determined by the Department Head or City Administrator.

**Commented [WC151]:** Old Art. 17, p. 46. Generally, the Labor Code protects "moonlighting" unless it presents a conflict of interest.

**B. Disclosure and Approval.** Employees shall disclose any secondary or outside employment in writing to their Department Head or the City Administrator and obtain prior written approval to ensure compliance with this policy and applicable law. Approval may be denied or withdrawn if the secondary employment:

**Commented [WC152]:** Labor Code sections 96(k), 1101-1102 and public sector conflict of interest under Political reform Act, Govt. Code 87100. and 1126, 1127

- Conflicts with the employee's assigned duties or responsibilities,
- Interferes with the employee's availability or performance,
- Creates an actual or potential conflict of interest or the appearance of impropriety, or
- Otherwise undermines public confidence in the integrity or impartiality of the City.

Approval may also be denied or withdrawn for other legitimate, job-related reasons consistent with applicable law and the City’s operational needs. Authorization for outside employment is automatically terminated if the employer or nature of the work changes, including changes in hours, location, or duties. Employees must submit a new approval request under this policy when such changes occur.

The Department Head or City Administrator shall ordinarily respond in writing within ten (10) calendar days. This period may be extended if additional information, consideration, or consultation is required.

**C. One Year Authorization.** Unless otherwise specified by the Department Head or City Administrator, an outside employment authorization is valid for a maximum of one (1) year. If the employee wishes to continue the outside employment, activity, or enterprise beyond that period, the authorization must be resubmitted annually to maintain a valid, continuous approval.

**Commented [WC153]:** This has been added. It mitigates against the possibility an employee claims a former CA authorized it.

**D. Appeal of Department Head or City Administrator Determination.** An employee who disagrees with a determination that their proposed secondary or outside employment is inconsistent, incompatible, or in conflict with City duties may appeal the decision. The appeal must be submitted in writing to the City Administrator or designee within ten (10) calendar days of receiving the determination. The appeal must include all relevant documentation and information supporting the employee’s position.

The City Administrator or designee shall review the appeal, consider any additional information, and determine whether the employee’s outside employment, activity, or enterprise is compatible with City employment. If approved, the authorization, including any conditions or restrictions, will be provided to the employee in writing and placed in the personnel file. A written decision will ordinarily be issued within ten (10) calendar days, and the City Administrator’s decision is final. Employees may instead use any applicable grievance procedure.

**Commented [WC154]:** This has been added. Since moonlighting is protected under the Labor Code, it may be wise to give the employee an outlet and the CA a chance to consider all evidence before finalizing the decision.

**SECTION 27.02 PROHIBITED CONDUCT**

**Commented [WC155]:** Old Section 17.02, p. 46.

Employees may not engage in secondary or outside employment, activities, or enterprises that conflict with or are detrimental to their City duties, even if the employment has been authorized by the Department Head or City Administrator. City time, resources, equipment, facilities, uniforms, authority, influence, or confidential information must never be used for outside employment. Employees shall not imply City endorsement of their outside work or receive compensation for tasks performed as part of their official City duties

Violation of this policy may result in disciplinary action, up to and including immediate dismissal, in accordance with the City’s disciplinary procedures as set forth in Article 29.

**ARTICLE 28**

**DISCIPLINARY STANDARDS AND AUTHORITY**

**Commented [WC156]:** Old Art. 18, p. 47.

SECTION 28.01 PURPOSE

To promote standards of conduct and work performance that support the efficient and effective delivery of public services, this Article identifies the circumstances under which disciplinary action may be taken and sets forth the procedures governing such proceedings.

SECTION 28.02 GROUNDS FOR DISCIPLINARY ACTION

The following conduct shall constitute grounds for disciplinary action, which may include, but is not limited to, written reprimand, demotion, suspension, or dismissal. This following list is intended to alert employees to common causes for discipline; it is not exhaustive, and other forms of unacceptable behavior may also warrant disciplinary action. Examples of such conduct include:

1. Misuse or unauthorized use of sick leave;
2. Absence without authorized leave, chronic tardiness, or leaving the assigned work area without authorization; or leaving assigned work without authorization;
3. Misconduct, including willful or negligent violation of these Personnel Rules, department rules, directives, regulations, policies, resolutions, or applicable ordinances;
4. Insubordination, including refusal to follow or comply with lawful directions by a supervisor;
5. Acceptance of gifts or gratuities in connection with, or relating to, the employee's official duties (small or nominal gifts excluded);
6. Refusal to take or subscribe to any oath or affirmation required by law in connection with employment;
7. Conviction of a felony or a misdemeanor involving a moral turpitude, provided the conviction is substantially related to the employee's job duties. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, shall be considered a conviction for purposes of this provision;
8. Fraud or submission of false information on employment applications, payroll records, or any work-related report or record;
9. Soliciting outside work or personal gain during the course of City business; engaging in outside employment for any business under contract with the City, or participating in outside employment that adversely affects the employee's City work performance;

**Commented [WC157]:** Old Section 18.02, p. 47-49.

**Commented [WC158]:** This implicates CA's "Ban the Box" law. The conviction must tie to the employee's job duties. Expunged, set aside, and vacated convictions cannot be used.

10. Discourteous treatment of the public or City employees, or disorderly conduct on City property or while conducting City business, including fighting or using profane, abusive, or threatening language toward others;
11. Conduct that interferes with the reasonable management, operation, or good order of the City or any of its departments or divisions, or failure to cooperate reasonably with supervisors or fellow employees;
12. Engaging in political activities while on duty or in uniform, or using City authority or resources for political purposes;
13. Violation or neglect of safety rules or procedures;
14. Failure to maintain good behavior, on or off duty, that is of such a nature as to bring discredit to the City or any of its services;
15. Discrimination or harassment against employees or members of the public on the basis of race, color, national origin, religion, ancestry, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity or expression, marital status, age, physical or mental disability, medical condition, genetic information, or military/veteran status;
16. Inefficiency, incompetence, or negligence in the performance of duties, including failure to complete assigned tasks or training, or failure to perform duties in a prompt, competent, and reasonable manner;
17. Refusal or failure to improve job performance in accordance with written or verbal direction;
18. Refusal to accept a reasonable and proper assignment from an authorized supervisor;
19. Insubordinate or disrespectful conduct toward supervisors;
20. Workplace violence or threats (See Article 34);
21. Being impaired on duty, using illicit drugs while on duty, or misusing prescription medication in a manner that affects performance or judgment, or being unable to perform job duties due to the use of alcohol or drugs;
22. Failure to maintain required certificates or licenses, including suspension of a driver's license when the position requires driving;
23. Careless, negligent, or improper use of City property, equipment, or funds, including unauthorized removal, loss, personal use, damage, or any use that creates an unreasonable risk of damage;

- 24. Unauthorized disclosure of confidential information or official records;
- 25. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City;
- 26. Dishonesty, including making false statements, falsifying records, misrepresenting or concealing material information, or engaging in any conduct intended to deceive the City or its representatives;
- 27. Retaliation against any employee for engaging in activity protected by law or by these Personnel Rules, including but not limited to reporting suspected violations, filing a complaint, participating in or cooperating with an investigation or proceeding, requesting a reasonable accommodation, or exercising any rights set forth in Article 4 (Anti-Harassment, Discrimination, and Retaliation).
- 28. Failure to report to work as scheduled or abandonment of position, as defined in Section 8.04;
- 29. Conduct unbecoming a public employee or any other failure to meet the standards of conduct reasonably expected of a City employee;
- 30. Violation of any provision of these Personnel Rules, or any rules, policies, or procedures adopted pursuant thereto.

SECTION 28.03 **AUTHORITY TO INITIATE DISCIPLINARY ACTION**

**A. Department Head.** Department Heads may impose written disciplinary action on employees within their respective departments. The City Administrator must be notified of any written disciplinary action within 24 hours, excluding holidays and weekends.

**B. City Administrator.** The City Administrator or designee may take disciplinary action against any City employee, except management employees, in accordance with these Personnel Rules.

**C. City Council.** The City Council may take disciplinary action against management employees in accordance with these Personnel Rules.

SECTION 28.04 **DISCIPLINARY POLICY AND TYPES**

**A. Policy.** Disciplinary action shall be reasonably related to the nature and severity of the violation.

**B. Progressive Discipline.** When appropriate, discipline shall be progressive, moving from less severe to more severe action. However, the City reserves the right to impose any level of discipline it deems appropriate based on the circumstances, and no specific sequence of disciplinary action is required in all situations.

**C. Administrative Leave.** The City Administrator, designee, or appointing authority may place an employee on temporary administrative leave pending the investigation of an

**Commented [WC159]:** Steve, let me know if you think of anything to add. As you know, its always better to be able to point to a specific policy when imposing discipline.

**Commented [WC160]:** Old Section 18.03, p. 49.  
For subsections B and C I substituted "disciplinary action" for "suspend."

**Commented [WC161]:** Old Section 18.04, p. 49.

**Commented [WC162]:** Old Section 18.08, p. 50-51.

Admin leave is removed form the "types of discipline" list below. Current law indicates it is non-punitive so long as the employee is paid.

incident or allegation, or pending disciplinary action. Administrative leave for non-exempt employees shall be with pay. For exempt, at-will employees, administrative leave may be with or without pay, as determined by the appointing authority.

The appointing authority shall establish the terms and conditions of any administrative leave.

**D. Types of Discipline.** Discipline may include, but is not limited to, the following:

Commented [WC163]: Old Section 18.05, p. 50.

1. Verbal Reprimand
2. Written Reprimand
3. Suspension Without Pay/ Reduction in Pay
4. Demotion
5. Dismissal

**SECTION 28.05 VERBAL REPRIMAND**

A verbal reprimand is an informal disciplinary action intended to notify an employee that their performance or conduct must be improved. The supervisor shall clearly identify the areas requiring improvement, establish reasonable expectations and goals for improvement, and advise the employee that failure to improve may result in more serious disciplinary action.

The supervisor may document the time, date, and substance of the verbal reprimand for reference should further disciplinary action become necessary; however, no record of the verbal reprimand shall be placed in the employee's official personnel file unless subsequent discipline is imposed. If the employee fails to demonstrate improvement, a written reprimand may be issued as the next level of discipline.

**SECTION 28.06 WRITTEN REPRIMAND**

A written reprimand is a formal disciplinary action that notifies the employee of deficiencies in work performance or conduct, identifies the reasons for dissatisfaction with the employee's performance or behavior, and advises the employee that further disciplinary action may be taken unless immediate and sustained improvement occurs.

A copy of the written reprimand shall be placed in the employee's official personnel file by the City Administrator or the Administrator's designee. The written reprimand may serve as evidence in a subsequent disciplinary or administrative hearing.

The employee may submit a written response to the written reprimand within thirty (30) days of receipt. Any such response shall be placed in the employee's personnel file by the City Administrator or the Administrator's designee.

Commented [WC164]: I submit there should be a time limit. 30 days is prescribed by POBR and FBOR.

**SECTION 28.07 SUSPENSION WITHOUT PAY**

A suspension without pay is the temporary separation of an employee from duty for disciplinary purposes. During a period of suspension without pay, an employee shall not accrue or be permitted to use any paid leave benefits, including vacation, sick leave, compensatory time off, or holidays.).

SECTION 28.08 TEMPORARY REDUCTION IN PAY

A reduction in pay is a disciplinary action that temporarily lowers an employee's compensation in lieu of a suspension without pay. During a period of disciplinary pay reduction, the employee shall not work overtime unless expressly approved in advance by the Department Head or the City Administrator.

**Commented [WC165]:** Sometimes a CA or Dept. Head may want a pay step reduction rather than a suspension, particularly if there are staffing or OT issues.

SECTION 28.09 DEMOTION

A disciplinary demotion is a formal action that moves an employee from one classification or position to a lower classification or position, or retains their current rank and title while reducing their pay to a lower step within the same salary range. A disciplinary demotion may result in a correspondingly lower salary and may be effective for a limited duration or may be indefinite.

**Commented [WC166]:** The former version stated: "A reduction in pay shall be a demotion unless it is part of a plan to reduce salaries..." I submit that we want to add to the menu of options available and provide for true demotions, such as from sergeant to officer.

SECTION 28.10 DISMISSAL

Dismissal is the termination of an employee from City employment for cause.

**Commented [WC167]:** Old Art. 19, p. 51.

**ARTICLE 29**

**DISCIPLINARY PROCEDURES**

SECTION 29.01 PROCEDURE FOR SUSPENSION, REDUCTION IN PAY, DEMOTION, AND DISMISSAL

**A. Probationary and At-Will Employees.** Employees who have not attained permanent status, as well as all at-will employees, may be dismissed with or without cause and without the right to appeal, at the discretion of the Department Head, with the written concurrence of the City Administrator.

Department Heads and the City Administrator may be dismissed with or without cause and without the right to appeal only by the City Council.

**B. Disciplinary Procedure for Permanent Employees.** The following procedural steps shall be observed for the suspension, temporary reduction in pay, demotion, or dismissal of a permanent employee in the competitive service:

**1. Notice of Proposed Disciplinary Action.** The employee shall receive written notice of the proposed action at least ten (10) calendar days prior to the proposed effective date. Notice shall include:

**Commented [WC168]:** It is not necessary that we set forth pre-disciplinary process, but it is helpful. All deadlines are arbitrary and subject to discussion.

- a. The specific disciplinary action proposed and its effective date;
- b. The reasons for the proposed action, or charges;

The Policy is silent as to who is proposing the disciplinary action. Ideally, the Dept. Head would propose, the CA would serve as the Skelly officer, and the Council would be the appellate body.

**Commented [WC169]:** Changed working days to calendar days throughout.

- c. The materials or evidence upon which the proposed action is based; and
- d. A statement advising the employee of the right to a pre-disciplinary hearing, at which the employee may respond to the proposed disciplinary action either in person or in writing, to the person proposing the action prior to its effective date, and the right to be represented at all stages of the proceedings by a representative of the employee's choice, at the employee's expense.

**2. Pre-Disciplinary Hearing.** An employee who timely requests a pre-disciplinary hearing may respond orally or in writing within a reasonable period set by the person proposing the disciplinary action, who shall serve as the hearing officer. The hearing shall be informal, and the employee may not bring witnesses. After the hearing, the hearing officer shall consider the employee's response and may sustain, modify, reduce, or increase the findings or level of discipline, or rescind the proposed action entirely. The hearing officer shall provide the employee with written notice of the final decision.

**3. Notice of Final Disciplinary Action.** If the employee declines a pre-disciplinary hearing, or if, following a pre-disciplinary hearing, the hearing officer decides to impose a suspension, temporary reduction in pay, demotion, or dismissal, the employee shall be notified in writing of the action on its effective date. The final notice of discipline shall include a statement advising the employee of their right to a hearing: before the City Administrator if the disciplinary action results in a loss of pay equivalent to three (3) days or less, or before the City Council if the disciplinary action results in a loss of pay equivalent to more than three (3) days.

The employee shall have the right to appeal the action within five (5) calendar days of receiving the written notice by filing a notice of appeal with the City Administrator. The employee is required to serve the disciplinary action as scheduled, even if an appeal is filed, unless otherwise directed by the City Administrator.

**4. Post-Disciplinary Appeal to City Administrator (Suspension of Three days or Less).** If the employee timely requests a post-disciplinary appeal hearing, the City Administrator shall schedule a hearing within thirty (30) calendar days and advise the employee of the time and place. The employee has the right to be represented at the hearing by a person of their choice at their own expense. The hearing shall be informal, and the City Administrator shall have the discretion to allow witness testimony, determine the number of witnesses, if any, and set the scope of such testimony.

**Commented [WC170]:** Changed from 3 working days to 5 calendar days. Working days can get convoluted.

**Commented [WC171]:** Commonly, discipline is imposed and the employee argues for backpay.

**Commented [WC172]:** Old Section 19.01 (C), however, the employee should have received the proposed action, the reasons, and the materials upon which the action is based at the pre-disciplinary/ Skelly stage.

**Commented [WC173]:** Changed from 5 working days. This is incredibly short, particularly if the employee is represented. The CA can still schedule the hearing before the expiration of the 30 days.

**5. Post-Disciplinary Appeal to City Council.** If the employee has timely filed a notice of appeal for a suspension exceeding three (3) days, the City Council shall serve as the hearing body for the appeal. At its discretion, the City Council may hear the matter directly or refer the appeal to advisory arbitration.

The following rules shall apply:

- a. **Hearing Conduct.** The post-disciplinary hearing, whether conducted directly by the City Council or by an advisory arbitrator, shall be conducted in a fair and orderly manner. The formal rules of evidence shall not apply; however, the hearing body may admit any relevant evidence of reasonable probative value and may assign it such weight as it deems appropriate. The hearing body may also consolidate multiple pending appeals for hearing purposes.
- b. **Burden of Proof and Standard.** The Department Head or City Administrator shall have the burden of proving, by a preponderance of the evidence, that the disciplinary action was warranted. In evaluating the evidence, the hearing body shall determine whether the findings are supported by the facts and whether the disciplinary action was reasonable and consistent with City policies and applicable law.
- c. **Advisory Arbitration.** If the City Council refers the appeal to advisory arbitration, the arbitrator shall conduct a hearing, receive evidence, and issue written recommended findings and a decision. The City Council shall consider the arbitrator's recommendation and issue a written final decision regarding the disciplinary action to the parties.
- d. **Final Determination.** The City Council shall issue its written decision within a reasonable time following the conclusion of the hearing or the receipt of the arbitrator's advisory opinion. The Council's determination, whether issued directly or following advisory arbitration, shall be final and binding.

**6. Time Limitations.** Any time limitation provided herein may be waived in writing by mutual agreement between the employee and the City. If the employee fails to comply with any time limitation, the appeal shall be deemed waived.

**SECTION 29.02 INVESTIGATION AND INTERROGATION OF PUBLIC SAFETY OFFICERS AND FIREFIGHTERS**

In the investigation and interrogation of public safety officers suspected of misconduct, the rights afforded under the Peace Officers' Procedural Bill of Rights Act (Government Code §§ 3300–3311) shall apply. In the investigation and interrogation of firefighters

**Commented [WC174]:** Note: I added the option for Council to designate an advisory arbitrator.

We can unilaterally select an advisory arbitrator or allow for mutual selection from a State Mediation and Conciliation list. If we keep it vague, we can determine the method on a case-by-case basis.

**Commented [WC175]:** This is true under due process principles, but I included it here because union attorneys often argue for a higher standard of proof, particularly in peace officer dishonesty cases.

**Commented [WC176]:** The old policy provided for a written decision within 30 days.

**Commented [WC177]:** The former version stated that if either party failed to comply with a time limitation the appeal is resolved in favor of the other party. I removed it. (See old Section 19.01(B)(4), p. 52).

**Commented [WC178]:** Old Section 19.02, p. 53. It applied only to peace officers, not fire.

suspected of misconduct, the rights afforded under the Firefighters' Bill of Rights Act (Government Code §§ 3250–3262) shall apply.

**ARTICLE 30**

**EMPLOYEE GRIEVANCES**

Commented [WC179]: Old Art. 20, p. 53.

**SECTION 30.01 GRIEVANCE DEFINITION**

A formal complaint by an employee or bargaining unit regarding the interpretation or application of an applicable Memorandum of Understanding, policy, rule, regulation, or these Personnel Rules, relating to working conditions.

