

CITY OF LODI, CALIFORNIA

RULES FOR PERSONNEL ADMINISTRATION

AS SUBMITTED TO THE MAYOR AND CITY COUNCIL
ON NOVEMBER 16, 1994

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RULES FOR PERSONNEL ADMINISTRATION

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ARTICLE I
PURPOSE

SECITON 1.01 PURPOSE OF THESE RULES

- A. By adopting these Rules for Personnel Administration, the City Council hereby establishes in accordance with the provisions of Ordinance No. 474, an equitable and uniform procedure for dealing with personnel matters and to place municipal employment on a competitive merit basis such that the best qualified persons available are brought into and retained in city service.
- B. Appointments and promotions in the classified service of the City shall be made according to merit and from eligible lists to be established in accordance with these Rules.
- C. Individuals are assured of impartial treatment either as an applicant or employee in all respects of personnel administration without regard to political affiliation, race, religion, color, sex, age, marital status, national origin, physical or mental disability, ancestry, veteran status, medical condition, sexual orientation or any other basis prohibited by law, and with proper regard for their privacy and constitutional rights as citizens.
- D. Employees shall be notified of proposed changes to these Rules sixty (60) days prior to submittal to the City Council by written or electronic notice to each department and posted on the City Hall Bulletin Board.
- E. Violation of the provisions of the Rules constitutes grounds for dismissal or other disciplinary action deemed appropriate by the appointing authority.

ARTICLE II DEFINITION OF TERMS

SECTION 2.01 DEFINITIONS: The following terms used in these Rules shall have the meaning hereinafter designated, unless from the context hereof it clearly appears that a different meaning is intended.

Allocation. The official assignment of an individual position to its appropriate class on the basis of the duties performed and the authority and responsibilities exercised.

Applicant. A person who has submitted a complete application for employment with the City in accordance with these Rules. The term does not apply to a person who has indicated orally or in writing interest in employment or has filed an interest card for employment.

Appointing Authority. The person or persons having lawful authority to appoint or remove persons from positions in the City in accordance with Ordinance No. 474.

Appointment. The offer of and acceptance of a position in the City service in accordance with these Rules.

At-Will Service. The service of an employee which does not provide a legal right to continued employment, and who therefore may be disciplined or discharged with or without cause for any non-discriminatory reason and without the right of appeal.

Authorized Position. A full-time position authorized by the City Council.

Budgeted Position. An authorized full-time position for which funds are appropriated.

Business Day. The days in which City Hall is in operation.

Certification. The submission by Human Resources of names of eligibles from an appropriate eligible list to an appointing authority in accordance with these Rules.

City. The City of Lodi, California.

Class or Classification. Position or group of positions, with 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.

Classification Plan. The current schedule of classes established by the City Council, class specifications, assigned salaries, and the procedures for maintaining the plan.

Classified Service. All employees except for the following: elected officials, officers appointed by the City Council, Department Directors, members of appointed boards, commissions and committees, persons engaged under contract to render professional, scientific, technical or expert services; and part-time, seasonal or temporary employees.

Continuous Recruitment. A recruitment conducted for an unlimited amount of time subject to close when a sufficient number of applications have been received or when a position has been filled.

Day. A calendar day unless otherwise designated.

Demotion. The movement of an employee from one class to another class having a lower salary range.

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

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

Employee. A person occupying a classified or unclassified position in City Service.

Exempt Employee. Employees who are not entitled to overtime compensation under the Fair Labor Standards Act (FLSA) because of their status as Executive, Administrative or Professional employees, as those terms are defined by the FLSA and related regulations.

Flexibly Staffed. The procedure by which an employee may be promoted to the next level of staffing within a job series without a competitive recruitment process.

Full-time Employee. See definition for Regular/Full-time employee.

Job Description. A written statement of the general duties of a classification and the minimum qualifications required to perform them.

Layoff. The involuntary separation of one or more regular/full-time 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. Layoffs can arise from including, but not limited to, a reorganization, reassignment, service level adjustment, lack of work, or lack of funds.

Memorandum of Understanding. A document describing a bilateral or multilateral agreement between the City of Lodi and a recognized bargaining unit. For Executive Management and Fire Mid-Management this would be the Statement of Benefits.

Merit. A system where personnel decisions, including hiring, evaluation, promotion and discipline, are based solely on employee's ability, knowledge, skills, education, experience, performance and qualifications.

Non-Exempt Employee. Employees who are entitled to overtime under the FLSA and related regulations. Non-exempt employees' pay is calculated on an hourly basis.

Open Recruitment. A competitive recruitment 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, usually by the supervisor, pointing out an unsatisfactory element of job performance. An oral reprimand (oral warning) is intended to be corrective or cautionary.

Overtime. Employees working overtime shall be paid in increments of 15 minutes. Time within any 15 minute increment shall be rounded off, with 0-7 minutes adjusting back to the preceding increment and 8-15 minutes adjusting forward to the next increment. Therefore, overtime shall be compensated in increments of 15 minutes at a rate of time and one-half.

Part-time Employee. A person hired less than full-time.

Personnel Board of Review. The board shall hear appeals by any person in the classified service relative to any situation involving the employees' status or conditions of employment, including disciplinary matters.

Personnel File. The official personnel file maintained in Human Resources by paper or electronic form

Position. A combination of job duties and responsibilities assigned to a single class and normally performed by an employee.

Probationary Employee. An employee who has been appointed from an eligible list to a regular/full-time position but has not completed the probationary period.

Probationary Period. An extension of the recruitment process to include a specified work test period during which an employee serves at will and may be terminated for any non-discriminatory reason (only in regards to terminations).

Probationary Release. The separation of an employee from City service during the probationary period with or without cause. An employee released 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.

Promotion. The movement of an employee from one class to another class with a higher maximum salary range.

Promotional Recruitment. A competitive recruitment for a particular class which may be taken only by regular/full-time and probationary employees of the City who meet the requirements set forth in the recruitment job announcement.

Provisional Appointment. The temporary appointment of an individual, who possesses the appropriate minimum qualifications, to a regular/full-time authorized and budgeted position pending the establishment of an eligible list.

Reclassification. The change in the assignment of a position from one existing class to a new class or another existing class. The reclassification shall be effective upon approval by the City Council.

Recruitment Test. The recruitment technique used to measure the knowledge, skills and abilities of applicants.

Recruitment/Test Score/Ranking. The score or ranking used to establish an applicant's placement on an eligible list. The final score or ranking may be computed from a combination of tests from various parts of the recruitment process.

Reemployment List. A list of names of former regular/full-time employees who have been laid off from a class, with the most recent layoff at the top of the list for reemployment to that class.

Regular/Full-time Employee. An employee hired from an eligible list who has successfully completed the probationary period for a position and occupies a budgeted position in the classified service. A regular/full-time employee is one hired into a regular/full-time position.

Regular/Full-time Position. A budgeted position established by the City Council that is a part of the classified service.

Reinstatement. The rehiring of a separated employee to the same classification held during employment with the city.

Resignation. The voluntary separation of an employee from employment with the City.

Salary. The pay rate established for the position for the performance of duties in a position in a range and steps established in accordance with a Memorandum of Understanding or Salary Schedule.

Salary Range. A series of salary steps for a position within the Salary Schedule.

Salary Schedule. A set of base salary rates assigned to specific classes of positions.

Seniority. The status, priority, or precedence achieved by length of service, as in a given job.

Supervisor. An individual authorized to assign and evaluate the work of another employee. Every employee is assigned an immediate supervisor, though, they may receive direction from other supervisors and/or managers.

Supervisory File. A written or electronic file maintained by the department to be used to generate the performance appraisal.

Temporary Employee. A person hired for a limited period of time.

Termination. The involuntary 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.

Unclassified Employee. Officers of the City Council, Department Directors, and part-time seasonal or temporary employees.

Vacancy. A position in City service which is not occupied.

Written Reprimand. A cautionary or corrective written notice 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. The action of "freezing" the salary of an employee when such salary exceeds the maximum rate authorized in the Salary Schedule for the class of said employee.