**SECTION 30.02 GRIEVANCE PROCEDURE GUIDELINES**

**A. Informal Resolution.** It is the City's policy that, whenever possible, employee complaints be resolved at the lowest level of supervision.

**B. Representation.** At any stage of the grievance process, the employee may consult with or be represented by their certified association or other representative of their choosing, at the employee's own expense.

**C. Advancement of Grievance.** Ordinarily, a grievant must proceed through the grievance process in the order described below. For purposes of efficiency, however, the grievant may request to skip one or more steps. Such a request may be granted at the discretion of the person authorized to hear the grievance at the step to which it is advanced. Any agreement to skip steps shall be documented in writing.

**SECTION 30.03 GRIEVANCE PROCEDURE**

Grievances that cannot be resolved informally may be escalated and handled in accordance with the following procedures:

**1. First Step.** The employee (hereinafter "grievant") shall submit the grievance in writing to the grievant's immediate supervisor within ten (10) calendar days of the occurrence in question, or within ten (10) calendar days after the grievant knew or reasonably should have known of the occurrence. The written grievance shall minimally include a clear statement of the issue, the specific occurrence being grieved, the date(s) of the occurrence(s), and the remedy or resolution requested by the employee.

The supervisor shall attempt to resolve the matter and respond to the grievant within five (5) calendar days. If additional investigation or consultation is required, the supervisor shall notify the grievant and respond within a reasonable period.

**2. Second Step.** If the grievant is not satisfied with the supervisor's Step 1 response, or if no response is provided, the grievant may submit the written grievance to their Department Head within five (5) calendar days of

receiving the supervisor's response, or, if none was provided, within five (5) calendar days after it was due. The Department Head shall attempt to resolve the matter and respond in writing to the grievant within five (5) calendar days. If additional investigation or consultation is required, the Department Head shall notify the grievant and respond within a reasonable period.

**3. Third Step.** If the grievant is not satisfied with the Department Head's Step 2 response, or if no response is provided, the grievant may submit the written grievance to the City Administrator within five (5) calendar days of receiving the Department Head's response, or, if none was provided, within five (5) calendar days after it was due. The City Administrator shall attempt to resolve the matter and respond in writing to the grievant within five (5) calendar days. If additional investigation or consultation is required, the City Administrator shall notify the grievant and respond within a reasonable period.

**4. Fourth Step.** If the grievant is not satisfied with the City Administrator's Step 3 response, or if no response is provided, the grievant may submit the written grievance to the City Council for review within five (5) calendar days of receiving the City Administrator's response, or, if no response was provided, within five (5) calendar days after it was due.

The grievance appeal at this step shall be submitted to the City Clerk and the City Administrator and shall minimally include:

- A clear statement of the issue,
- The specific occurrence being grieved,
- The date(s) of the occurrence,
- The remedy or resolution requested by the employee, and
- A certification that previous steps have been followed or properly waived.
- Copies of all responses previously provided by the supervisor, Department Head, and City Administrator.

The City Clerk shall place a properly filed Step 4 grievance on the City Council's agenda for its next regularly scheduled meeting, and the grievant shall be notified. The City Council shall review the grievance and any supporting documentation. The grievant shall be allowed to present an oral argument to the Council. Such oral argument shall be limited to the content of the grievance and shall not include additional testimony or evidence, unless agreed to in writing by the grievant and the City Administrator, or by any other party appearing in interest.

The Council may ask questions, receive information from the Department Head, City Administrator, or other staff, and deliberate in open or closed session as permitted by law. Following its review, the Council shall render a written decision to the grievant within thirty (30) calendar days. This decision shall constitute the final administrative determination.

**ARTICLE 31**

**EMPLOYER-EMPLOYEE RELATIONS**

Commented [WC180]: Old Art. 21, p. 54.

**SECTION 31.01 PURPOSE**

It is the City's intention to establish policies and procedures for the administration of employer-employee relations within City government, including the formal recognition of employee organizations and the resolution of disputes concerning wages, hours, and other terms and conditions of employment.

Commented [WC181]: WPC: Set forth in Muni Code? Is there a resolution on point?

**SECTION 31.02 EMPLOYEE RIGHTS AND REPRESENTATION**

Employees of the City have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations, including wages, hours, and other terms and conditions of employment. Employees also have the right to refrain from joining or participating in the activities of any employee organization. In addition, employees may represent themselves individually in dealings with the City, to the extent permitted by state law. Neither the City nor any employee organization shall interfere with, intimidate, restrain, coerce, or discriminate against any employee in the exercise of these rights.

**SECTION 31.03 CITY MANAGEMENT RIGHTS AND RESPONSIBILITIES**

Responsibility for managing the City and directing its workforce is vested in City officials and Department Heads as provided by law. To fulfill this responsibility, City management retains the exclusive right to: determine the mission and organization of departments, offices, and boards; establish service standards for the public; assign, direct, and reassign work; recruit, hire, promote, or transfer employees; evaluate employee performance; take disciplinary action for proper cause; relieve employees for lack of work or other legitimate reasons; establish and enforce workplace rules, policies, and procedures; control the methods, means, and personnel by which City operations are conducted; manage departmental budgets and resources; maintain workplace safety and efficiency; and take all necessary actions to ensure uninterrupted services and carry out the City's mission in emergencies.

**SECTION 31.04 CERTIFICATION OF EMPLOYEE ORGANIZATION**

**A. Representation Units.** The representation units of the City shall be:

1. Miscellaneous Employees
2. Exempt Employees

- 3. Police Employees
- 4. Fire

**Commented [WC182]:** According to the website, the units are Exempt, Misc., Police, and Fire (not Confidential, General, Management, and Police).

**B. Modification and Establishment of Bargaining Units.** The City Administrator may, after consultation with affected employee organizations, modify the Units by moving classifications from one unit to another, creating units, abolishing units, adding new classifications, and deleting old classifications. The bargaining units shall be kept current with any changes.

Employees or an employee organizations may petition the City Administrator to create a new representation unit or otherwise modify existing units. The City Administrator or designee shall consult with affected employee organizations before taking action on this request.

If a new unit is created by splitting an existing unit represented by a certified or exclusive representative, that representative shall continue to represent the original unit. A new employee organization may become the representative of the new unit only through a decertification election.

Any party to a dispute concerning the appropriateness of a unit may request mediation by the State Conciliation Service. The costs of mediation, if any, shall be shared equally by the parties.

**C. Certification and Election of Exclusive Employee Representatives.** Employee organizations may be certified by the City Council to represent their members upon demonstration of support from the employees in the proposed unit. Where no exclusive representation exists, an employee organization may become eligible for certification as the exclusive representative as follows:

- 1. Upon receipt of an original petition signed by at least thirty percent (30%) of the employees in the proposed unit stating their desire to be exclusively represented by an employee organization, the City Administrator shall give notice of an election to be held not less than thirty (30) calendar days and not more than forty (40) calendar days after receipt of the petition.
- 2. Other employee organizations may be placed on the ballot by filing, no later than fifteen (15) calendar days prior to the date, a secondary petition signed by at least fifteen percent (15%) of the employees who were employed on the date the original petition was received, stating their desire to be represented by the additional representative organization.
- 3. The election shall be conducted by secret ballot. Only employees who were employed at the time the original petition was received shall be eligible to vote.

- 4. To be certified as the exclusive representative, a candidate organization must receive:
  - a. A majority of votes from employees voting in favor of being represented by an employee organization; and
  - b. A plurality of votes among competing employee organizations..
- 5. Once certified, challenges or decertification elections may not be initiated sooner than one (1) year following certification of the exclusive representative.

**SECTION 31.05 CHALLENGES TO CERTIFICATION AND DECERTIFICATION**

In the event certification is challenged or a request to decertify the representative of a representational unit is received, the following procedure shall apply:

- 1. A request to challenge or decertify the certified or exclusive employee organization must be submitted in the form of a petition signed by at least thirty percent (30%) of the employees in the representational unit. Upon receipt of such a petition, the City Administrator shall schedule an election within thirty (30) calendar days to consider decertification and, if applicable, the selection of a replacement employee organization.
- 2. The certified employee organization shall be decertified or replaced if a majority of those casting valid ballots vote in favor of decertification.

**SECTION 31.06 REPRESENTATION RIGHTS AND OBLIGATIONS**

**A. Meet and Confer Rights.** Upon request, and to the extent required by the Meyers-Milias-Brown Act (Government Code section 3500 et seq.), a certified employee organization shall have the right to meet and confer in good faith with authorized representatives of the City regarding wages, hours, and other terms and conditions of employment that fall within the statutory scope of representation for its recognized employee unit.

Upon commencement of the meet and confer process, the parties shall refrain from making public statements to the press or to individuals not participating in the process, provided, however, that the parties may exchange information concerning items under discussion with other jurisdictions or employee organizations. Nothing contained herein shall preclude either party from exercising rights granted by City, State, or Federal law.

**B. Exclusive Representation.** A recognized exclusive employee organization shall be the sole representative of all employees in the designated bargaining for purposes of representation in matters within the scope of representation. Notwithstanding the foregoing, an individual employee may present grievances or concerns directly to the City without intervention by the employee organization, provided such presentation is

**Commented [WC183]:** Old Section 21.06, p. 57.

**Commented [WC184]:** Change intended to clarify M&C to the extent required by law. PERB has relatively recently held that all M&C issues can go to impasse, so it may be important to delineate.

not inconsistent with an applicable Memorandum of Understanding and is otherwise permitted by State law.

Commented [WC185]: Govt. Code 3502.

**C. Membership and Dues Authorization.** Consistent with applicable State and federal law, including *Janus v. AFSME*, no employee shall be required, as a condition of employment, to join or financially support an employee organization. No dues, fees, or other charges shall be deducted from an employee’s wages unless the employee has provided prior written authorization for such deductions. An employee may revoke such authorization in accordance with the terms of the authorization and applicable law.

Commented [WC186]: Section 21.12, p. 58. Changed to reflect recent case rulings and statutes.

**SECTION 31.07 SCOPE OF REPRESENTATION**

Commented [WC187]: Old Section 21.07, p. 57.

The scope of representation shall include all matters relating to wages, hours, and other terms and conditions of employment, as well as employer-employee relations, as provided by law. It does not, however, extend to the merits, necessity, or organization of any service or activity provided by law of executive order.

**SECTION 31.08 NOTICE REQUIREMENTS**

**A. Proposed Changes.** Each certified employee organization affected by any proposed ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation shall be provided notice and an opportunity to meet with the appropriate management representatives prior to adoption. For purposes of such notification, the published agenda of the City Council shall constitute sufficient notice of proposed actions. However, this form of notice shall not be deemed adequate if the agenda item is phrased in a manner that does not clearly indicate the full and true nature of the matter to be considered.

Commented [WC188]: I do not think this statement causes any harm, but it is not true: published agendas do not constitute proper notice to employee orgs.

**B. Contracting Actions.** Except as provided by law, the City shall provide recognized employee organizations written notice no less than forty-five (45) days prior to issuing a request for proposals (RFP) or request for quotes (RFQ) or renewing or extending an existing contract for services that are within the scope of work performed by the classifications represented by the employee organization.

Commented [WC189]: Added per AB 339 (2025)/ Govt. Code 3504.1. Notice shall include:  
1)Anticipated duration  
2)Anticipated cost  
3)Scope of work description  
4)A draft of the solicitation or equivalent info  
5)The reason(s) the City believes the K is necessary

**SECTION 31.09 ATTENDANCE AT MEETING**

Certified employee organizations may designate a reasonable number of employees to serve as official representatives. Such representatives shall be released from work without loss of compensation when meeting and conferring with City representatives on matters within the scope of representation.

**SECTION 31.10 ACCESS TO EMPLOYEES AND USE OF CITY RESOURCES**

Authorized representatives of certified employee organizations shall be granted reasonable access to employees in their unit during work hours for representational purposes, including the processing of grievances.

Access to City work locations, as well as the use of City paid time, facilities, equipment, and other resources by employee organizations or their representatives, shall be permitted only to the extent authorized in memoranda of understanding or administrative procedures. Such access and use shall be limited to lawful activities directly related to employer-employee relations and shall not include internal employee organization activities, including, but not limited to, soliciting membership, campaigning for office, or conducting organization meetings or elections. All access and use must be conducted in a manner that does not interfere with the efficiency, safety, or security of City operations.

SECTION 31.11 **MEMORANDUM OF UNDERSTANDING**

Commented [WC190]: Old Section 21.14, p. 59.

Upon agreement by the parties, a proposed written Memorandum of Understanding shall be prepared and jointly presented to the City Council for approval.

SECTION 31.12 **IMPASSE PROCEDURE**

Commented [WC191]: Old Section 21.15 et al., p. 59-61.

Impasse procedures are as follows:

**A. Mediation.** If the parties agree to submit the dispute to mediation and agree on the selection of a mediator, the dispute shall be submitted to mediation. The cost of mediation shall be borne equally by the parties. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues under consideration.

**B. Request for Fact Finding.** If the parties fail to agree to submit the dispute to mediation, either party may request a fact-finding panel within thirty (30) days after a written declaration of impasse. If the parties utilize a mediator and fail to resolve the dispute through mediation within fifteen (15) calendar days after the mediator begins meeting with the parties, either party may request fact-finding.

**C. Fact Finding Panel.** If the parties agree to fact-finding, they shall bear the costs of the fact-finding process equally. The parties may mutually select one or more fact-finders. If the parties cannot agree on the appointment of fact-finder(s), a fact-finding panel of three (3) members shall be established as follows:

1. One member shall be appointed by the City Administrator.
2. One member shall be appointed by the Exclusively Recognized Employee Organization.
3. The two appointees shall jointly select the third member, who shall serve as chairperson.

If the first two panel members are unable to agree on a third member, either party may request a list of qualified neutrals from the State Mediation and Conciliation Service (SMCS). The list shall include seven (7) individuals with experience in municipal labor relations. The parties shall flip a coin to determine which party strikes first. The parties

shall then take turns striking names from the list until only one name remains. The remaining individual shall be appointed as the third panel member and shall serve as chairperson.

**Commented [WC192]:** If they can't agree on a chairperson, they probably will not agree on a name off the list. This strike procedure is common and recommended by SMCS.

**SECTION 31.13 FACT-FINDING PROCEDURE**

The following establishes the jurisdictional and procedural requirements for fact-finding under the Meyers-Milias-Brown Act (Government Code section 3500 et seq.):

**A. Guiding Authority.** The fact-finder(s) shall consider and be guided by applicable federal, state, and local laws in conducting the fact-finding proceedings.

**B. Criteria for Findings and Recommendations.** Subject to any stipulations by the parties, the fact-finder(s) shall determine and apply the following measures and criteria in arriving at findings and recommendations:

1. Comparative Analysis. The fact-finder(s) shall first, as relevant to the issues in dispute, compare the total compensation, hours, and conditions of employment of the employees in the unit with those of employees performing comparable services in public and private employment in the same or comparable communities. For the purpose of this section "total compensation" shall include:
  - a. All wage compensation, including but not limited to premium pay, incentive pay, minimum pay, standby pay, out-of-classification pay, and deferred pay;
  - b. All paid leave time;
  - c. All allowances, including but not limited to educational and uniform benefits; and
  - d. Employer payments for all health, welfare, and pension benefits.
2. Adjustments to Comparative Analysis. The fact-finder(s) shall adjust the results of the above comparisons based on the following factors:
  - a. Compensation necessary to recruit and retain qualified personnel.
  - b. Maintaining appropriate compensation relationships between job classifications and positions within the City and ensuring compaction is appropriately managed.
  - c. The pattern of change in the total compensation for employees in the unit, compared with changes in the relevant "Consumer Price Index" for goods and services and with changes in wages and compensation of comparable wage earners.
3. Preliminary Recommendations and Financial Limitations. Based on the adjusted comparisons, the fact-finder(s) shall determine preliminary

recommendations, subject to the City’s financial ability to implement them. In assessing the City’s financial resources, the fact-finder(s) shall give deference to the following:

- a. Other legislatively determined and projected demands on City resources, including budgetary priorities established by the City Council; and
- b. Equitable compensation adjustments for other employees and employee groups during the same fiscal period(s); and
- c. Revenue projections not exceeding currently authorized tax and fee rates for the relevant fiscal year(s);
- d. Maintenance of sufficient and sound budgetary reserves; and
- e. Constitutional, statutory, municipal, and other limitations on the level and use of revenues and expenditures.

**C. Findings of Fact and Recommendations.** The fact-finder(s) shall prepare written findings of fact and recommendations addressing the issues in dispute, incorporating the criteria, adjustments, and financial limitations described in subsection B. Any fact-finding panel member may submit dissenting findings of fact and recommendations in writing. The fact-finder or chairperson of the fact-finding panel shall serve the findings of fact and recommendations on the City Administrator (or designee) and the designated representative of the employee organization. If impasse has not been resolved within ten (10) calendar days after service of the findings and recommendations, the fact-finder or the chairperson of the fact-finding shall submit them to the City Clerk for consideration by the City Council for the Council’s legislative consideration of the impasse.

**D. Final Legislative Authority.** If the parties do not agree on mediation, do not agree on the selection of a mediator, do not agree on fact-finding, or, having agreed to fact-finding-finding, fail to resolve the impasse, the City Council may take such action regarding the impasse as it deems appropriate in the public interest. Any legislative action taken by the City Council regarding the impasse shall be final and binding.

SECTION 31.14 LABOR MANAGEMENT COMMITTEE

**A. Establishment and Membership.** There is hereby established a special joint committee for the purposes of discussing matters of mutual interest and concern. The City and each recognized employee organization may designate up to three representatives to serve on the committee.

**B. Meetings and Procedures.** The committee shall meet at times mutually agreed upon or as requested by one or more parties. The party or parties requesting a meeting will provide an agenda of items to be discussed. All items submitted by one or more parties shall be addressed. Meetings will be held during normal working hours at no loss

**Commented [WC193]:** Old Section 21.18, p. 61.

**Commented [WC194]:** Changed from singular "Association." Or, each Association can send 1 member.

If the JLM is defunct and there is no interest in reviving it, we can omit it.

Many Cities meet separately with each bargaining group and its usually at the departmental level. For instance, the Police Chief would meet with the POA.

of pay to participants. No overtime shall be authorized for meetings, or portions of meetings, conducted outside an employee's normal work schedule. The committee shall make recommendations, which may be implemented by the appropriate authorities.

SECTION 31.15 **CONSTRUCTION**

Commented [WC195]: Old Section 21.19, p. 62.

**A. Preservation of Rights.** Nothing in this Article shall be construed to deny any person, employee, or recognized employee organization the rights granted under federal or state law.

**B. Preservation of City and Employee Organization Authority.** The rights, powers, and authority of the City Council shall not be modified, limited, or restricted by this Article. The rights of employee organizations in all matters, including the right to pursue legal action, shall not be modified, limited, or restricted by this Article.

**ARTICLE 32**

**ELECTRONIC COMMUNICATIONS AND DEVICES POLICY**

Commented [WC196]: Recommended by RMA/WC.

SECTION 32.01 **PURPOSE**

The City recognizes that electronic communications (e.g., email and other messaging platforms) and electronic devices (e.g., cellular phones, smartphones, computers, tablets, radios, and similar tools) are essential for conducting City business efficiently and effectively. This policy establishes rules regarding the use, acquisition, accountability, reimbursement, and personal use of electronic communications and devices.