**ARTICLE III
GENERAL PROVISIONS**

SECTION 3.01 PERSONNEL POLICY. In accepting employment with the City each employee agrees to be governed by and to comply with ordinances, these Rules, the administrative policy and procedure manual, the rules, regulations and directives of the department in which employed, and the memorandum of understanding in effect between the City and the appropriate employee organization. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including dismissal.

SECTION 3.02 EQUAL OPPORTUNITY EMPLOYER. The City of Lodi is an equal opportunity employer and is committed to a policy of fair employment practices regardless of race, color, ancestry, national origin, religion, sex or sexual orientation, marital status, age, mental or physical disability or perceived disability, medical condition, pregnancy, political affiliation or belief, or other unlawful discrimination.

AMERICANS WITH DISABILITY ACT - In compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, the City of Lodi provides reasonable accommodation for qualified individuals with disabilities.

SECTION 3.03 POWERS OF THE CITY MANAGER.

- A. Except for the Library Services Director, which is governed by the Library Board under the Education Code, Sections 18900-18955, the City Manager is the chief administrative officer and the head of the administrative branch of the City Government. Whenever the term "City Manager" is used in these Rules, it shall include the City Manager or any person designated by him/her to carry out any function required by these Rules. When any officer or employee other than the City Manager is assigned a duty or responsibility under these Rules, such assignment is subject to the direction and control of the City Manager, and the City Manager shall have the right to perform such duty or responsibility or to assign it to any other officer or employee.
- B. Subject to Ordinance No. 474, and the Rules for Personnel Administration, the City Manager has the power and authority to:
 - 1. Establish, when not in conflict with these Rules, such other policies, procedures, rules and regulations necessary for the control and supervision of the affairs of the City;
 - 2. Hire, transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in salary, suspend, or dismiss City employees and Department Directors, except for those officers appointed by the City Council or the Library Board of Trustees.
- C. The City Manager shall interpret, apply, administer and enforce the provisions of these Rules, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolution, the memoranda of understanding, and

any other pertinent regulations, directives and policies which relate to the City's personnel system.

SECTION 3.04 DEPARTMENT RULES AND REGULATIONS. Department Directors may develop, implement as necessary any departmental 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 which are not contrary to these Rules, the employer-employee relations resolution, the memoranda of understanding, and other pertinent regulations.

SECTION 3.05 APPLICATION OF PERSONNEL RULES. These Rules shall apply to all City employees and positions in the classified service except for the following:

- A. Elected officials;
- B. Members of appointed boards, commissions and committees;
- C. Persons engaged under contract to render professional, scientific, technical or expert services for a definite period of time;
- D. Volunteer personnel who receive no regular compensation from the City;
- E. Where a particular rule or article expressly states it does not apply to certain employees and/or positions, or applies to certain employees and/or positions.

SECTION 3.06 ADOPTION OF PERSONNEL RULES. The personnel rules shall be established by resolution adopted by the City Council.

SECTION 3.07 AMENDMENT AND REVISION OF PERSONNEL RULES. Proposed amendments to/or revisions of the Personnel Rules shall be submitted to the City Council in writing by the Human Resources Manager after approval of the City Manager.

SECTION 3.08 CONFLICT OF PERSONNEL RULES. In the event that one or more provisions of these Rules contradict provisions included in the applicable memorandum of understanding the terms of the memorandum of understanding shall prevail. If there is a conflict between these Rules and a state or federal law, that law prevails. If there is a conflict between these Rules and an administrative regulation, these Rules prevail.

SECTION 3.09 RIGHTS OF MANAGEMENT. The adoption of these Rules shall not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

**ARTICLE IV
EMPLOYEE COMPENSATION**

SECTION 4.01 OVERTIME. All overtime must be authorized by the appropriate supervisor and recorded on the employee's time card. Employees working overtime shall be paid in increments of 15 minutes. Time within any 15 minute increment shall be rounded off, with 0-7 minutes adjusting back to the preceding increment and 8-15 minutes adjusting forward to the next increment. Therefore, overtime shall be compensated in increments of 15 minutes at a rate of time and one-half.

SECTION 4.02 TIMESHEETS. All employees are required to submit a timesheet to their supervisor which records an employee's actual work and leave hours in a payroll period.