The City aims to promote efficient and effective communications by providing electronic messaging accounts and communication devices to officials and employees as necessary. All equipment purchased by the City remains the property of the City and must be returned when the official or employee separates from service or when the equipment is no longer required for City business.

SECTION 32.02 **ELECTRONIC COMMUNICATIONS AND INTERNET USE**

**A. No Expectation of Privacy.** City officials and employees have no expectation of privacy when using City-owned or City-issued accounts, devices, networks, or servers, including email systems, messaging platforms, internet access, and cloud-based services. All communications, data, and activities conducted on or stored within City resources are the property of the City. The City reserves the right to access, monitor, audit, copy, review, retain, and disclose such communications and information at any time to ensure compliance with City policies, promote operational efficiency, maintain system integrity and security, and fulfill legal and regulatory obligations.

**B. Authorized Use.** City-provided internet and devices are to be used for official City business only. Officials and employees must not use these resources inappropriately, including accessing offensive or non-business-related websites.

**C. Standards of Conduct.** Emails, attachments, and other electronic communications are subject to the same ethical standards as other City documents. Communications may not contain profane, defamatory, harassing, illegal, discriminatory, or offensive content.

**D. Personal Use.** Incidental and brief personal use of City email is permitted only for essential matters that cannot reasonably be addressed outside of work hours. Such use must be infrequent, minimal in duration, and must not interfere with the performance of official duties or the efficient operation of City systems.

All personal communications conducted on City email systems remain subject to the City's ownership, access, monitoring, and review rights as set forth in Paragraph A above. Employees should exercise appropriate discretion when using City resources for any personal purpose.

**E. Public Records Act Compliance.** Communications relating to City business, whether created, sent, received, or stored on City-owned systems or on personal accounts or devices, may constitute public records subject to disclosure under the California Public Records Act (Government Code section 7920.000 et seq.). Officials and employees may be required to produce City-related communications from personal devices or accounts in order to comply with public records requests. The City also reserves the right to access City-owned devices, accounts, and systems as necessary to fulfill its legal obligations. Employees shall conduct all City business in a professional manner with the understanding that such communications may be subject to public inspection and disclosure as required by law.

**SECTION 32.03 ELECTRONIC COMMUNICATION DEVICE ISSUANCE AND USE**

**A. Issuance.** The City may provide electronic devices to officials and employees when required for job duties. Devices are intended to enhance service to the public and must be used solely for official City business.

**B. Ownership and Access.** All City-issued devices remain City property and are subject to recall, inspection, and retrieval at any time. Officials and employees have no expectation of privacy regarding communications sent or received on City devices or accounts.

**C. Care and Security.** Officials and employees must protect City devices from damage, loss, or theft and immediately report any incidents to the City Administrator. Damage resulting from policy violations may result in the official or employee bearing replacement costs.

**D. Use While Driving.** Device use while driving is prohibited unless a hands-free device is employed and in accordance with applicable laws. Officials and employees are solely responsible for any traffic violations or liabilities resulting from device use while driving.

**SECTION 32.04 FAILURE TO COMPLY**

Violations of this policy may result in disciplinary action in accordance with these Personnel Rules, up to and including termination of employment, revocation or restriction of electronic device or system access privileges, and other corrective or remedial action.

**ARTICLE 33**  
**SOCIAL MEDIA POLICY**

**SECTION 33.01 PURPOSE**

The City of Angels Camp uses social media tools and other online platforms to reach a broader audience, increase citizen engagement, and promote transparency and trust. The goals of the City’s social media presence are to:

- Increase public awareness and understanding of City services.
- Promote the value and importance of City programs.
- Maintain open, professional, and responsive communication with the public and media.

While the City encourages public engagement, the City retains ultimate authority over the content published on its official social media accounts. This policy establishes rules for the creation, management, and use of City social media accounts by officials and employees.

The City has implemented this policy in order to establish guidelines for the appropriate use of social media by City employees.

**SECTION 33.02 COVERED INDIVIDUALS**

This policy covers all City employees regardless of rank or title.

**SECTION 33.03 CITY OWNERSHIP**

All content created, sent, or received on City social media accounts or devices is the property of the City. Social media platforms are administered by the City, but the City does not control third-party content posted by users.

The City Administrator, or their designee, has the sole responsibility for managing, updating, and monitoring all City social media accounts. All posts must reflect official City positions, not personal opinions.

**SECTION 33.04 SOCIAL MEDIA USE REQUIREMENTS**

The City requires employees to:

1. Comply with City Policies: Observe and adhere to all City policies applicable to social media use, including those addressing confidentiality, privacy, harassment, and workplace violence.

**Commented [WC197]:** Steve: Do we need a policy covering employees' use/ management of the City's account(s)?  
Do we need an AI policy?

2. Comply with the Law Follow all applicable federal, state, and local laws, including those protecting confidentiality, privacy, and prohibiting discrimination or harassment.
3. Avoid Representing the City: Do not comment on any matter on behalf of the City or imply that personal posts or comments reflect the City's opinions or positions.
4. Use Social Media Appropriately During Work Hours: Refrain from accessing or using social media during work hours, except as authorized for official City business.
5. Protect the City's Reputation: Avoid any social media use that could negatively affect job performance, the City's reputation, or the public's trust in the City.

**SECTION 33.05 RECOMMENDED BEST PRACTICES**

City employees are highly visible members of the community and are often recognized by the public, even when off duty. For this reason, it is important that employees maintain a standard of respect, professionalism, and appropriateness in all interactions, including on social media. The City encourages employees to follow the best practices outlined below when using social media.

Employees are encouraged to follow these best practices when using social media:

1. Accuracy and Truthfulness: Ensure all posts are accurate, truthful, and do not contribute to the spread of misinformation.
2. Respectful Communication: Be respectful in all interactions; refrain from attacking or posting unnecessarily negative comments about others.
3. Privacy Protection: Do not post personal information about yourself or others.
4. Consider Permanence: Remember that content shared on social media may be permanent and cannot always be fully deleted.

**ARTICLE 34**

**POLICY AGAINST VIOLENCE IN THE WORKPLACE**

**SECTION 34.01 ZERO TOLERANCE FOR WORKPLACE VIOLENCE**

The City is committed to maintaining a safe and secure environment for employees and members of the public and maintains a zero-tolerance policy for threats, intimidation, or acts of violence. The workplace includes all locations where City business is conducted, including City facilities, vehicles, and parking areas. Violations of this policy may result in disciplinary action, up to and including termination, and may also be referred for criminal prosecution, as appropriate.

**Commented [WC198]:** Steve: Violence prevention policies are mandatory and must be included as part of our Injury and Illness Prevention Plan (IIPP). The IIPP is typically maintained as a stand-alone document because it contains logs, detailed procedures, and contact information, which are easier to manage and update when kept separate. The following policy summarizes the legal requirements and provides a basis for both employee notice and disciplinary action, if necessary. If we do not yet have an IIPP and a Workplace Violence Prevention Plan (WVPP), this should be added to our action items.

**Commented [WC199]:** Recommended by RMA/WC.

### SECTION 34.02 PROHIBITED BEHAVIOR

Employees are prohibited from engaging in, participating in, or promoting acts of intimidation, violence, threats, coercion, assault, or abusive behavior toward any person in the course and scope of City employment. Any conduct or communication involving workplace violence, as described below, regardless of whether it is intended as humorous, harmless, joking, or as a form of venting, is prohibited.

### SECTION 34.03 WORKPLACE VIOLENCE DEFINED

“Workplace violence” is any act of violence, or threat of violence, that occurs in the workplace, including any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, or property. Workplace violence does not include lawful acts of self-defense or the defense of others. Examples of workplace violence include, but are not limited to:

- Threats or acts of physical violence or harm, including assault or battery, directed at an individual or their family, friends, associates, or property, regardless of whether the employee sustains an injury.
- Written, verbal, or electronic statements or gestures that express an intent to harm a person or damage property.
- Fighting, challenging another person to fight, or engaging in dangerous horseplay.
- Harassing, threatening, or intimidating behavior, including unwanted phone calls, stalking, or surveillance.
- Possession, display, or use of weapons, including using common objects as weapons, on City property or while performing City business, unless the weapon is issued or expressly authorized by the City for the performance of official duties. For purposes of this policy, a weapon means any firearm, knife, chemical agent, club, baton, or any other device, tool, or implement capable of causing bodily harm, or used in a manner reasonably likely to cause harm or threaten another person.

### SECTION 34.04 INCIDENT REPORTING PROCEDURES

**A. Employee Obligation to Report.** Employees who have been the victim of, or have witnessed, workplace violence must immediately report the incident to their supervisor, Department Head, or the City Administrator. Supervisors and Department Heads shall promptly forward all reports to the City Administrator for review and appropriate action, including, when appropriate, a formal internal or third-party investigation.

**B. Investigation and Documentation.** The City Administrator, Department Head, or their designee will promptly document the incident. Documentation shall include, at a minimum:

- Names of employees involved.
- Date, time, and location of the incident.
- Description of the incident.
- Names and statements of witnesses.
- Description of unidentified parties, if applicable.
- Description of the act(s) or behavior at issue.
- Any other information relevant to the incident.

The City Administrator or designee shall document any corrective or remedial action taken in response to the incident and shall maintain all records related to the incident for a minimum of five (5) years.

**SECTION 34.05 REMEDIAL ACTION**

The City Administrator or designee shall take appropriate remedial action to ensure employee safety. Such actions may include, but are not limited to:

- Placing the employee alleged to have engaged in workplace violence on administrative leave pending the outcome of the investigation.
- Removing the threatening or potentially violent individual from the worksite to prevent further risk.
- Immediately contacting law enforcement when the situation warrants or as required by law.
- Imposing discipline, up to and including termination, against any employee found to have engaged in workplace violence following a thorough investigation.

**SECTION 34.06 EMPLOYEE INVOLVEMENT**

The City encourages employees and authorized employee representatives to participate in identifying, evaluating, and determining corrective measures to prevent workplace violence. Employees are also encouraged to take part in designing and implementing training programs aimed at preventing workplace violence.

Employees and authorized employee representatives who wish to discuss safety hazards, corrective measures, preventative training, or any other measures to improve workplace safety are encouraged to contact their Department Head or the City Administrator.

**SECTION 34.07 INJURY AND ILLNESS PREVENTION PROGRAM**

The City is committed to complying with California Labor Code sections 6401.7 and 6401.9. The City maintains an Injury and Illness Prevention Program (IIPP), which includes a Workplace Violence Prevention Plan (WVPP) that outlines procedures for preventing, reporting, and responding to workplace violence. Employees may access the WVPP through the City Administrator or their Department Head for more information regarding their responsibilities, reporting obligations, and training requirements.

**Commented [WC200]:** Or whomever is the Administrator of the IIPP.

**ARTICLE 35**

**APPEARANCE STANDARDS**

**SECTION 35.01 POLICY STATEMENT**

These dress, tattoo, and body piercing standards are intended to promote the City's legitimate, non-discriminatory objectives of maintaining workplace safety and a professional image that aligns with employees' job duties and level of public contact. Employees with questions about how these standards apply to them or who need an accommodation should promptly raise the matter with their Department Head or the City Administrator.

**Commented [WC201]:** This policy is completely optional. The thought is to give notice and a non-discriminatory basis for corrective action in the event an employee does not maintain appropriate dress/grooming standards.

**SECTION 35.02 DRESS CODE**

Employees are required to dress appropriately for the duties of their position. The following dress code regulations apply to all City employees. Employees are expected to observe the following standards at all times:

- All clothing and footwear must be clean, neat, in good repair, and appropriate for the work environment and the duties performed.
- Dress must be professional and suitable for the work setting, particularly for employees who have contact with the public.
- Prescribed uniforms and required safety equipment must be worn.
- Hair must be clean, neat, and well-groomed.
- Beards, mustaches, and sideburns must be maintained in a neat and well-groomed manner.
- Jewelry must not create a safety hazard.
- Employees are expected to maintain good personal hygiene.

**SECTION 35.03 TATOOS**

Employees are expected to maintain a professional appearance while at work and must comply with the standards outline below.

- Tattoos are not permitted on the head, face, or neck.

- Any visible tattoo must not be obscene, sexually explicit, discriminatory based on a protected class, extremist in nature, or gang-related.
- Employees are encouraged to keep visible tattoos reasonably sized; tattoos that are large or highly prominent may need to be covered while at work if they do not meet professional standards.
- Tattoos that do not conform to these standards should be covered with clothing, a bandage, or makeup while at work, or otherwise addressed through accommodation or adjustment in consultation with management.

**SECTION 35.04 BODY PIERCINGS**

No objects, jewelry, or other ornamentation shall be attached to or through the skin in any visible location, including the tongue or other parts of the mouth, except that one set of reasonably sized pierced earrings may be worn in each earlobe.

Any non-conforming piercings must be removed, covered with a bandage, or replaced with a clear, plastic spacer while at work.

**ARTICLE 36**

**LIMITS ON POLITICAL ACTIVITY**

**SECTION 36.01 NO SOLICITATION OR POLITICAL ACTIVITY DURING WORK HOURS OR ON CITY PROPERTY**

City employees and officers shall not engage in political activity, including soliciting or receiving political funds or contributions to support or oppose any ballot measure affecting working conditions, during working hours or on City property.

**SECTION 36.02 NO TARGETED SOLICITATION OF CITY OFFICERS OR EMPLOYEES**

Officers, employees, or candidates for elective City office shall not directly or indirectly solicit political contributions from other City officers or employees, except as part of a broader solicitation directed to a significant segment of the public that may incidentally include City officers or employees.

**SECTION 36.03 NO POLITICAL ACTIVITY IN UNIFORM**

No City employee or officer shall engage in political activity while wearing a City uniform or other City-issued clothing.

**ARTICLE 37**

**PERSONNEL FILES**

**SECTION 37.01 CONFIDENTIAL FILES**

**Commented [WC202]:** Again, these are completely optional and intended to give us an evenly applied policy in the event it does become an issue.

**Commented [WC203]:** RMA/ WC recommended.

**Commented [WC204]:** RMA/ WC recommended.

The City maintains a personnel file for each employee. Files are retained for at least three years following separation from employment. A personnel file will contain only information deemed necessary, relevant, or required by law. Personnel files are the property of the City, and access is restricted to protect employee privacy.

**Commented [WC205]:** Note that SB 513 required employers to retain "Education and training records" in personnel files.

**SECTION 37.02 NOTIFICATION OF CHANGES**

Employees must promptly notify the City Administrator or designee of any changes to their contact or benefits information, including mailing address, telephone number, emergency contacts, and dependents' names and numbers.

**SECTION 37.03 MEDICAL AND DISABILITY INFORMATION**

Medical information about employees or applicants is maintained in separate confidential medical files. Access is limited to those with a legitimate business need or as required by law, subpoena, or court order. Supervisors and managers may be informed of necessary work restrictions or accommodations for employees with disabilities.

**SECTION 37.04 EMPLOYEE ACCESS TO PERSONNEL FILES**

**Commented [WC206]:** RMA recommended, per Labor Code.

**A. Inspection.** Current employees may inspect their personnel file within 30 days of a written request, at reasonable times and intervals. Former employees may inspect their file once per year. Requests must be submitted in writing to the City Administrator or designee. Inspections will occur in the presence of the City Administrator or designee, either at the employee's work location during non-work time or another agreed-upon location without loss of pay. No one inspecting a personnel file may add, remove, or alter any documents.

**B. Copies.** Employees and former employees may request copies of their personnel records in writing. The City will provide copies within 30 days of receiving the request and may charge a fee for the actual cost of copying.

**C. Representative Access.** Employees may authorize a representative to inspect their file by providing written authorization. The City Administrator or designee will notify the employee and/or representative of the date, time, and location of inspection.

**D. Limitations on Access and Copying.** Prior to inspection or copying, the City may redact the names of nonsupervisory employees to protect their privacy. To the extent permitted by law, access to or copies of the following categories of records will not be provided:

- Records related to the investigation of a potential criminal offense;
- Letters of reference;

- Ratings, reports, or records obtained prior to employment, prepared by identifiable examination committee members, or in connection with a promotional examination.

**ARTICLE 38**  
**MISCELLANEOUS**

**SECTION 38.01 TRAINING**

**A. Employee Training.** To improve effectiveness and enhance employees’ skills and expertise in carrying out their duties, the City Administrator shall be responsible for providing training programs as deemed necessary. When an employee is required to attend training, the City shall pay the cost of attendance in accordance with the City’s adopted Travel Policy.

**B. Ethics, Fiscal, and Financial Training for City Officials.** City Officials and managers, including elected officers, the City Administrator, and Department Heads, must complete two hours of ethics training every two years. Newly appointed Officials must complete an initial ethics training within six months of commencing their service. City Officials must also complete two (2) hours fiscal and financial training and two (2) hours of sexual harassment prevention training every two years. The City shall maintain records of these trainings for at least five years and post on the City’s website clear instructions and contact information for members of the public to request copies.

**Commented [WC207]:** SB 827/ Govt. Code sections 53235, 53238. Also, records of the training should be on the website and training docs must be kept for 5 years.

**SECTION 38.02 AID FROM STATE OF CALIFORNIA**

The City of Angels and the Angels Police Department declare their mutual intention to qualify to receive aid from the State of California under the provisions of Part 4, Title 4, Chapter 1 of the California Penal Code governing standards, training, and funding for local law enforcement officers.

**Commented [WC208]:** Per PC section 13520 et seq., local PDs must declare their intent to comply with state standards in order to receive state funding.

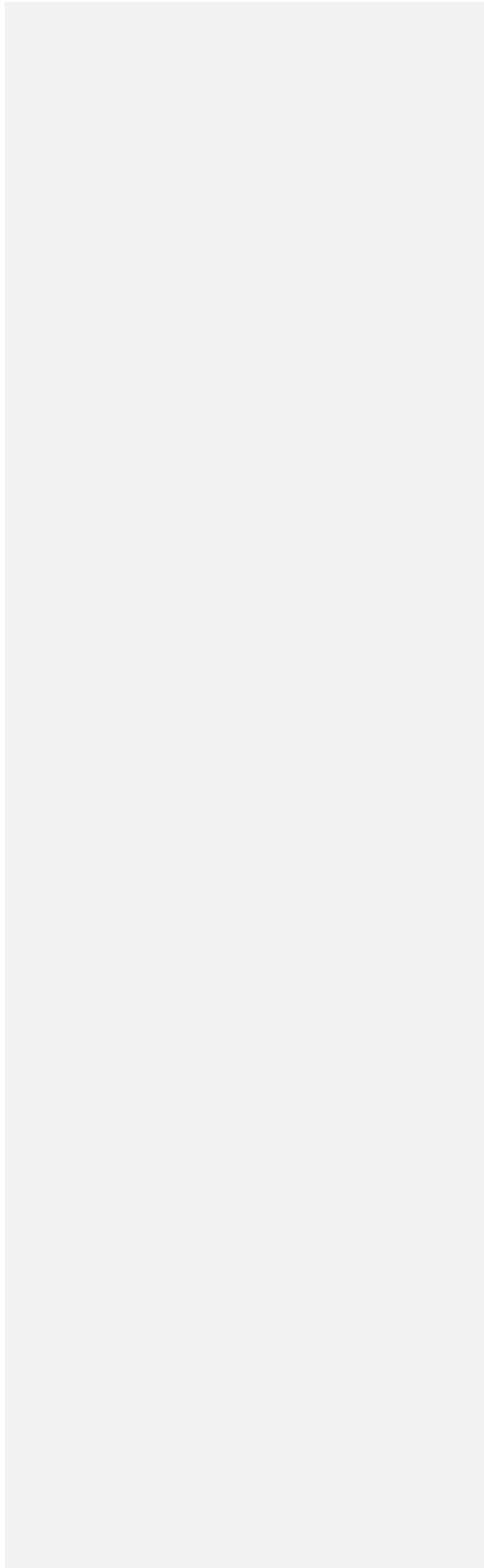
**SECTION 38.03 SAVING CLAUSE**

If any article or section of these Personnel Rules, or any addendum or amendment thereto, is held to be invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance or enforcement of any article, section, or provision is restrained by such tribunal or by the enactment of a superseding rule, regulation, law or order, that article, section, or provision shall be suspended immediately and shall have no force or effect.