**ARTICLE V
CLASSIFICATIONS**

SECTION 5.01 PREPARATION & MAINTENANCE OF CLASSIFICATIONS.

- A. The Human Resources Manager shall have the responsibility to recommend the establishment of new classes, or the combination, alteration or abolishment of existing classes to insure the efficient and equitable operation of the classification plan.
- B. The Human Resources Manager shall ascertain and record the duties and level of responsibilities of all positions in the City and develop/maintain a classification plan for such positions.
- C. The classification plan may contain classes to which there are no current allocations of positions in order to provide for future organizational growth or changes in organizational structure.

SECTION 5.02 ADOPTION OF CLASSIFICATIONS. The City Council may create new classes and revise, or abolish existing classes of positions in the City service.

SECTION 5.03 ALLOCATION OF POSITIONS. The allocation of a position to a class shall be authorized by the City Council as recommended by the Human Resources Manager after study of the duties and responsibilities of the positions. Positions shall be included in the same class if:

- A. The positions are sufficiently similar in respect to duties, authority and responsibilities that the same descriptive title may be used; and
- B. Substantially the same education, experience, knowledge and ability are demanded of incumbents; and
- C. Substantially the same capacities and fitness tests may be used in choosing qualified appointees.

SECTION 5.04 FLEXIBLY STAFFED CLASSES. The Human Resources Manager may recommend the arrangement of various classes of positions into flexibly staffed series when, in the judgment of the Human Resources Manager and the appropriate Department Director, the classes are similar or closely related enough in requirements, duties and responsibilities.

SECTION 5.05 JOB DESCRIPTION/JOB DESCRIPTIONS. The Human Resources Manager shall prepare and maintain a written specification for each class in the City service. Each job description shall set forth at a minimum the title of the class, a definition of the class, examples of the typical duties performed by positions within that class, and a statement of qualifications necessary to perform the duties of that class.

- A. Qualifications shall be revised as the need arises.

- B. Personal qualifications commonly required of all incumbents of positions, such as acceptable physical condition, honesty, sobriety, amenability to supervision, and willingness to work cooperatively with others, the ability to comprehend and communicate in the English language, to follow written and oral instructions, shall be implied as qualifications required for every class even though such traits may not be mentioned specifically in the job description.
- 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. When driving a privately-owned vehicle the vehicle must be insured according to state law.
- 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 on file with Human Resources.

SECTION 5.06 INTERPRETATION OF JOB DESCRIPTION. The job descriptions are general in nature and discuss the duties, tasks, responsibilities, and qualifications required within each classification.

SECTION 5.07 OFFICIAL USE OF CLASS TITLE. A position shall be identified by class title in all official personnel and budget records and transactions.

SECTION 5.08 RECLASSIFICATION. Whenever a material change in duties or responsibilities of any existing position in the City service occurs the Human Resources Manager, upon a request of the Department Director, the City Manager, or an employee, may review the duties of the affected position.

SECTION 5.09 STATUS OF INCUMBENTS IN RECLASSIFIED POSTIONS. Whenever reclassification occurs, the incumbent may be retained in the position after it has been reclassified without further competitive recruitment 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, normally one year; and
- B. The incumbent possesses the knowledge, skills, abilities and experience required of the different class.

SECTION 5.10 PROCEDURE FOR RECLASSIFICATION OF INCUMBENTS.

- A. A written request is forwarded to the Human Resources Manager for a classification study to be conducted on a position. Such request shall include supporting evidence/information justifying the study. The Human Resources Manager shall determine if the classification study is warranted.
- B. The Human Resources Manager shall determine whether the reclassification of a position constitutes a downward, lateral or upward movement of the position

relative to its current 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 regular/full-time status.
 2. Lateral. The incumbent will remain unchanged in the class to which the position is reallocated.
 3. Upward. Upward reclassifications are discussed in Section 5.09. Upward reclassifications require City Council approval.
- C. The Human Resources Manager shall recommend to the City Manager appropriate action to be taken regarding the incumbent whose position is being reclassified.
- D. An employee may appeal a reclassification according to the following procedure:
1. The appeal shall be submitted in writing to the Human Resources Manager, within fifteen (15) business days of the date of notification of action.
 2. The Human Resources Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
 3. If the appeal is not settled in step 2, prior to council action the employee may submit a written appeal to the City Manager within fifteen (15) business days of the date of the response by the Human Resources Manager.
 4. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal. The decision of the City Manager shall be final and binding, except as to upward reclassifications which require City Council approval.