The invalidation of any part or portion of these Rules shall not affect the validity of the remaining portions, unless the remaining portions are contingent upon the operation of the invalidated part or portion.

In the event of a conflict between a specific provision of a Memorandum of Understanding (MOU) or Administrative Policy and a written rule, regulation, or

resolution of the City or any of its divisions, the terms of the MOU or Administrative Policy shall prevail.



CITY OF ANGELS  
EMPLOYEE ACKNOWLEDGMENT OF PERSONNEL RULES

I, \_\_\_\_\_ (Employee Name) acknowledge that I have received, read, and understand the City of Angels Personnel Rules. I understand the Personnel Rules describe important information about the City's policies, procedures, expectations, and standards of conduct.

I understand that compliance with the Personnel Rules is a condition of my employment, and that failure to follow them may result in disciplinary action, up to and including termination.

I further acknowledge that:

1. The Personnel Rules do not constitute an employment contract and, for employees who are at-will, do not alter their at-will employment status.
2. The City may amend, revise, or rescind the Personnel Rules at any time. I acknowledge that I am responsible for familiarizing myself with and complying with any and all changes.
3. I am responsible for consulting my supervisor, Department Head, or the City Administrator if I have questions about the Personnel Rules or their application.
4. I understand that communications, files, and data on City-owned or City-provided devices or systems are not private and may be monitored, accessed, or disclosed as allowed by law.
5. I acknowledge that I am responsible for maintaining the confidentiality of City information to which I have access, including, as applicable, confidential personnel and other information protected by law or City policy.

By signing below, I acknowledge that I have received and reviewed the City of Angel's Personnel Rules and agree to abide by them.

Employee Name (Print): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**City of Angels**

**Personnel Policy**

**Rules and Regulations**

Adopted by Resolution No. 96-06

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ARTICLE 1  
DEFINITION OF TERMS

SECTION 1.01 DEFINITIONS

The following terms used in these Rules and Regulations shall have the meaning hereinafter designated, unless from the context hereof it clearly appears that a different meaning is intended. Any term not defined herein which is defined in the Meyers-Milias--Brown Act shall have the meaning set forth therein.

Acting Appointment. The temporary assignment of an employee to a vacant position in the absence of an employee who normally fills the position during a specific period of time.

Allocation. The official assignment of an individual to a position of an appropriate class on the basis of the duties performed and the authority and responsibilities exercised.

Anniversary Date. The employee's date of appointment to his/her current, permanent classification.

Applicant. A person who has submitted a written City application and required support for a specific position for employment with the city in accordance with these Rules and Regulations.

Appointing Authority. The person or persons having lawful authority to appoint or remove persons from positions in the City.

Appointment. The offer of and acceptance by a person of a position in the City service in accordance with these Rules and Regulations.

Assignment. A specific appointment to a job classification for a specified period of time.

Authorized Position. A position approved and authorized by the City Council for which funds are appropriated.

Bereavement Leave. An authorized leave with pay due to the death of an immediate family member or a close relative.

Break In Service. A resignation that ceases employment with the City.

Certified Employee Organization. An employee organization which has been recognized for representation purposes.

City. The City of Angels, a political subdivision of the state of California and where appropriate in this policy, "City" refers

to the City Council and/or City Administrator.

City Administrator. Chief administrative official appointed by the City Council to manage the operations of the City.

City Council. The City Council of the City of Angels.

Class (Classification). A position or group of positions, the duties, authorities and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties, recruiting standards, and compensation can be applied.

Closed Examination. A competitive examination for a particular class which may be taken by any employee who is paid by the City and who meet the requirements set forth in the examination announcement.

Compensatory Time Off (CTO). The leave time granted with pay in lieu of payment for approved overtime hours worked.

Confidential Employee. Any employee who is required to develop or present management positions with respect to employer-employee relations and whose duties normally require access to confidential information contributing significantly to the development of management positions

Consult. The verbal or written communication for the purpose of presenting and obtaining views or advising of intended actions.

Continuous Service. A length of employment where there is no break in service.

Day. A calendar day unless otherwise noted.

Demotion. A reduction in pay, unless it is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

Department. An administrative unit of the City as determined by the City Council and approved in the organizational chart of each fiscal year budget by the City Council.

Department Head. The person who administers the operation of a City department.

Designee. An employee designated by a Department Head or the City Administrator to represent them in their absence.

Dismissal. Termination of an employee from the City service for cause.

Eligible. A person whose name is on a current employment, re-employment or reinstatement list.

Employee. A person employed by the city, but not including elected officials, members of boards or commissions, or a person under contract as an independent contractor.

Employer. The employment relationship between the City and its employees and their employee organizations.

Employment List. A list of eligibles established by competitive examination who may be considered for employment with the City under specific conditions set forth in these Rules and Regulations.

Examination (Test or Exam). The selection technique used to measure the relative capacities and fitness of applicants.

Exclusive Representative. An employee organization selected by majority vote of employees of a representation unit to be sole representative of all employees in that unit.

Fact-Finding. Identification of the major issues in a particular dispute; reviewing the positions of the parties; and the investigation and reporting of the facts by one or more impartial fact-finder; and the making of recommendations for settlement.

Final Score. The score used to establish an applicant's ranking on an employment list. The final score may be a score computed from a combination of scores from various parts of the exam process.

Grievance. Any disagreement concerning the interpretation or application of a written MOU or Administrative Policy or of these Rules and Regulations, department rules and regulations governing personnel practices or working conditions. An impasse in meeting and conferring upon the terms of a proposed MOU or Administrative Policy is not a grievance.

Hire Date. The date upon which an employee begins employment with the city, whether temporary, reserve, probationary, etc.

Immediate Family. The husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents, or any relative living in the employee's household.

Impasse. A deadlock, after a reasonable period of time, in the meet and confer process between the City's management representatives and representatives of recognized employee organizations within the scope of matters concerning which they are required to meet and confer in good faith.

Insubordination. A refusal to submit or adhere to lawful directions given by a superior.

Layoff. The involuntary separation of one or more regular employees from the work force occasioned by the abolishment of a position or positions or the reduction in number of employees in a given class or in the interest of the economy.

Lead Position. An employee who supervises other employees in the same classification.

Leave of Absence. Approved absence from duty for a specified period with the right to return at the expiration of the period.

Management Employee. Any employee having significant responsibilities for formulating or administering City or departmental policies and programs or administering the City or a department.

Mediation. The effort by an impartial third party to assist in reconciling an impasse regarding matters within the scope of representation between representatives of the City and a certified employee organization through interpretation, suggestion and advice.

Meet and Confer. The mutual obligation of the City's management representatives and representatives of recognized employee organizations personally to meet and confer within a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

Memorandum of Understanding (MOU). A written memorandum jointly prepared by the parties incorporating matters on which agreement is reached through meeting and conferring between the City's representatives and representatives of a recognized employee organization. The memorandum shall be presented to the City Council for determination and implementation.

Merit Increase. A merit pay increase granted at the sole discretion of the City Council up to 5% above Step E of the employee's current classification.

Open Examination. A competitive examination for a particular class in which all those applicants who meet the qualifications for the class may participate, whether or not they are employed by the City.

Oral Reprimand (Oral Warning). A verbal statement to an employee, by the supervisor, explaining an unsatisfactory element of job performance. An oral reprimand (oral warning) is intended to be corrective or cautionary.

Overtime. The working by an employee of more authorized hours than a full work period for the position (for most classes, more than forty (40) hours per week). Overtime is paid per employee's MOU or FLSA.

Part-Time Employee. An employee who is filling a part-time position and is paid on an hourly or per diem basis.

Part-Time Position. A type of position in which a person works less than the regular assigned hours.

Pay Range (Salary Range). A series of pay or salary steps to which a class may be assigned.

Payroll Deduction. An arrangement under which the City deducts from the salary of the employee sums of money for various authorized purposes.

Permanent Employee. An employee who has been given permanent status upon the completion of a probationary period.

Personnel File. The official personnel file maintained by the City Administrator or his/her designee.

Personnel Officer. The City Administrator.

Position. A combination of current duties and responsibilities assigned to a single class or normally performed by one employee.

Position Description. A written statement of the essential factors which distinguish one job from other Jobs.

Probationary Appointment. An appointment made from an eligible list, if applicable, to a regular position for a specified working test period, during which an employee serves at will. The length of the probationary period is established by the appropriate MOU or Administrative policy.

Probationary Employee. An employee who has been appointed to a position but has not completed the probationary period.

Promotion. The movement of an employee from one class to another class resulting in a salary increase.

Provisional Employee. Appointment of a person who has not qualified through examination with such appointment not to exceed six months and not constitute a part of a probationary period.

Reallocation. The change in the assignment of a position from one existing class to another existing class, requiring no change in the classification plan.

Reclassification. The change in the assignment of a position from one existing class to a new class or another existing class.

Reemployment. The reappointment of a former regular employee from a reemployment list.

Reemployment List. A list of names of former regular employees who have been laid off from a class, with those laid off last at the top of the list for reemployment to that class. Said list will be valid for one year.

Regular Employee. An employee who has successfully completed the probationary period for a class and occupies a regular position.

Regular Position. A position that is established by the Council without any limitation as to time and is benefited.

Reinstatement. The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.

Relief Employee. An appointment of an individual who has been certified from an appropriate eligible list, if applicable, to cover such needs as seasonal peak work loads; emergency work loads of limited duration; vacation and sick leave relief; and other situations involving a fluctuating staff. Relief employees serve at the pleasure of the City.

Representation Unit. A unit of city Employees excluding extra-help/temporary, seasonal, relief, reserve or intermittent employees as presently constituted for the purpose of representation in employee relations matters.

Representative. A person who is authorized and designated by a recognized employee organization to represent the organization in dealing with the City.

Resignation. The voluntary separation of an employee from employment with the City.

Retirement. The separation from City employment for the purpose of retiring, as per the approved retirement system of the city.

Salary. The amount of individual salary compensation for the performance of duties in a position in a range and step established in accordance with an MOU or Administrative Policy.

Seniority. A status attained by length of continuous service with the city.

Service Date. Date used for the calculation of the vacation

accrual rate and longevity pay in a regular position.

Shift. A scheduled period of work or duty.

Step Increase. A pay or salary increase within the limits of the pay or salary range established for a class.

Supervisory Employee. Any employee having authority to exercise independent judgment in the interest of the City to assign, reward or discipline other employees or having the responsibility to direct them or to adjust grievances or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature and requires the use of independent judgment.

Suspension. An involuntary absence without pay imposed by the City Administrator, with approval of the City Council, for cause.

Temporary Employee. An employee who has been appointed to a temporary position.

Termination. The separation of an employee from city service.

Transfer. The movement of an employee from one position to another position in the same class or in a comparable class in another department.

Vacant Position. Any position which has been authorized by the Council and has no incumbent.

Workday. The regularly scheduled workday shall be defined by the respective MOU or Administrative Policy.

Workweek. The regularly scheduled workweek shall be from Sunday through Saturday.

Written Reprimand. A cautionary or corrective written notice from the supervisor to an employee with a copy to his/her personnel file informing the employee of an action on his/her part which is the cause for disciplinary action.

Y-Rate. When an employee is demoted or is reclassified/reallocated downward, the City may chose to Y-Rate this employee. The employee would not have a decrease in his/her current salary but would not receive an increase in pay until his/her new classification's salary reached the level of the Y-Rated salary.

ARTICLE 2  
GENERAL PROVISIONS

SECTION 2.01 PERSONNEL POLICY.

In accepting employment with the City each employee agrees to be governed by and to comply with the Angels Municipal Code, these Rules and Regulations, the administrative policies and procedures established by the City Council, the rules, regulations and directives of the department in which employed, and the MOU or Administrative Policy in effect between the City and the appropriate employee organization, and as amended from time to time.

SECTION 2.02 EQUAL OPPORTUNITY EMPLOYER.

- A. The City is committed to the goal of equal employment opportunities.
- B. It is the policy of the City to ensure that the application of these Rules and Regulations and regulations, and the recruitment, employment, training, advancement, layoff, pay, termination, and all other personnel actions for all positions, classes and individual employees shall be on the basis of qualifications and performance without regard to race, color, religion, national origin, sex, age, political affiliation, or physical handicap, except where a bona fide occupational qualification exists.

SECTION 2.03 POWERS OF THE CITY ADMINISTRATOR.

- A. The City Administrator is the chief administrative officer and the head of the administrative branch of the City Government (Chapter 2.08, Angels Municipal Code). Whenever the term "City Administrator" is used in these Rules and Regulations, it shall include the City Administrator or any person designated by him/her to carry out any function required by these Rules and Regulations. When any officer or employee, other than the City Administrator, is assigned a duty or responsibility under these Rules and Regulations, such assignment is subject to the direction and control of the City Administrator, and the City Administrator shall have the right to assign any other officer or employee, including himself/herself, to perform such duty or assume such responsibility.
- B. Subject to the Angels Municipal code and these Rules and Regulations, the City Administrator has the power and authority to:
  - 1. Establish, when not in conflict with these Rules and Regulations, other policies, procedures, rules and

regulations necessary for the control and supervision of the affairs of the City;

- 2. Appoint and remove all employees of the City, subject to these Rules and Regulations and regulations, except Management employees who are appointed and removed by the Council.
  - 3. Pass upon and approve all proposed appointments and removals of subordinate employees by all Department Heads;
  - 4. Transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in pay, suspend, or dismiss city employees.
- C. The City Administrator shall interpret, apply, administer and enforce the provisions of these Rules and Regulations, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolutions, the memoranda of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

SECTION 2.04 DEPARTMENT RULES and REGULATIONS.

Department Heads may develop, implement and revise as necessary any policies, procedures, rules and regulations pertaining to unique operational requirements and their effect upon departmental personnel as are needed for the full performance of duties and responsibilities and not contrary to these Rules and Regulations, upon Council approval.

SECTION 2.05 APPLICATION OF RULES AND REGULATIONS.

- A. Except as provided otherwise, these Rules and Regulations shall apply to all City employees and positions except:
  - 1. Elected officials;
  - 2. Members of appointed boards, commissions and committees;
  - 3. Persons engaged under contract to render professional, scientific, technical or expert services for a definite period of time;
  - 4. Volunteer personnel who receive no regular compensation from the city;
  - 5. Volunteer personnel who receive occasional compensation for participation in officially declared and funded

office of Emergency Services' emergencies; and

- 6. Classes of employment for which these Rules and Regulations establish exemptions from a provision or provisions of these Rules and Regulations.

SECTION 2.06 ADOPTION OF RULES AND REGULATIONS.

These Rules and Regulations shall be established by resolution and adopted by the City Council.

SECTION 2.07 AMENDMENT AND REVISIONS OF RULES AND REGULATIONS.

- A. Proposed amendments to or revisions of these Rules and Regulations shall be submitted to the City Council in writing by the City Administrator.
- B. The City Council shall adopt, amend or repeal the Rules and Regulations in open session.

SECTION 2.08 VIOLATION OF RULE AND REGULATIONS.

Each employee is responsible to comply with these Rules and Regulations and any amendments hereto. Violation of the provisions of these Rules and Regulations shall be grounds for disciplinary action, up to and including dismissal.

SECTION 2.09 RIGHT TO CONTRACT FOR SPECIAL SERVICES.

The City Administrator shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this Chapter:

- A. The preparation of these Rules and Regulations and subsequent revisions and amendments thereof.
- B. The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- C. The preparation of a plan of compensation and subsequent revisions thereof.
- D. The preparation, conduct and grading of competitive tests.
- E. Special and technical services of advisory or informational character on matters relating to personnel administration.

ARTICLE 3  
CLASSIFICATION

SECTION 3.01 PREPARATION OF CLASSIFICATION PLAN.

- A. The City Administrator, or the person or agency selected for that purpose, shall ascertain, as needed, and record the duties and kind and level of responsibilities of all positions in the City and develop a classification plan for such positions, as needed.
- B. The classification plan may contain classes to which there are no current allocation of positions in order to provide for future organizational growth or changes in organizational structure.

SECTION 3.02 ADOPTION OF CLASSIFICATION PLAN.

- A. The classification plan shall be established and amended by resolution adopted by the Council.
- B. The Council may create new classes and adjust, divide, combine, revise, or abolish existing classes of positions in the City service.

SECTION 3.03 ALLOCATION OF POSITIONS.

All positions in the City service shall be established by the City Council.

SECTION 3.04 PROMOTIONAL CLASSES.

The City Administrator may recommend the arrangement of various classes of positions into promotional series when, in the judgment of the City Administrator, the classes are similar or closely related enough in requirements, duties and responsibilities to warrant such arrangement.

SECTION 3.05 CLASS DESCRIPTIONS.

The City Administrator shall prepare and maintain a written description for each class of position in the City service. Each class description shall set forth the title of the class, a definition of the class, examples of the typical tasks, and a statement of qualifications a person should possess.

SECTION 3.06 CLASS DESCRIPTION QUALIFICATIONS STATEMENTS.

- A. Qualifications may be stated as minimum or as desirable and shall be revised as the need arises.

- B. Personal qualifications commonly required of all incumbents of positions, such as honesty, fidelity, sobriety, industry, amiability to supervision, and willingness to cooperate with associates, the ability to read, write, and speak the English language, to follow written and oral instructions, shall be implied as qualifications required for every class even though such traits are not mentioned specifically in the job descriptions.
- C. Where a position requires an employee to drive either a City-owned or privately-owned vehicle on official City business, such employee must possess and maintain the appropriate valid California operator's license, and when driving a privately-owned vehicle, must have proof of insurance. When an employee must possess a California operator's license as a condition of employment, and a physical examination is required, the City shall pay only those costs associated with the basic examination needed to satisfy the requirements of said license.
- D. Where a position requires an employee to have a certificate, license, permit or registration, such employee must possess and maintain a current certificate, license, permit or registration. Unless otherwise specified, the employee shall bear the cost of maintaining any license, certificate, permit or registration.

SECTION 3.07 INTERPRETATION OF CLASS DESCRIPTION.

The class descriptions are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of duties and responsibilities allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind or level of responsibility. The description for each class should be considered in its entirety and in relation to other classes in the classification plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired and relation to other positions.

SECTION 3.08 OFFICIAL USE OF CLASS TITLE.

A position shall be identified by class title in all official personnel and budget records and transactions.

SECTION 3.09 RECLASSIFICATION.

Whenever a material change in duties or responsibilities of any existing position in the City service occurs, the City Administrator, on his/her own initiative or upon request of the

Department Head, may investigate the duties of the affected position. A reclassification will only occur upon city Council approval.

SECTION 3.10 STATUS OF INCUMBENTS IN RECLASSIFIED POSITIONS.

Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination when:

- A. The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred for a significant period of time; and
- B. The changed duties and responsibilities justifying allocation to a different classification have taken place during the employment of the present incumbent in such position and were not the result of planned management action; and
- C. The incumbent possesses the knowledge, skills and abilities required of the different class.

SECTION 3.11 PROCEDURE FOR RECLASSIFICATION OF INCUMBENTS.

- A. The findings set forth in Section 3.10 of these Rules and Regulations shall be transmitted by the City Administrator at the time a reclassification is under consideration. The City Administrator shall recommend to the City Council appropriate action to be taken regarding the incumbent whose position is being reclassified.
- B. The City Administrator shall determine whether the reclassification of a position constitutes a downward, lateral or upward movement of the position relative to its former allocation. The following actions prevail with regard to each of the following kinds of changes:
  - 1. Downward. The incumbent may accept a demotion to the reallocated position or be reassigned to a vacant position in the same class and retain permanent status. If the incumbent refuses demotion and reassignment, then the layoff procedure will be invoked.
  - 2. Lateral. The incumbent will remain unchanged in the class to which the position is reallocated.
  - 3. Upgrade. The employee will retain permanent status in the new class when the City Administrator determines that either (a) there has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or (b) there has been a

gradual change in the duties and the incumbent has performed the higher level tasks for a significant period, normally six months. If the change is the result of a reorganization, successful completion of a probationary period (1 year) may be required by the City Administrator prior to the incumbent attaining permanent status in the new class. If none of the above situations exist, the employee may be transferred, demoted, laid off or compete for the reallocated position.

SECTION 3.12 CLASSIFICATION FOR TEMPORARY EMPLOYMENT.

- A. A Department Head may request a temporary position by submitting justification and such other information as the City Administrator may require. The City Administrator shall submit to the City Council a recommendation on the need for such a class, a class title and a salary rate.
- B. Whenever a position is required for the efficient and economical operation of a department, a temporary appointment may be authorized by the City Administrator.

ARTICLE 4  
PAY PLAN

SECTION 4.01 PREPARATION OF PAY PLAN.

- A. The City Administrator shall prepare a pay plan for all classes in City service.
- B. The pay plan shall establish a schedule of pay ranges and salary steps showing bi-weekly minimum and maximum rates.

SECTION 4.02 ADOPTION OF PAY PLAN.

- A. The pay plan shall be established and amended by resolution adopted by the council.
- B. Each class in City service shall be assigned to a pay range and salary steps, or an hourly rate.

SECTION 4.03 SALARIES.

All pay rates prescribed shall be fixed on the basis of full-time service in full-time positions, unless otherwise designated by action of the City Council.

SECTION 4.04 SALARY AT INITIAL APPOINTMENT.

Salary at initial employment shall be at a salary step as determined by the City Administrator. If the City Administrator appoints above Step C, it must be approved by the City Council.

SECTION 4.05 CALCULATION OF ANNIVERSARY DATE.

- A. Every regular employee who is employed in a class for which there is a salary range shall have an anniversary date. All salary adjustments, except longevity pay, are made effective upon the anniversary date or any time thereafter. The date of a subsequent salary adjustment, excluding longevity pay, shall become the new anniversary date. The anniversary date should not be confused with the employee's service date (date used for calculation of vacation and longevity pay) nor with the employee's date of hire (the date upon which the employee began working for the City - whether temporary, reserve, probation, etc).
- B. The anniversary date of those reemployed shall be the effective date of the reemployment.
- C. The anniversary date of those reinstated shall be the effective date of reinstatement.

SECTION 4.06 PERFORMANCE SALARY INCREASES.

- A. Department Heads may recommend a step increase only for those employees who have demonstrated appropriate standards of work performance. Step increases may be recommended to the next highest step in the salary range for the classification. Department Heads may recommend an additional merit increase based on exceptional performance by an employee only after attaining Step E in the salary schedule.
- B. The City Administrator shall process all step increases and shall notify the appropriate person, in writing, of all approved step increases and such notification shall constitute authorization for Payroll to make payment to the employee at a higher salary step rate.
- C. Step increases in salary are not automatic. They are made at the sole discretion of the City Administrator on the basis of merit, fitness and increased service value of the employee to the City as documented in performance evaluations by the Department Head or designee.
- D. A merit increase shall be made and take effect only after written recommendation of the Department Head and the City Administrator and the approval of the City Council for an employee who has attained Step E in the salary schedule.

SECTION 4.07 APPLICABLE SALARY RATES FOLLOWING PAY RANGE INCREASES AND DECREASES.

- A. When a pay range for a given class is revised upward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same step in the new pay range (Step B to Step B, Step C to Step C, etc.).
- B. When a pay range for a given class is revised downward, the incumbents of positions in classes affected may have their existing salary adjusted to the same step in the new pay range (Step B to Step B, Step C to Step C, etc.), or they may be Y-Rated.

SECTION 4.08 PAY RATE CHANGE ON ANNIVERSARY DATE.

When a pay range change becomes effective on an employee's anniversary date, the employee shall receive first any range adjustment to which entitled and then receive the corresponding step adjustment.

SECTION 4.09 STEP INCREASE ON DATE OF PROMOTION.

When a step increase becomes effective on the date an employee is promoted to a higher class, the employee shall receive first any step increase to which entitled in the lower class, and then the promotional adjustment as provided.

SECTION 4.10 APPLICABLE PAY FOLLOWING REEMPLOYMENT.

Upon the appointment of an employee from a reemployment list as provided by section 9.10 of these Rules and Regulations, the employee shall receive the salary step in the pay range the employee received prior to layoff.

SECTION 4.11 APPLICABLE PAY FOLLOWING REINSTATEMENT.

Upon the reinstatement of an employee as provided by Section 9.10 of these Rules and Regulations, the employee shall receive not more than the same salary step in the pay range the employee received prior to voluntary resignation or voluntary demotion and a new anniversary date for the employee shall be established coinciding with the date of such reinstatement.

SECTION 4.12 APPLICABLE PAY FOLLOWING PROMOTION.

- A. Upon the promotion of any employee, such employee shall be placed at the step of the new range that provides a minimum five percent (5%) increase over the salary formerly received unless the top step of the new range is less than five percent in which case they shall be placed at the top step of the new range.

- B. Effective on the date of the promotion, a new anniversary date shall be established coinciding with the effective date of the promotion.

SECTION 4.13 APPLICABLE PAY FOLLOWING TRANSFER.

Upon the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the same anniversary date.

SECTION 4.14 APPLICABLE PAY FOLLOWING DEMOTION TO A LOWER CLASS.

- A. Upon the demotion of any employee to a class with a lower maximum salary, the employee shall be assigned to a salary step in the lower pay range as follows:
  - 1. If the demotion is a disciplinary demotion, the employee may be assigned to any designated step in the pay range for the lower class which is at least one step less than the dollar amount received in the pay range for the class from which demoted.
  - 2. If the demotion is a voluntary demotion which has been recommended by the Department Head and approved by the City Administrator, the employee shall be assigned to that salary step in the new pay range so as to receive the same salary he/she was receiving in the old range. If the same salary is not a step in the new range, he/she shall be placed on such step of the new range as to receive the nearest lower salary. The employee's previous anniversary personnel action date shall be retained.

SECTION 4.15 APPLICABLE PAY FOLLOWING RECLASSIFICATION.

- A. If a position is reclassified to a class which has the same maximum salary, the salary and the anniversary date of the incumbent shall not change.
- B. If a position is reclassified to a class which has a higher maximum salary, the salary shall be adjusted in accordance with Sections 4.09 and 4.12 of these Rules and Regulations.
- C. If a position is reclassified to a class which has a lower maximum salary, the incumbent shall be placed on the step of the new salary range so as to receive the same salary as received in the old range. If the present salary is between steps of the new range, the employee shall be placed on the step of the new range next higher than the present salary.

SECTION 4.16 ACTING APPOINTMENT.

The City Administrator may authorize, in writing, a special salary upgrading for an employee who is temporarily assigned the work of a higher position when it is determined to be in the best interest of the City to do so. Persons receiving an acting appointment must meet the minimum qualifications of the position. Acting appointments may be considered if cases where:

- A. A permanent position incumbent is expected to be absent for a significant period of time, generally thirty (30) days or more.
- B. A permanent position vacancy exists and organizational constraints preclude filling the position in a timely manner.
- C. The best interests of the city would be served from either a special project completion, training or special assignment standpoint.
- D. Such assignment will only apply to formal work/job classifications as adopted by the City Council.
- E. Acting appointments may extend for no longer than six months except that the City Administrator, may approve an additional extension of up to an additional six months if either of the following two (2) conditions are met:
  - 1. The city has conducted the recruitment process for appointment to a vacancy and decides it is in the best interest of the City to conduct a second recruitment process; or
  - 2. The incumbent Employee is on leave anticipated to expire subsequent to expiration of the initial one hundred and twenty (120) calendar days, but prior to expiration of an additional one hundred and twenty (120) days.

Said option shall be exercised, in writing, not later than the one hundred and twentieth (120th) calendar day subsequent to the employee being notified, as outlined above. In the event said option is not exercised, then any Employees so temporarily assigned out of class shall cease to be so assigned, and shall on the one hundred and twenty-first (121st) calendar day be considered to be returned to their regular assignment.

- F. An employee who is assigned to and performs the duties of a higher classification shall receive adjusted compensation at the first step in the pay range for the higher classification or a five percent (5%) increase in current

salary, whichever is greater.

- G. No adjusted compensation shall be paid unless and until the employee has worked in the higher classification for a minimum of one (1) two-week pay period, in which event the employee shall receive retroactively adjusted compensation from the first workday in the higher classification. An assignment to a higher classification shall not be manipulated to avoid paying the higher compensation.
- H. The classification title for employees serving in an acting capacity shall remain unchanged.
- I. Upon termination of the acting appointment, the employee shall be returned to the salary of his/her former position as though the special adjustment has not occurred.

SECTION 4.17 PAYROLL DEDUCTIONS.

Deductions from employees wages are made in accordance with prevailing laws, contracts, memoranda of understanding, Rules and Regulations and regulations and with the prior written approval of the City Administrator, such as:

- A. Deductions required by law and contracts include, but are not limited to such things as federal withholding tax, state withholding tax; and
- B. Deductions made on the written authorizations from each employee to include such things as credit union, recognized employee organization dues, deferred compensation contributions, and other similar type deductions as approved by the City Administrator or in an adopted MOU or Administrative Policy.

ARTICLE 5  
EXAMINATION ANNOUNCEMENTS

SECTION 5.01 EXAMINATION ANNOUNCEMENT.

- A. All personnel requisitions shall be approved by the City Administrator prior to announcement of an examination.
- B. The Department Head shall prepare and the City Administrator shall approve an official bulletin announcing any proposed examination. The bulletin shall be posted in public view in such places and by such means as to attract a sufficient number of qualified applicants.
- C. The examination announcement shall contain the class title,

a statement that the city is an affirmative action-equal opportunity employer, and shall specify at least the major job responsibilities; minimum and desirable qualifications, the selection process to be used, and the time and manner of making applications.

SECTION 5.02 DATES MAY BE CHANGED IN EXAMINATION ANNOUNCEMENT.

Dates specified in any examination announcement may be extended, postponed or canceled by the City Administrator if such action is necessary or expedient to the needs of the City.

ARTICLE 6  
APPLICATIONS AND APPLICANTS

SECTION 6.01 APPLICATIONS FOR EMPLOYMENT.

- A. Applications for employment with the City shall be made on official application forms available at City Hall, and when applicable, at the appropriate City office.
- B. The application shall contain the original signature of the applicant in the space provided on the completed application.
- C. The application shall be received in the Administration office on or before the announced final filing date and time.
- D. Applications and addenda to applications shall become the property of the City.

SECTION 6.02 CITIZENSHIP OF APPLICANTS.

Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States but who have complied with State and Federal laws defining the eligibility of non-citizens for employment in State and Local Government.

SECTION 6.03 INCOMPLETE APPLICATIONS.

Incomplete applications may be rejected.

SECTION 6.04 NUMBER OF APPLICATIONS.

- A. A separate, signed application must be submitted each time and for each classification of position for which an applicant applies.

- B. Notwithstanding any other provisions of this Article, the City Administrator may close the filing period when a predetermined number of applications have been received.

SECTION 6.05 APPLICATION INFORMATION SUBJECT TO VERIFICATION.

- A.. During the course of the employment process, information presented on an application may be verified and supplemented by investigations which may include the employment record, character and personal history of the applicant.
- B. Applicants may be required to furnish the City Administrator with certified copies of any diploma, license or any other accreditation or certification required to meet the qualifications established for the examination for which the applicant claims to hold.
- C. All finalists will be verified through State Department of Motor Vehicles (DMV) records, fingerprints and references.

SECTION 6.06 DISQUALIFICATION OF APPLICANTS.

- A. The City Administrator may disqualify any applicant from consideration, either before or after an examination, whose appointment is deemed contrary to the best interests of the City. Reasons for rejecting an application or an applicant may include but shall not be limited to any of the following deficiencies:
  - 1. The applicant is lacking in any of the qualifications or requirements established for the examination or set forth in the class description for the class for which he/she is applying, or in these Rules and Regulations;
  - 2. The applicant has made false statement, or practiced or attempted to practice deception or fraud in his/her application or examination, or in securing eligibility for appointment;
  - 3. The applicant uses intoxicating liquors to excess or misuses narcotics or drugs illegally or to the detriment of work performance;
  - 4. The applicant has been dismissed from any position for any cause which would be cause for dismissal by the City;
  - 5. The applicant resigned from a position in order to avoid dismissal;
  - 6. The information from reference or background checks of the applicant indicates probable unfitness;

- 7. The applicant failed to submit the completed application to the personnel office by the prescribed filing date;
- 8. The applicant uses or attempted to use personal or political influence or pressure, or bribery, to secure an advantage in an examination or appointment; or
- 9. The applicant failed to appear promptly at the time and place designated for any position of an examination, or failed to reply within a reasonable time to communications concerning availability for employment.

SECTION 6.07 APPLICANTS WITH FELONY OR MISDEMEANOR CONVICTIONS.

Conviction including pleas of guilty and nolo contendere of a felony or of any misdemeanor which evidences moral turpitude or unfitness for employment on the part of the applicant or eligible shall be grounds for rejecting the applicant or removing the name of an eligible from any employment list.

SECTION 6.08 ACCESS TO CRIMINAL RECORDS BY CITY ADMINISTRATOR.

In order to further the objectives set forth in Section 6.08 of these Rules and Regulations and as authorized by the California Penal Code Section 11105(b) (10) and 13300(b) (10), the City Administrator is hereby authorized to have access to and utilize Criminal Offender Record Information on file with the State of California Department of Justice and/or local law enforcement agencies when it is necessary for such records to be utilized to fulfill employment or certification duties as set forth in these Rules and Regulations and in California Labor Code Section 432.7.

SECTION 6.09 NOTICE OF REJECTION OF APPLICATIONS.

Whenever an application is rejected, notice of such rejection shall be mailed to the last known address of the applicant by the City Administrator.

SECTION 6.10 APPLICATION AS PART OF THE EXAMINATION.

Applications shall be considered a part of the examination process.

ARTICLE 7  
EXAMINATIONS

SECTION 7.01 RESPONSIBILITY TO CONDUCT EXAMINATIONS.

A. The City Administrator shall determine or approve the manner

and method of preparation of examinations, and by whom they are administered, and shall be responsible for the conduct of examinations for all classes of positions within the City service.

- B. The examination process is intended to test the job functions identified in the class descriptions, and the City Administrator or his/her designee may examine applicants by any one or combination of techniques such as: achievement tests, aptitude tests, evaluation of education, experience, personality, assessment centers, personal interviews, performance tests, evaluation of work performance and/or work samples, physical agility tests, other written tests, review and investigation of personal background and references, successful completion of prescribed training, or by such other techniques as determined by the City Administrator.

SECTION 7.02 NEED FOR EXAMINATIONS.

- A. The City Administrator shall schedule examinations as he/she deems necessary whether or not a vacancy currently exists.
- B. Examinations may be specified by the City Administrator as a closed exam or as an open exam.

SECTION 7.03 OPEN EXAMINATIONS.

- A. "Open Examinations" are open to all persons who meet the requirements and conditions set forth in the examination announcement.
- B. Open examinations shall be conducted when the City Administrator determines they are in the best interest of the City.

SECTION 7.04 CLOSED EXAMINATIONS.

"Closed Examinations" are open to any employee who is paid by the City and who meet the requirements and conditions set forth in the examination announcement.

SECTION 7.05 BACKGROUND INVESTIGATION.

- A. The City Administrator or his/her designee may review and investigate the personal background of any applicant being considered for employment with the City.

SECTION 7.06 RATING EXAMINATIONS.

- A. The passing score on an examination or any part of an

examination will be established by the City Administrator or his/her designee.

- B. An applicant's final score in a given examination shall be the score or combination of scores attained on each competitive part of the examination, as prescribed in the examination announcement.
- C. When so stated in the examination announcement, failure on any one part of the examination may be grounds for declaring that the applicant has failed the entire examination, or that the applicant is disqualified for subsequent parts of the examination.
- D. The City Administrator may designate any part of an examination as qualifying only, and no numerical weight need be assigned to passing scores on such part.

Section 7.07 NOTICE OF EXAMINATION RESULTS.

Each applicant in an examination shall be sent written notice to his/her last known address giving the results of such examination and, if applicable, his/her final score and relative position on the employment list.

SECTION 7.08 PROTEST OF WRITTEN TESTS.

For closed exams only, protests to the accuracy of scoring or substance of exam items must be submitted to the City Administrator within ten (10) working days of the date of the mailing of exam score notices and the City Administrator may take such corrective measures as appropriate. Correction of any score shall not invalidate any previous appointment.

SECTION 7.09 EXAMINATION RECORDS.

The records of an examination are working documents, confidential in nature, and not public documents. The City Administrator shall establish and maintain procedures to ensure the confidentiality of examination records including rating sheets, test results, reference checks, background investigations, physical and psychological examinations, records, ethnic, sex, age, citizenship/legal alien documents and data. The relative position of an applicant on an eligible list shall be made known only to the applicant and city employees involved in the employment process.

SECTION 7.10 STATUS OF PROTESTED EXAMINATIONS.

The City Administrator may, after considering the needs of the City, continue the scoring of tests and other parts of the closed examination, certification, and appointment process prior to

answering protests. Appointments made are not invalidated even if a protest is subsequently allowed.

SECTION 7.11 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS.

If, in the opinion of the City Administrator, a sufficient number of qualified applicants has not made application for an examination, the City Administrator may extend the final date and the date of the examination or cancel the examination.

SECTION 7.12 UNLIMITED RECRUITMENT.

When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the City Administrator may take steps to limit the size of the applicant group through (a) shorter filing period; or (b) specifying a maximum number of applicants which will be accepted; or (c) other means which are appropriate to the circumstances and otherwise consistent with these Rules and Regulations.

SECTION 7.13 SELECTIVE RECRUITMENT.

The City Administrator may, within a job classification when a specific position's duties require a unique or specialized skill, restrict recruitment or selection processes to those individuals possessing the specialized skill.

ARTICLE 8  
ELIGIBLE LISTS

SECTION 8.01 ESTABLISHMENT OF ELIGIBLE LISTS.

- A. Eligible Lists may be established as a result of examinations.
- B. Upon completion of scoring the examination, the names of successful applicants shall be arranged in order of final score earned, from the highest scored down to the lowest passing score.
- C. Eligible lists shall become effective when certified by the City Administrator.

SECTION 8.02 DURATION OF ELIGIBLE LISTS.

Eligible lists shall be effective for a period established by the City Administrator when the list is certified.

SECTION 8.03 CANCELLATION OF ELIGIBLE LISTS.

The City Administrator may cancel an eligible list prior to the end of the prescribed period because of changed requirements for filling the position or when there are less than three names left on the list.

SECTION 8.04 EXTENSION OF ELIGIBLE LISTS.

Prior to its expiration, the City Administrator may extend the effective period of an eligible list for a period of time not to exceed an additional twelve (12) months.

SECTION 8.05 ELIGIBLE LISTS RESULTING FROM CONTINUOUS EXAMINATION.

Persons attaining a passing score on continuous examinations shall be included on any existing eligible lists, their relative standing on such lists being determined by final earned score of all other persons on the new eligible list.

SECTION 8.06 AVAILABILITY OF ELIGIBILITY LISTS.

- A. It is the responsibility of eligibles or those on re-employment lists or requesting reinstatement to notify the personnel office of any change of address or other change affecting availability for appointment.
- B. Eligibles and those on re-employment lists who do not indicate willingness to accept employment under the offered conditions will be considered to have declined appointment, and their names may be withheld from certification for other positions in which the same employment conditions apply.

SECTION 8.07 REMOVAL OF NAMES FROM ELIGIBLE LISTS.

- A. The City Administrator may remove the name of any eligible from an eligible list for any of the following reasons:
  - 1. Disqualification, for the reasons identified in these Rules and Regulations that would be grounds for termination of employment;
  - 2. If a report, a background investigation or a reference check is unsatisfactory;
  - 3. If the medical, physical, or psychological examination is unsatisfactory;
  - 4. On evidence that the eligible cannot be located by postal authorities at the last know address. Failure to reply within five workdays from the date the letter or card was mailed requesting information as to availability for appointment, or failure to notify the

personnel department of any change of address resulting in the return of letters by the United States Post office, will be considered sufficient evidence. On submission of a request therefor, giving acceptable reasons as to why the notice was not returned or change of address not filed, the City Administrator may restore the name of an eligible to the appropriate list;

- 5. If the eligible has been appointed to the position for which the list was established;
- 6. Upon receipt of a written statement from the eligible requesting the removal of his/her name from the list;
- 7. If an offer of regular full-time employment in the class for which the list was established has been declined by the eligible; or
- 8. If the eligible selected has been granted at least two weeks to assume the position and fails to do so.

SECTION 8.08 SPECIAL CERTIFICATION OF ELIGIBLE LISTS.

When an eligible list for a class contains less than three names, the City Administrator may authorize the certification of less than three names or make provisional appointments to regular positions until additional names are secured through another examination, provided that no provisional appointment may be made if any names are available on the re-employment list for the class (see Provisional Appointments, Section 9.06, these Rules and Regulations).

Section 8.09 RESTORATION TO ELIGIBLE LIST.

Any person whose name has been removed from an eligible list shall receive consideration for restoration of his/her name to a list by submitting a request, in writing, to the City Administrator specifying the reason(s) which he/she feels substantiates that request. Restoration may be requested only during the original period of eligibility or extension thereof, and granting of restoration is at the discretion at the City Administrator.

ARTICLE 9  
APPOINTMENTS AND PROMOTIONS

SECTION 9.01 APPOINTMENTS AND PROMOTIONS.

All appointments and promotions to positions shall be made

according to merit and fitness and, if applicable, from eligible lists.

SECTION 9.02 REQUEST TO FILL VACANCIES.

Whenever a position is to be filled, the Department Head shall notify the City Administrator and make a request for the certification of eligibles, if applicable, and provide such information as is required on the form(s) provided by the City Administrator.

SECTION 9.03 METHOD OF FILLING VACANCIES.

Vacancies shall be filled by appointment from lists as set forth in Article 9 of these Rules and Regulations. In the absence of persons eligible in such manner, provisional appointments may be made in accordance with Section 9.11 of these Rules and Regulations.

SECTION 9.04 CERTIFICATION OF ELIGIBLES.

Except as provided in these Rules and Regulations, when a position is to be filled from an eligible list, the City Administrator shall certify to the Department Head the names of the top three candidates on the eligible list.

SECTION 9.05 SELECTION OF EMPLOYEES.

- A. No appointment shall be made until the background evaluation, and any other pre-employment testing deemed to be necessary and appropriate are successfully completed.
- B. Once the Department Head or his/her designee has completed the interview/testing requirements, and has selected the top candidate, he/she will submit to the City Administrator a letter of intent to hire. Upon the City Administrator's written concurrence, the Department Head will contact the applicant and offer employment.

SECTION 9.06 POST EMPLOYMENT OFFER PSYCHOLOGICAL AND/OR MEDICAL EXAMINATION.

- A. Once an offer of employment has been made by the City and accepted by the applicant, a psychological and/or medical examination will be scheduled by the City. If the results of the examination(s) provides substantive evidence that the appointee's physical and/or psychological health will provide an undue hardship for the City, and that reasonable accommodations can not be made, and the undue hardship will persist, the City does have the authority to withdraw the employment offer. The burden of proof would be the documented factual job-related evidence, in relationship to

the employment. The results of the examination(s) shall be confidential information which will only be subject to review by the Department Head and the City Administrator, or their designee.

- B. A psychological and/or medical examination may be required for a promotional appointment, on the recommendation of the Department Head to the City Administrator.
- C. If the appointee passes the required psychological and/or medical examination(s), and reports for duty within such period of time as prescribed by the Department Head, the appointee shall be deemed to be appointed; otherwise, the applicant is deemed to have declined appointment.

SECTION 9.07 RETURN TO WORK PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS.

- A. Where it is in the City's best interest, an employee, before returning to work after taking sick leave, may be required to undergo an examination by a physician, psychiatrist or psychologist designated by the City and/or submit a certificate of employability from the treating physician. The expense for said examination shall be borne by the City.
- B. In all cases of medical absence due to a communicable disease, or its potential, the afflicted employee shall notify the City Administrator and the Department Head immediately of such condition, and may be required to provide medical evidence of employability before returning to work.

SECTION 9.08 HEALTH MAINTENANCE PSYCHOLOGICAL AND/OR MEDICAL EXAMINATIONS.

When, in the opinion of the City Administrator and appropriate Department Head, it would be in the best interest of the City to evaluate the medical or psychological condition of any employee, the City Administrator may schedule such employee for an examination, at City expense, with a physician, psychiatrist or psychologist selected by the City.

In unusual circumstances where an employee may present a hazard to himself/herself, co-workers, or others, the Department Head may recommend and the City Administrator may authorize, in writing, the employee's reassignment, or compulsory leave with pay, pending results of a medical or psychological examination and appropriate hearing.

SECTION 9.09 ELIGIBILITY DETERMINATION.

Subsequent to any medical or psychological examination, the City

Administrator and appropriate Department head shall review the results of the examination(s). If a disability does exist, the City shall make reasonable accommodation to the physical or mental limitations of an otherwise qualified individual unless to do so would impose an undue hardship on the operation of the City. The City will take into consideration the physical and/or psychological requirements of the class to be filled. The report will be maintained in a confidential file with limited access. The City will make every effort to comply with the employment provision of the Americans with Disability Act (ADA).

SECTION 9.10 APPEALS.

An applicant/employee who is deemed unfit medically or psychologically and who wishes to appeal must use the following procedure:

- A. An appeal must be filed with the City Administrator within five (5) days after notice of nonemployability. The only basis for appeal is presentation of medical and/or psychological evidence that the appointee/employee meets the medical standards and the appointee/employee is employable, or that there can be reasonable accommodation, which would make the appointee/employee employable. All evidence must be presented within thirty (30) days.
- B. The City Administrator shall review the evidence submitted and within ten (10) working days of receipt determine whether the applicant/employee is employable. The City Administrator's decision shall be final.

SECTION 9.11 PROVISIONAL APPOINTMENTS.

- A. A provisional appointment to a regular position may be made when the demands of the service are such that it is not practicable to give advance notification of pending or anticipated vacancies, or when an employment list contains less than three (3) names as provided in section 8.08 of these Rules and Regulations and if it is not practical to delay appointment until a new employment list can be prepared and certified.
- B. The City Administrator may approve a provisional appointment to position until a regular appointment can be made.
- C. As soon as practical after a provisional appointment has been made, the City Administrator shall cause an examination to be prepared and an employment list established.
- D. No person shall be employed by the city under provisional appointment for a total of more than six (6) consecutive months.

- E. No special credit shall be awarded in any examination or the establishment at any employment lists for services rendered as a provisional employee.
- F. If a provisional employee is eventually hired as a regular employee, he/she shall not receive credit for any purpose for time employed as a provisional employee, except for the establishment of a starting date for seniority.
- G. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday pay shall not be granted nor accrue to any employee serving a provisional appointment.
- H. A provisional employee serves at-will and may be removed at any time without the right of appeal or hearing.

SECTION 9.12 EXTRA-HELP/TEMPORARY APPOINTMENTS.

- A. The City Council may approve extra-help/temporary appointments.
- B. No special credit shall be awarded in any examination or the establishment of any employment list for services rendered under an extra-help/temporary appointment.
- C. An extra-help/temporary appointment will be made from an employment list if one is established. Any person on an employment list who accepts employment as an extra-help/temporary employee shall retain his/her place on such employment list.
- D. An extra-help/temporary employee is not a permanent appointment, and, if eventually hired as a regular employee, shall not receive credit for any purpose for time employed as a extra-help/temporary employee, except for the establishment of a starting date for seniority.
- E. Unless otherwise approved by the City Administrator, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance. vision care, dental care, vacation, sick leave, and holiday pay shall not be granted nor accrue to any employee serving in an extra-help/temporary appointment.
- F. An extra-help/temporary employee serves at-will and may be removed at any time without the right of appeal or hearing.

SECTION 9.13 REGULAR PART-TIME APPOINTMENTS.

A regular part-time appointment may be made when there is part-time work to be performed on a continuous basis.

SECTION 9.14 ACTING APPOINTMENTS.

- A. An acting appointment is the appointment of an existing City employee to a vacant position for a limited period of time. The acting appointment may be made when the demands of the service are such that it is not practical to leave the position vacant.
- B. The City Administrator may approve an acting appointment provided that:
  - 1. The Department Head certifies that the position is temporarily vacant due to the absence of the employee who normally fills such position.
- C. No special credit shall be awarded in any examination or the establishment of any employment list for services rendered under an acting appointment.
- D. An acting appointment may, but need not be made from an eligible list. Any person on an eligible list who accepts employment under an acting appointment shall retain his/her place on such eligible list.
- E. A person in an acting appointment shall not acquire regular status in such an appointment.
- F. An employee shall have no change in benefits, including but not limited to, retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, and all leave time.
- G. An employee in an acting appointment may be removed from such appointment and replaced in his/her original probationary or regular position at any time without the right of appeal or hearing.
- H. Employees so appointed will perform all the duties and responsibilities of the position for at least the full number of work hours of each workday.
- I. At the conclusion of the acting appointment, said employee shall return to his/her prior position.

SECTION 9.15 REINSTATEMENT APPOINTMENTS.

- A. A reinstatement appointment, for individuals previously employed by the City, may be made upon recommendations of the Department Head and City Administrator and approved by

the City Council, provided that the person reinstated meets the minimum qualifications for employment for the position and provided that the City receives a favorable medical report from the medical examiner when deemed appropriate.

- B. Any person reinstated shall be treated as a new employee and shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City.
- C. Any person reinstated must have previously completed probation and obtained permanent status.
- D. There are no implied rights to reinstatement and it is done solely at the City's discretion.

SECTION 9.16 APPOINTMENT OF RELATIVES.

- A. The City Council shall not appoint to a paid position any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council and neither shall any officer having appointive power appoint any relative within such degree to any such position.
- B. Regular employees who are relatives by blood or marriage shall not be placed in such position as to supervise or evaluate a relative.

SECTION 9.17 EMPLOYEE OATH OF OFFICE.

- A. Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the provisions of Article 20, Section 3, of the California Constitution.
- B. In the case of temporary employment, the oath or affirmation taken and subscribed as required by this Section shall be effective for all successive periods of employment which commence within one calendar year from the date of subscribing to the oath or affirmation.
- C. No compensation or reimbursement for expenses incurred shall be paid to any employee of the City unless such employee has taken and subscribed to the oath or affirmation required by this Section.

SECTION 9.18 PROOF OF CITIZENSHIP OR LOCAL RESIDENCY.

Any person appointed to a regular position shall be required to submit a proof of citizenship or legal residency and/or permit to work to the City Administrator.

ARTICLE 10  
PROBATIONARY PERIOD

SECTION 10.01 PURPOSE OF PROBATIONARY PERIOD.

The probationary period is part of the testing and selection process and shall be used for observing the employee's work, for facilitating the effective adjustment of the employee to his/her position, and for rejecting any probationary employee. A probationary employee serves at-will and is subject to release without cause any time during the probationary period.

SECTION 10.02 LENGTH OF PROBATIONARY PERIOD.

- A. All regular appointments are subject to a probationary period.
- B. All regular employees shall serve a probationary period that shall be defined in their respective MOU or Administrative Policy.
- C. The probationary period shall not include the time served under any provisional, extra-help/temporary, emergency or acting appointment, and shall begin on the effective date of appointment to a regular position.
- D. Leaves of absence without pay, for any reason, shall not be counted toward completion of the probationary period and the probationary period shall be extended by the number of days of such leave that are in excess of one pay period.

SECTION 10.03 EXTENSION OF PROBATIONARY PERIOD.

As an alternative to the release of a probationary employee, a probationary period may be extended for a period or periods not to exceed six (6) months. Extension of probationary periods shall be approved, in writing, by the City Administrator.

SECTION 10.04 REJECTION DURING PROBATIONARY PERIOD.

- A. With written approval of the City Administrator, a probationary employee may be rejected and released at any time during the probationary period. Such rejection and release shall not be subject to an appeal. The effective date of termination shall be not later than the last day of the probationary period.
- B. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted,

unless he/she is dismissed from the service of the City, for cause.

ARTICLE 11  
PERFORMANCE EVALUATION

SECTION 11.01 PERFORMANCE REPORTS OF EMPLOYEES.

Performance evaluation reports for employees shall be prepared on a schedule established by the City Administrator. In addition, a performance evaluation may be made at any time at the discretion of the Department Head.

SECTION 11.02 EVALUATION NOT APPEALABLE.

Performance evaluations are not appealable. Employees may request discussion of the performance evaluation and may file a written response to the performance evaluation which will be placed in his/her personnel file.

ARTICLE 12  
CHANGES IN EMPLOYMENT STATUS

SECTION 12.01 ATTAINMENT OF PERMANENT STATUS AS A REGULAR EMPLOYEE.

An employee appointed to a position shall earn permanent status as a regular employee in a class if the employee has successfully completed the designated probationary period.

SECTION 12.02 PROMOTION OF AN EMPLOYEE.

Promotion to a position may be made from an employment list established for the class.

SECTION 12.03 STATUS OF EMPLOYEE FOLLOWING PROMOTION.

An employee who has been promoted, and successfully completes the designated probationary period to which promoted, gains status as a regular employee in the new class.

SECTION 12.04 TRANSFER OF AN EMPLOYEE.

- A. At the discretion of the City Administrator, an employee may be transferred from one position to another position in the same class or to a comparable class at the same salary level.

- B. Whenever possible, except when waived by the employee, the employee being considered for transfer shall be notified within a reasonable period, not less than five (5) calendar days, in advance of the effective date of such transfer.

SECTION 12.05 DEMOTION OF AN EMPLOYEE.

- A. An employee may be demoted at his/her request, or as a result of reduction in force, or for disciplinary reasons.
- B. A permanent regular employee may request a demotion by submitting such a request in writing to the City Administrator. Any demotion resulting from an employee's request shall be known as a voluntary demotion. Voluntary demotions may be made to a vacant position or by a downgrade of the same position when recommended by the Department Head and upon written approval by the City Administrator. No employee may voluntarily demote to a position for which he/she does not meet the minimum qualifications and no employee has the right to voluntarily demote whether or not they meet the minimum qualifications.

ARTICLE 13  
LAYOFF

SECTION 13.01 STATEMENT OF INTENT.

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right to appeal.

SECTION 13.02 NOTIFICATION.

Employees to be laid off shall be given, whenever possible, at least fourteen (14) days prior written notice.

SECTION 13.03 VACANCY AND DEMOTION.

Except as otherwise provided, whenever there is a reduction in the work force, the City Administrator shall first demote the employee to a vacancy, if any, in a lower class for which the employee, who is the latest to be laid off in accordance with Section 13, is qualified.

SECTION 13.04 EMPLOYEE RIGHTS.

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series (e.g., Maintenance Worker,

Skilled Maintenance Worker, etc.) or in a lower classification in which the affected employee once held permanent status. For the purpose of this section and Section 4, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.

SECTION 13.05 SENIORITY.

In order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the City Administrator within five (5) working days of receipt of notice of layoff. Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or a class in the class series.

SECTION 13.06 EMPLOYMENT STATUS.

In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary and regular.

- A. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the City Administrator.
- B. In cases where there are two or more regular employees in the class from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to layoff.
- C. The City Administrator shall give due consideration to seniority only where the employee's qualifications and ability are relatively equal.

SECTION 13.07 REEMPLOYMENT LIST.

The names of persons laid off or demoted in accordance with these Rules and Regulations shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by the City Administrator when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

SECTION 13.08 DURATION OF REEMPLOYMENT LIST.

Names of persons laid off shall be carried on a reemployment list for one (1) year, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such reappointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the one (1) year.

ARTICLE 14  
LEAVES OF ABSENCE WITH PAY

SECTION 14.01 BEREAVEMENT LEAVE.

In the event at a death in the employee's immediate family or of other close relatives (i.e., grandchildren, aunts, uncles, first cousins, brother-in-law, sister-in-law, and others as approved, in writing, by the City Administrator, an employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

SECTION 14.02 JURY DUTY.

- A. Each probationary or permanent full-time or part-time employee required to report for jury duty shall be granted leave of absence upon presentation of the notice to appear for jury duty to the Department Head. Every effort shall be made to give advance notice of jury duty to the Department Head.
- B. The employee shall receive full pay for the time served on a jury, which falls during their regular assigned shift. In addition, fees received from the court for such duty including compensation, mileage and subsistence allowances will be retained by the employee.
- C. An employee summoned to jury duty must provide evidence of such summons and subsequent jury duty days away from work to the Department Head, who shall forward such notice to the City Administrator.

SECTION 14.03 SUBPOENA.

The employee shall receive full pay for subpoenaed court appearances that are connected with the employee's official duties provided that the employee remits to the City all fees received for such appearances. Compensation for expenditures for mileage or subsistence allowances shall not be considered fees

and shall be retained by the employee.

SECTION 14.04 MILITARY LEAVE OF ABSENCE.

- A. Military leave shall be granted in accordance with the provisions of applicable state and Federal laws.
- B. An employee entitled to military leave shall give the Department Head and the City Administrator an opportunity within the limits of military regulations to determine when such leave shall be taken. Whenever possible, the employee involved shall notify his/her Department Head of such leave request at least thirty (30) calendar days in advance of the beginning date of such leave.
- C. An employee requesting military leave shall present military orders to his/her Department Head to qualify for this benefit.

SECTION 14.05 WORK RELATED DISABILITY LEAVE.

- A. Whenever an employee, except those employees subject to the provisions of Section 4850 et seq. of the State Labor Code (Police and Fire), holding a regular full-time position is compelled by direction of his/her physician to be absent from duty on account of an injury arising out of and in the course of his/her employment, he/she shall receive sick leave compensation during the first three (3) calendar days of such absence, provided he/she has accumulated sick leave to cover the period.
- B. Beginning with the fourth calendar day of such absence, he/she will apply prorated accrued sick leave to such absence and will receive compensation to which he/she is entitled under the Worker's Compensation Act at his/her regular pay, not to exceed the amount of his/her accumulated sick leave. If an employee is off more than fourteen (14) days, the first three (3) days off will be compensated under the Worker's Compensation Act.
- C. An employee will use any accumulated compensating time off, accumulated holidays and vacation time in like manner after his/her sick leave is exhausted.
- D. Employees subject to the provisions of section 4850 et seq. of the State Labor Code (Police and Fire) shall not have any portion of their work-related disability leave charged against accrued sick leave until 4850 time is exhausted. At such time, the employee shall be required to use sick leave until exhausted and then compensating time off, accumulated holidays and vacation until they are exhausted.

- E. Employees who are found to abuse or fraudulently use the privilege and benefits of the temporary disability program prescribed above shall be subject to disciplinary action up to and including termination from City service.
- F. An employee exercising these temporary disability provisions shall be required to provide the Department Head and the City Administrator with a copy of the attending physician's report, which shall contain a description of the nature and anticipated duration of the disability, and may be required to submit to physical, psychological, and/or medical examinations as directed by the City.
- G. An employee shall keep the Department Head and the City Administrator apprised of his/her medical condition at intervals prescribed by the City Administrator.
- H. An employee exercising these temporary disability provisions shall continue to accrue vacation, holidays, and sick leave while the employee receives Workers' Compensation payments under the provisions of the California Workers' Compensation Law or is otherwise in paid status with the City.

ARTICLE 15  
LEAVES OF ABSENCE WITHOUT PAY

SECTION 15.01 AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

An employee shall not be entitled to a leave of absence without pay as a matter of right.

SECTION 15.02 AUTHORIZATION FOR LEAVE OF ABSENCE WITHOUT PAY.

- A. Under special circumstances requests for leaves of absence without pay may be granted by the City Administrator for a period of up to one (1) year.
- B. The request for the authorization of any leave of absence without pay shall be made in writing to the City Administrator.
- C. A medical leave of absence without pay shall not be authorized until the employee has exhausted all leave balances.
- D. A personal leave of absence excludes the use of sick leave.

SECTION 15.03 EARLY RETURN FROM AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

An employee may request permission from the City Administrator to return from an authorized leave of absence without pay prior to the expiration of such leave. Such a request may be granted at the discretion of the City Administrator.

SECTION 15.04 STATUS OF EMPLOYEE ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY.

- A. Authorized leave of absence without pay shall not be construed as a break in service, except as listed below, and rights accrued as of the time the leave is granted shall be retained by the employee.
- B. Benefits including, but not limited to, health/medical insurance, life insurance, vision care, dental care, vacation, sick leave, holidays, retirement, payments for special assignments, and other similar benefits shall not be granted nor accrue to a person granted a leave of absence without pay during period of absence if such period exceeds one pay period.

Employees and their dependents may continue their health/medical insurance by paying monthly, in advance, the premiums for such time as the employee is on authorized leave of absence without pay. Employees must pay the current COBRA (California Omnibus Budget Reconciliation Act) rate that is in effect during the time of their leave. The premium must be received by the City one week prior to the beginning of the covered month.

- C. An employee returning to employment after an authorized leave of absence without pay shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the authorized leave of absence without pay commenced.
- D. Time spent on an authorized leave of absence without pay shall not count towards service and the employee's service date and anniversary date shall be set forward a period of time equal to the employee's total absence.

SECTION 15.05 FAILURE TO RETURN FROM AUTHORIZED LEAVE OF ABSENCE.

Failure of an employee to return to his/her employment upon the expiration of any authorized leave of absence without pay shall constitute an automatic resignation from City Service. If the employee can show proof that there was good cause for the failure to return upon the expiration of the authorized leave of absence, the City Administrator may authorize an extension of said leave.

ARTICLE 16  
VACATION - SICK LEAVE

SECTION 16.01 VACATION ACCRUAL.

- A. Each probationary and full-time employee shall earn vacation benefits in accordance with his/her length of continuous service and in accordance with the provisions of approved memoranda of understanding.
- B. Each probationary and permanent employee shall accrue vacation in an amount proportionate to the ratio of scheduled hours of work per week to the standard work week but in no case shall the number of vacation hours accrued exceed those hours allowed full-time employees. Employees may accrue vacation in accordance with the provisions approved memoranda of understanding.
- C. Provisional, temporary, or emergency employees shall not accrue vacation.

SECTION 16.02 MAXIMUM ACCRUAL OF VACATION.

- A. Employees may accumulate vacation in accordance with the provisions of approved memoranda of understanding.
- B. When the maximum number of vacation hours is accumulated by an employee, vacation hours shall cease to accrue to that employee, unless the employee has obtained written approval from the City Administrator to increase his/her maximum accrual of vacation hours.

SECTION 16.03 TIME OF VACATION.

Dates of vacation may be requested by the employee, but are subject to the approval of the City Administrator, upon the recommendation of the Department Head, with particular regards for the needs of the City and due regards to the wishes of the employees.

SECTION 16.04 HOLIDAYS FALLING DURING VACATION.

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday and he/she shall not be paid or charged for vacation.

SECTION 16.05 ILLNESS OR ACCIDENT DURING VACATION.

- A. An illness or accident during a regularly approved and scheduled vacation period may be converted to sick leave, if

approved in writing by the City Administrator, when:

1. The employee, immediately upon return to duty, submits to his/her Department Head a written request for sick leave and, a written statement signed by the employee's attending physician certifying to the nature and dates of the employee's physical disability.

SECTION 16.06 PAYMENT FOR LEAVE BALANCES UPON TERMINATION.

An employee who leaves City employment shall be compensated at his/her current rate of pay for vacation, CTO, holiday and other leaves accrued but not taken up to the date of separation.

SECTION 16.07 SICK LEAVE: STATEMENT OF POLICY.

- A. Sick leave is a privilege extended by the city, not a right of the employee.
- B. Sick leave means the absence from duty of an employee because of illness or injury or as defined in Section 16.08.
- C. Any employee requesting sick leave shall notify his/her supervisor or department no later than one hour after their work shift begins or immediately when taken ill during work hours unless otherwise specified by the Department Head.
- D. No employee who is on sick leave shall engage in work or other activities at any time which would be detrimental to the employee's ability to work and perform the duties assigned.

SECTION 16.08 LEAVE CHARGEABLE TO SICK LEAVE.

- A. Sick leave is accumulated at a rate defined in the employee's respective MOU or Administrative Policy.
- B. An employee with accumulated sick leave may be granted sick leave for the following:
  1. Illness or physical incapacity of the employee;
  2. Enforcement quarantine of the employee in accordance with community health regulations;
  3. Illness or injury in the immediate family requiring the attendance of the employee, with a maximum of fifteen days of family sick leave taken per calendar year;
  4. Medical, vision and dental office appointments which cannot be scheduled at other than work hours; and

- 5. In conjunction with an on-the-job injury leave. (Refer to Section 14.05.)

SECTION 16.09 SICK LEAVE ACCRUAL.

- A. Each employee shall earn sick leave benefits in accordance with the provisions of approved memoranda of understanding.
- B. Each probationary and permanent part-time employee shall accrue sick leave in an amount proportionate to the ratio of schedule hours of work per week to the standard work week but in no case shall the number of hours of sick leave accrued per year exceed those hours allowed to full-time employees.
- C. Provisional and temporary employees do not accrue sick leave benefits unless approved by the City Council.

SECTION 16.10 MAXIMUM ACCRUAL OF SICK LEAVE.

- A. An employee may accumulate sick leave indefinitely.
- B. An employee will continue to accrue sick leave while disabled with an on the job injury for as long as stated in the relevant section of the memoranda of understanding.

SECTION 16.11 PHYSICIAN'S STATEMENT REQUIREMENT FOR SICK LEAVE.

- A. Prior to approving sick leave, the Department Head or the City Administrator may require a written statement from the attending physician or dentist, or from a physician or dentist selected by the City Administrator, that the employee requesting sick leave is or was incapacitated and unable to perform the duties of his/her position of employment.
- B. Before an employee returns to work following sick leave, the Department Head or the City Administrator may require a written statement from the attending physician or dentist, or from a physician or dentist selected by the City Administrator, that the employee is released to return to work and is capable of performing all the duties and responsibilities of his/her position of employment.
- C. When an employee is required to bring in doctor's substantiation that he/she was incapacitated and unable to perform the duties of his/her position of employment, the cost of procuring said note will be borne by the employee.

SECTION 16.12 EXPIRATION OF SICK LEAVE.

- A. In the event an employee's illness continues after

expiration of his/her sick leave, such absence shall be charged to compensating time off, accumulated holidays and Vacation, in that order.

- B. Upon expiration of sick leave, compensatory time off, accumulated holidays and vacation, an employee may request, in writing, a leave of absence without pay for the purpose of recovering from an illness, provided that:
  - 1. The employee presents to his/her Department Head for referral to and consideration by the City Administrator a written explanation of the employee's illness and an estimate of the time required for recovery, signed by the employee's physician.

SECTION 16.13 MEDICAL RELEASE AND EXAMINATION AFTER SICK LEAVE.

Prior to resuming his/her duties, an employee who has been on sick leave or a leave of absence may be required to take a physical, medical and/or psychological examination as prescribed by the City Administrator. The employment record and the results of such medical examination shall be considered by the City Administrator in determining the employee's fitness to return to work. The costs associated with such exams shall be borne by the City.

SECTION 16.14 HOLIDAYS FALLING DURING SICK LEAVE.

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking sick leave with pay such employee shall not be charged as using sick leave for that day. The employee's compensation for that day shall be holiday and he/she shall not be charged for sick leave.

SECTION 16.15 RELEASE FROM EMPLOYMENT OR REDUCTION IN RANK DUE TO PHYSICAL OR MENTAL DISABILITY.

For non-disciplinary reasons, an employee's employment may be terminated or an employee may be reduced in rank because of physical or mental disability which disability precludes the employee from the proper performance of the essential duties of his or her job. Any such action shall be subject to the same provisions of these Rules and Regulations as are applicable to actions taken pursuant to Article 19.

SECTION 16.16 PAYMENT FOR SICK LEAVE UPON TERMINATION.

An employee who resigns, is laid off, or is dismissed from City service shall be compensated for unused sick leave per their MOU or Administrative Policy.

ARTICLE 17  
OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY

SECTION 17.01 POLICY CONCERNING OUTSIDE EMPLOYMENT.

A City employee shall not engage in any employment, activity or enterprise for compensation which is inconsistent, in conflict with, or inimical to his/her duties as a City employee or with the duties, functions or responsibilities of such person's Department Head or the department in which employed.

SECTION 17.02 PROHIBITED ACTIVITIES FOR OUTSIDE EMPLOYMENT.  
(Government Codes 1126 and 1127)

- A. Subject to the concurrence of the City Administrator, each Department Head may determine those outside employment's, activities or enterprises which, for employees under his/her jurisdiction, are inconsistent, incompatible, in conflict with or inimical to their duties as City employees.
- B. An employee's outside employment, activity or enterprise shall be prohibited if it:
  - 1. Involves the use for private gain or advantage of City time, facilities, equipment, supplies, or the badge, uniform, prestige, authority or influence of his/her City office or position; or
  - 2. Involves receipt or acceptance by the City employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her City employment or as a part of his/her duties as a City employee; or
  - 3. Involves the performance of an act in other than the capacity of the City employee, which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee of the City; or
  - 4. Involves such demands as would render performance of his/her duties as a City employee less efficient.

SECTION 17.03 AUTHORIZATION FOR OUTSIDE EMPLOYMENT.

Henceforth, with adoption of these Rules and Regulations:

- A. An employee wishing to engage in any sustained employment, activity or enterprise for compensation shall inform their

Department Head by submitting, in writing, information as to the nature of such activity. If the employment, activity or enterprise is deemed not compatible under Government Codes 1126 and 1127, the employee shall be notified by the City Administrator, in writing, to cease or abstain from such employment, activity or enterprise. The decision of the City Administrator shall be final.

SECTION 17.04 VIOLATIONS AND PENALTIES CONCERNING OUTSIDE EMPLOYMENT.

Any violation of these provisions respecting outside employment, activity or enterprise and use of City property shall constitute sufficient grounds for disciplinary action, up to and including immediate dismissal of the employee from the City service.

ARTICLE 18  
DISCIPLINARY PROCEEDINGS

SECTION 18.01 POLICY FOR DISCIPLINARY PROCEEDING.

In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this Article sets forth those circumstances under which disciplinary action may be required and the procedures which govern such proceedings.

SECTION 18.02 CAUSES FOR DISCIPLINARY ACTION.

The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or dismissal of any employee. The purpose of specifying these causes is to alert employees to the more commonplace types of disciplinary issues. However, this list is not all inclusive and there may arise instances of unacceptable behavior not included in this list:

- A. Improper or unauthorized use or abuse of sick leave;
- B. Absence without authorized leave; chronic tardiness to assigned work station; or leaving assigned work without authorization;
- C. Misconduct, willful or negligent violation of the these Rules and Regulations, written department rules, regulations and policies, resolutions, and other related ordinances;
- D. Insubordination, which constitutes refusal to submit or adhere to lawful directions by a superior;

- E. Acceptance of gifts or gratuities in connection with or relating to the employee's duties;
- F. Refusal to take and subscribe any oath or affirmation which is required by law in connection with employment;
- G. Conviction of a felony or a misdemeanor involving a moral turpitude. A plea or a verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction;
- H. Fraud or the submission of false information related to employment application, payroll, or any work related record or report;
- I. Soliciting outside work or personal gain during the conduct of City business; engaging in outside employment for any business under contract by the City, or participating in any outside employment that adversely affects the employee's City work performance;
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business including fighting, using profane or abusive or threatening language toward others;
- K. Conduct tending to interfere with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate reasonably with superiors or fellow employees;
- L. Engaging in political activities while on duty, in uniform or using the authority associated with City employment;
- M. Violation or neglect of safety rules;
- N. Failure of good behavior, either during or outside duty hours, which is of such a nature that it causes discredit to the City or one of its operating services;
- O. Discrimination, including harassment, against other employees or members of the public on the basis of race, color, national origin, religious creed, ancestry, sex, marital status, age or physical handicap;
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner;
- Q. Refusal or inability to improve job performance in

accordance with written or verbal direction after a reasonable trial period;

- R. Refusal to accept reasonable and proper assignment from an authorized supervisor;
- S. Intoxication, intemperance, or incapacity on duty due to the use of controlled substances or alcohol;
- T. Suspension of driver's license where job duties require driving;
- U. Careless, negligent, or improper use of City property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property;
- V. Unauthorized release of confidential information or official records;
- W. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City;
- X. Dishonesty;
- Y. Retaliation for actions protected by Law.

SECTION 18.03 PERSONS WHO MAY TAKE DISCIPLINARY ACTION.

- A. The City Administrator or any Department Head or designee may take any written disciplinary action against an employee within his/her respective department.
- B. The City Administrator may suspend any City employee, except those in Management, from his/her position subject to these Rules and Regulations.
- C. The City Council may suspend any Management employee from his/her position subject to these Rules and Regulations.
- D. The City Administrator shall be informed of any written disciplinary action within a twenty-four (24) hour period, subject to holidays and week-ends.

SECTION 18.04 TYPES OF DISCIPLINE AND PROCEDURES.

- A. Depending on the nature of the circumstance(s), discipline will bear a reasonable relationship to the violation(s).
- B. The type of discipline that may occur are as follows:
  - 1. Verbal Reprimand

2. Written Reprimand
3. Suspension Without Pay
4. Administrative Leave
5. Demotion
6. Dismissal

SECTION 18.05 VERBAL REPRIMAND.

A verbal reprimand notifies the employee that his/her performance or behavior must be improved. It defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action. Although the supervisor makes a note of the date, time, and content of the verbal reprimand, no record is placed in the employee's permanent personnel file unless subsequent action is necessary. If improvement does not commence, a written reprimand would be the next step.

SECTION 18.06 WRITTEN REPRIMAND.

- A. A written reprimand is an official notification to the employee stating the need for improvement in work performance or behavior, delineating the causes for dissatisfaction with the employee's services, and informing the employee that further disciplinary measures may be taken unless there is immediate and sustained improvement in work performance or behavior.
- B. A copy of the written reprimand shall be placed in the employee's personnel file by the City Administrator or his/her designee.
- C. A written reprimand may be considered as pertinent evidence or information in any subsequent hearing.
- D. The employee may provide a written response to the written reprimand and the response shall be placed in the employee's personnel file by the City Administrator or his/her designee.

SECTION 18.07 SUSPENSION WITHOUT PAY.

Suspension without pay is the temporary separation of an employee from work for disciplinary purposes. During a period of suspension without pay, an employee shall not accrue or be allowed to use any other paid time (vacation, sick leave, compensating time off, holidays, etc.).

SECTION 18.08 ADMINISTRATIVE LEAVE.

Notwithstanding the provisions of this Rule, the City

Administrator may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

SECTION 18.09 DEMOTION.

A reduction in pay shall be a demotion unless it is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

SECTION 18.10 DISMISSAL.

Dismissal is termination of any employee from City employment for cause.

ARTICLE 19  
DISCIPLINARY ACTION, APPEAL AND HEARINGS

SECTION 19.01 PROCEDURE FOR DISMISSAL, SUSPENSION, DEMOTION OR REDUCTION IN PAY.

- A. All employees who have not attained the status of permanent employee may be dismissed, suspended, demoted or reduced in pay upon the judgment of the Department Head, with the written concurrence of the City Administrator.
- B. The following procedural steps shall be followed with respect to the action of dismissal, suspension of more than three (3) days, demotion, or reduction in pay of a permanent employee in the competitive service.

First, prior to taking action of dismissal, suspension, or demotion, written notice of the proposed action shall be given the employee ten (10) calendar days in advance of taking the action, said notice shall contain the following:

1. The proposed action to be taken and the date set for the action;
2. The reasons for the proposed action;
3. A copy of the charges and materials upon which the proposed action is based; and
4. A statement advising the employee that he/she has a right to respond to the charges, in writing, to the person imposing the proposed action prior to the time the action is taken; that the employee has the right to be represented at all stages of the proceedings by

counsel of his/her choice at the employee's expense.

Second, on the date of taking action of dismissal, suspension or demotion of the employee, he/she shall be notified, in writing, of the action taken.

He/she shall then have a right to appeal to the City Council within five (5) calendar days from the date of written notification.

The City Council shall issue their decision, in writing, within thirty (30) calendar days after the conclusion of the hearing, unless waived, in writing, by either party.

There shall be no appeal from the City Council's decision. It shall be final and binding on the Association, the City of Angels, and on all bargaining unit employees.

Any time limitation provided herein may be waived in writing by mutual agreement of the employee or his/her designated representative and of the City Council or their designated representative. If either party fails to comply with any time limitation or extension thereof, absent written waiver of same, the appeal shall automatically be resolved in favor of the other party.

An employee shall have the right to process an appeal individually, by the Association and/or by an Attorney at Law. In cases wherein more than one appeal is filed on the same issue(s), the City shall have the ability to combine the appeals together for hearing purposes.

C. For suspension of three (3) days or less, the procedure shall be as follows:

1. The employee shall be given, by his/her Department Head, written notice containing the following:
  - a. the proposed action to be taken and the date set for action;
  - b. the reasons for the proposed action;
  - c. a statement that any materials upon which the proposed action is based are available for the employee's inspection; and
  - d. a statement advising the employee that he/she has the right to a hearing before the City Administrator if requested within three (3) working days after receipt of said notice.

- 2. If the employee requests a hearing, the City Administrator shall schedule a hearing within five (5) working days and advise the employee of the time and place of the hearing.
- 3. The employee shall have a right to be represented at the hearing by an Association representative or other person of his/her choice.
- 4. The decision of the City Administrator shall be final.

Section 19.02 INVESTIGATION AND INTERROGATION OF PUBLIC SAFETY OFFICERS.

In the investigation and interrogation of public safety officers who are suspected of malfeasance, the rights afforded under Chapter 9.7 for Public Safety Officers, Section 3300 through 3311 of the Government Code of California, shall apply.

ARTICLE 20  
GRIEVANCE PROCEDURE

SECTION 20.01 GRIEVANCES.

It is the policy of the City that all grievances of employees relating to working conditions be resolved at the lowest level of supervision possible. Such unresolved grievances shall be resolved as follows:

- A. The employee, with or without the employee association representative/certified organization representative, shall take up the grievance or dispute with the employee's immediate supervisor within ten (10) calendar days of the date of the grievance or the employee's knowledge of its occurrence. The supervisor shall attempt to adjust the matter and shall respond to the employee within five (5) calendar days.
- B. If the grievance has not been settled, it shall be presented in writing by the employee or employee representative to the Department Head within seven (7) calendar days after the supervisor's response is due. The Department Head shall respond to the employee in writing within five (5) calendar days.
- C. If the grievance still remains unresolved, it shall be presented by employee or employee representative/certified organization representative to the City Administrator in writing within seven (7) calendar days after the response of the Department Head is due. The City Administrator shall

respond in writing to the employee within seven (7) calendar days.

- D. Failure by the City Administrator to respond to the grievance within the specified time limit, unless the time limit has been extended by mutual agreement of both parties, shall deem the grievance to be decided in favor of the grievant.
- E. If the grievant is not satisfied by the City Administrators response, grievant shall have the option to bring the matter to the attention of the City Council via an agendized oral presentation to the Council or appear in closed session at their next regularly scheduled meeting. Such oral argument shall be limited to the content of each of the grievance responses and shall specifically exclude any additional testimony or other evidence, unless agreed upon, in writing, by both parties prior to the scheduled meeting. The City Council's response shall be in writing, rendered within thirty (30) calendar days, and will be the final administrative decision.

ARTICLE 21  
EMPLOYER-EMPLOYEE RELATIONS

SECTION 21.01 PURPOSE.

It is the purpose of this resolution to establish policies and procedures for the administration of employer-employee relations in City government, the formal recognition of employee organizations and the resolutions of disputes regarding wages, hours and other terms and conditions of employment.

SECTION 21.02 RIGHTS OF EMPLOYEES.

Employees of the city shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the City also shall have the right to refuse to join or participate in the activities of employee organizations. It shall be an additional right of the employees to represent themselves individually in their employee relations with the City, as allowed by state law. Neither the City nor the employee organizations shall interfere with, intimidate, restrain, coerce, or discriminate against employees because of the exercise of their rights under this Section.

SECTION 21.03 RIGHTS OF CITY.

Responsibility for management of the City and direction of its

work force is vested in city officials and Department Heads whose powers and duties are specified by law. In order to fulfill this responsibility it is the exclusive right of City Management to determine the mission of its constituent departments, offices and boards, set standards of services to be offered to the public and exercise control and discretion over the City's organization and operations. It is also the exclusive right of City Management to take disciplinary action for proper cause, relieve city employees from duty because of lack of work or other legitimate reasons and determine the methods, means and personnel by which the City's operations are to be conducted and to take all necessary actions to maintain uninterrupted service to the community and carry out its mission in emergencies.

SECTION 21.04 CERTIFICATION OF EMPLOYEE ORGANIZATION.

A. The representation units of the City shall be:

- 1. Confidential Employees
- 2. General Employees
- 3. Management Employees
- 4. Police Safety Employees

The City Administrator may after consultation with affected employee organizations modify the Units by moving classes from one unit to another, creating units, abolishing units, adding new classes and deleting old classifications. The bargaining units shall be kept current with any changes.

Employees or an employee organization may petition the City Administrator to create a new representation unit or other-wise modify the existing units. The City Administrator or his designee shall consult with affected employee organizations prior to taking action on this request.

In the event that a new unit is split from an existing unit represented by a certified representative or exclusive representative shall still represent that unit and a new employee organization may only become the representative of the new unit by way of decertification election.

Any of the parties to a dispute concerning the appropriateness of a unit may request mediation by the State Conciliation Service. The costs of mediation, if any, shall be borne equally by both parties.

B. Employee organizations may be certified to represent their members by action of the Council upon showing of support by the member employees.

C. Where there is not exclusive representative of the

employees, a representative organization may become eligible for certification as the exclusive representative as follows:

1. Upon receipt of an original petition signed by not less than 30% of the respective employees of the City stating their desire to be exclusively represented by a representative organization, the City Administrator shall give notice of an election not less than thirty (30) days nor more than forty (40) days after receipt of the petition.
2. Other employee organizations may be placed on the ballot of the election by filing no later than fifteen (15) days prior to the date set for the election, a secondary petition signed by not less than fifteen percent (15%) of the employees who were employees on the date the original petition was received, stating their desire to be represented by the other representative organization.
3. The election shall be held by secret ballot; only those persons who were employees at the time the original petition was received shall be eligible to vote.
4. For a representative organization to be eligible for certification as the exclusive representative, a canvas of the ballots must show:
  - a. A majority of the employees voting desire to be represented by an employee organization; and
  - b. The representative organization received a plurality of the votes cast between competing representative organizations.
5. Thereafter, challenges or decertification shall not be instituted sooner than one (1) year following certification of any employee organization as the exclusive representative.

SECTION 21.05 CHALLENGES TO CERTIFICATION AND REQUEST FOR DECERTIFICATION.

- A. In the event of challenge to certification or the request to decertify the representative of a representational unit, the following procedure shall apply:
  1. A request to challenge or to decertify the certified or exclusive organization shall be accomplished by or in the form of a petition executed by at least thirty percent (30%) of the employees within the

representational unit. Upon receipt of such a petition the City Administrator shall schedule an election within thirty (30) days of the receipt of such petition for the purposes of decertification and replacement of certified employee organization.

- 2. The certified employee organization shall be decertified or changed upon a majority of those casting valid ballots in an election for decertification.

SECTION 21.06 EMPLOYEE ORGANIZATION RIGHTS AND DUTIES.

- A. Upon request, a certified employee organization shall have the right to meet and confer in good faith with appropriate levels of City Management regarding wages, hours, and other terms and conditions of employment for its representational unit, within the scope of representation.
- B. An exclusive employee organization shall be the sole representative of all employees in the unit and shall represent all employees of the unit, except that any employee of the unit shall have the right to represent himself/herself in his/her employment relations with the City, as allowed by State law.

SECTION 21.07 SCOPE OF REPRESENTATION.

The scope of representation shall include all matters relating to employment conditions and employer/employee relations, including but not limited to wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law of executive order.

SECTION 21.08 ADVANCE NOTICE.

Each certified employee organization affected shall be given reasonable written notice of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City and shall be given the opportunity to meet with the appropriate management representatives prior to adoption. For the purposes to such notification, the published agenda of the City Council will suffice for notice of proposed actions by those bodies. This form of notification, however, shall not be deemed sufficient where the agenda item is so phrased as to not indicate the full and true nature of the matter to be considered.

SECTION 21.09 ATTENDANCE AT MEETING.

Certified employee organization may have a reasonable number of

employees who serve as official representatives released from work without loss of compensation when meeting and conferring with City representatives where matters within the scope of representation are being considered.

SECTION 21.10 ACCESS TO WORK LOCATIONS.

Authorized representatives of certified employee organizations shall be allowed reasonable access to employees or the unit during work hours for representational purposes including the processing of grievances.

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in memoranda of understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of these Rules and Regulations that pertain directly to the employer-employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of City operations.

SECTION 21.11 BULLETIN BOARDS.

Space shall be made available to certified employee organizations for locating bulletin boards within the City only at such facilities where the certified employee organization has members and provided such use does not interfere with the needs of the various departments. Notices shall be dated and shall identify the certified employee organization who will be responsible for their issuance. The employee organization will be responsible for insuring that material posted is of current interest and that out-of-date material is removed in a timely manner.

SECTION 21.12 EMPLOYEE PAYROLL DEDUCTIONS.

A certified employee organization may have the regular dues and employee benefit programs of its members deducted from the employee's individual paycheck. Deductions or withdrawals shall be made only upon the written authorization of the individual employee.

SECTION 21.13 MEET AND CONFER.

A. City representatives and the representatives of certified employee organizations shall have the mutual obligation to personally meet and confer within a reasonable period of time in order to freely exchange information, opinions and proposals and to endeavor to reach agreement on matters within the scope of representation.

- B. Upon commencement of the meet and confer process, the parties shall refrain from making public statements to the press or to individuals not party to the meet and confer process, provided that the parties may exchange information with regard to items under discussion to other jurisdictions or employee organizations. Nothing contained herein shall preclude the parties from the exercising of rights granted them by the City, State, or Federal laws.

SECTION 21.14 MEMORANDUM OF UNDERSTANDING.

Upon agreement by the parties, a proposed written memorandum of understanding shall be prepared and shall be jointly presented to the City Council.

SECTION 21.15 IMPASSE PROCEDURE.

Impasse procedures are as follows:

- A. If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
- B. If the parties fail to agree to submit the dispute to mediation or fail to agree on the selection of a mediator, or fail to resolve the dispute through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the impasse to fact-finding.
- C. If the parties agree on fact-finding, they may agree on the appointment of one or more fact-finders. If they fail to so agree on one or more fact-finders, a fact-finding panel of three (3) shall be appointed in the following manner: one member of the panel shall be appointed by the Employee Relations Officer, one member shall be appointed by the Exclusively Recognized Employee Organization, and those two shall name a third, who shall be the chairperson. If they are unable to agree upon a third, they shall select by agreement the third member from one or more lists of seven (7) names of individuals having fact-finding experience in the municipal sector to be provided by the State Conciliation Service, or any other source mutually agreed upon.

SECTION 21.16 FACT-FINDING.

The following constitutes the jurisdictional and procedural requirements for fact-finding:

- A. The fact-finders shall consider and be guided by applicable Federal and State laws.
- B. Subject to the stipulations of the parties, the fact-finders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
  - 1. First, as relevant to the issues in dispute, the fact-finders shall compare the total compensation, hours and conditions of employment of the employees involved in the fact-finding proceedings with the total compensation, hours and conditions of employment of other employees performing similar services in public and private employment in the same and comparable communities. "Total compensation" shall mean all wage compensation, including but not limited to premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, including but not limited to educational and uniform benefits; and employer payments for all health, welfare and pension benefits.
  - 2. The fact-finders shall then adjust the results of the above comparisons based on the following factors:
    - a. The compensation necessary to recruit and retain qualified personnel.
    - b. Maintaining compensation relationships between job classifications and positions within the City.
    - c. The pattern of change that has occurred in the total compensation of the employees in the unit at impasse as compared to the pattern of change in the average "consumer price index" for goods and services, and the pattern of change in wages and compensation of other wage earners.
  - 3. The fact-finder(s) shall then determine preliminary recommendations based on the comparisons as adjusted above which, however, shall be reduced as appropriate based on the financial resources of the City to implement them. In assessing the City's financial resources, the fact-finder(s) shall be bound by the following:
    - a. Other legislatively determined and projected demands on agency resources, i.e., budgetary priorities as established by the governing body; and
    - b. Allowance for equitable compensation increases for

other employees and employee groups for the corresponding fiscal period(s); and

- c. Revenue projections not to exceed currently authorized tax and fee rates for the relevant fiscal year(s); and
- d. Assurance of sufficient and sound budgetary reserves; and
- e. Constitutional, statutory (and charter) limitations on the level and use of revenues and expenditures.

C. The fact-finder(s) shall make written findings of fact and recommendations for the resolution of the issues in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The fact-finder or chairperson of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Officer and the designated representative of the Exclusively Recognized Employee Organization. If these parties have not resolved the impasse within ten (10) calendar days after service of the findings and recommendations upon them, the fact-finder or the chairperson of the fact-finding panel shall make them public by submitting them to the City Clerk for consideration by the City Council in connection with the Council's legislative consideration of the impasse.

D. If the parties do not agree on mediation or the selection of a mediator and do not agree on fact-finding, or having so agreed, the impasse has not been resolved, the City Council may take such action regarding the impasse as it in its discretion deems appropriate as in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

SECTION 21.17 COST.

The cost of mediation and fact finding proceedings, if any, shall be borne equally among all parties involved.

SECTION 21.18 LABOR MANAGEMENT COMMITTEE.

A. There is hereby established a special joint committee for the purposes of discussing common problems. An association and the City may each designate up to three (3) representatives to serve on the committee.

- B. The committee shall meet at such times as are mutually agreed to and as requested by one or both parties. The party or parties requesting to meet will provide an agenda for items to be discussed. All items presented by one or both parties will be addressed. Meetings will be held during normal working hours at no loss of pay to participants. There will be no overtime authorized for meetings or portions of meetings that are conducted outside of an employee's normal work schedule. The committee shall make recommendations which may be implemented by the appropriate authorities.

SECTION 21.19 CONSTRUCTION.

- A. Nothing in this Article shall be construed to deny any person, employee, or employee organization the rights granted by Federal and State laws.
- B. The rights, powers and authority of the City Council and the rights of employee organizations in all matters, including the right to maintain legal action, shall not be modified or restricted by this Article.

ARTICLE 22  
MISCELLANEOUS

SECTION 22.01 TRAINING.

For the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their duties, the City Administrator shall be responsible for providing training programs as he/she deems necessary. Where a training program is offered by the city and the employee is requested or required by the City to attend, the City shall pay the cost thereof, as stipulated in the City's adopted Travel Policy.

SECTION 22.02 AID FROM STATE OF CALIFORNIA.

The City of Angels declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code.

SECTION 22.03 SAVING CLAUSE.

If any article or section of these Rules and Regulations or any addendum or amendment thereto should be held to be invalid by operation of law or by a tribunal of competent jurisdiction, or if compliance or enforcement of any article or section should be restrained by such tribunal or the enactment of superseding rule,

regulation, law or order, such article or provision shall be immediately suspended and be of no force and effect. Invalidation of a part or portion of these Rules and Regulations shall not invalidate any remaining portions unless those remaining portions were contingent upon the operation of the invalidated section.

In the event of a conflict between a specific provision of an MOU or Administrative Policy and a written rule, regulation or solution of the City or any of its divisions, the terms of the MOU or Administrative Policy shall prevail.

## March 2025 Staff Report

### Water Treatment:

- Completed quarterly sedimentation basin cleaning.
- Completed annual backup generator service and testing.
- Acid washed and inspected the chlorine generation cell.
- Created new preventative maintenance program for the water plant.
- Completed annual water system reporting.
- Collaborated with multiple water agencies to start work on the watershed sanitary Suvey.

### Water Distribution

- Replaced water services on Depot Rd., Tuolumne Rd., and Birds Way.
- Repaired a water leak on Love St.
- Ordered and received the second round of meters.
- Flushed fire hydrants along Mark Twain Rd.
- Worked with the contractor on the meter replacement project.

### Wastewater Treatment:

- Completed annual service and testing for both generators.
- Started bio-solids drying operations.
- Worked on electrical issues on the U.V. system.
- Working on repairs to the reclaimed water system within the treatment plant.
- Starte gathering information for the Waste Discharge Permit renewal.

### Sewer Collections

- Completed emergency backup generator service and testing on all lift stations.
- Worked with Sutton Enterprises on Vallecito project.
- Cleaned the inverted syphon on Finnegan Lane.
- Cleared a plugged sewer lines on Clifton Lane and on Tuolumne Road.

### Public Works

- Weed abatement work continues throughout the city.
- Completed more brush removal work throughout the city.

- Mowing and weed eating work is ramping up for the parks and city owned properties.
- Installed no smoking signs at Utica Park.
- Completed repairs in the kitchen at Utica Park.
- Replaced damaged street signs throughout the city.
- Utica Park preemergent weed spraying was completed.
- Completed service on the emergency backup generator at City Hall.
- Repairs on Gateway Park bathroom are in progress and should be completed in April.
- Street light repairs are also in progress. I will stay on PG&E to make sure it gets completed.



# April

# 2026

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 <u>COG</u>	2	3	4
5	6	7 CITY COUNCIL MEETING	8 COG TAC IRWMA	9 PLANNING COMMITTEE	10	11 11-4 CHILDREN'S FAIR
12	13	14	15 <u>CPPA</u>	16	17	18
19	20	21 CITY COUNCIL MEETING	22	23	24	25
26	27 <u>SWTF</u>	28 <u>UWPA</u>	29	30		

## ASSIGNMENTS

<p><b>CENTRAL SIERRA ECONOMIC DEVELOPMENT DISTRICT (CSEDD):</b> R: SCOTT A: BROGLIO</p> <p><b>CALAVERAS COUNCIL OF GOVERNMENTS (COG):</b> R: BEHIEL &amp; CHIMENTE A: BROGLIO</p> <p><b>CALAVERAS PUBLIC POWER AGENCY (CPPA):</b> R: CHIMENTE A: BROGLIO</p> <p><b>LOCAL AGENCY FORMATION COMMISSION (LAFCO):</b> R: BEHIEL &amp; SCOTT A: CHIMENTE</p> <p><b>SOLID WASTE TASK FORCE (SWTF):</b> R: BROGLIO A: CHIMENTE</p> <p><b>UTICA WATER &amp; POWER AUTHORITY (UWPA):</b> R: BROGLIO &amp; SCHIRATO A: CHIMENTE</p>
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<p>COG Technical Advisory Committee (COG TAC) City Engineer / City Administrator</p> <p>Integrated Regional Water Management (IRWMA) City Planner / City Administrator</p>
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# May

# 2026

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 CITY COUNCIL MEETING	6 <u>COG</u>	7	8	9
10	11	12	13 COG TAC IRWMA	14 PLANNING COMMITTEE	15	16
17	18 <u>LAFCO</u>	19 CITY COUNCIL MEETING	20	21 <u>CSEDD</u>	22	23
24	25	26	27	28	29	30
31						

## ASSIGNMENTS

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