**ARTICLE VI
SALARY SCHEDULE**

SECTION 6.01 PREPARATION OF SALARY SCHEDULE. Human Resources shall prepare a salary schedule for all classes in the classified and unclassified City service. The development and implementation of the salary schedule shall include, but not be limited to, the following considerations:

- A. Enabling the recruitment of qualified employees;
- B. Encouraging employee retention;
- C. Recognizing salary trends in other governmental agencies and private industry;
- D. Observing the principle of equal salary for equal work;
- E. Recognizing differences in minimum requirements and responsibilities relative to the classification plan;
- F. Providing incentives for employee work performance and job development;
- G. Supporting the internal equity and alignment of the classification plan.

SECTION 6.02 ADOPTION OF SALARY SCHEDULE. Salary range increases (including changes negotiated through Memoranda of Understanding) will be amended by resolution adopted by the City Council. Each class in the classified and the unclassified services shall be assigned to the Salary Schedule.

SECTION 6.03 SALARIES. All salary rates prescribed shall be fixed on the full-time service in full-time positions, unless otherwise designated.

- A. An employee shall be appointed at the minimum rate for the class, except when the Department Director believes it is necessary to make an appointment or reinstatement to Step B of the Salary Schedule. Authorization for appointment above Step B of the Salary Schedule must be obtained from the City Manager. In reviewing such requests, consideration will be given to exceptionally high qualifications of the candidate, the candidate's salary history and outstanding experience, the availability of qualified applicants, and the resulting salary relationships with similar positions.
- B. Upon promotion, the employee shall be assigned within his or her new position at a level which represents at least a 5% increase or the maximum range, whichever is lower. No such increase may exceed the maximum pay designated for the position to which the employee is promoted. An employee so promoted shall be assigned a new anniversary date (with respect to evaluations and step increases) corresponding to his or her appointment to the new position.

- C. Upon demotion, an employee shall be assigned to the lower salary range, at the step that is below their current rate of pay. In the event of a disciplinary demotion, they shall be assigned to the step as determined through the disciplinary process. An employee so demoted shall be assigned a new anniversary date with respect to evaluations and step increases, corresponding to his or her appointment to the new position.

ARTICLE VII RECRUITMENT

SECTION 7.01 RECRUITMENT ANNOUNCEMENT.

- A. All appropriate requisition forms must be received by Human Resources prior to announcement of a recruitment. Human Resources shall prepare an announcement of any proposed recruitment and place it in public view in such places and by such means as to attract qualified applicants.
- B. The recruitment announcement shall contain pertinent information about the position, which may include the title, a statement that the City is an equal opportunity employer, and job responsibilities, qualifications, and the general selection process to be used.
- C. Dates specified in any recruitment announcement may be extended, postponed or canceled by the Human Resources Manager if such action is necessary or expedient to the needs of the City.

SECTION 7.02 APPLICATIONS FOR EMPLOYMENT.

- A. Applications for employment with the City shall be made on official application forms or the official application process (via the online recruitment system) available from Human Resources. A separate application must be submitted for each position for which an applicant applies.
- B. The application shall contain the original signature of the applicant in the space provided on the application, or the electronic signature via the online recruitment system, and be received in Human Resources on or before the announced final filing date and time.
- C. Applicants may be required to furnish certified copies of any diploma, license or any other accreditation or certification required to meet the qualifications established for the recruitment of which the applicant claims to hold.
- D. During the course of the employment process, information presented on an application may be verified and supplemented by investigations which may include, but not be limited to, the employment record, character and personal history of the applicant. Incomplete or inaccurate applications are rejected and the applicant is not eligible for consideration for that position.
- E. All application materials shall become the property of the City and are considered part of the recruitment process.

SECTION 7.03 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 7.04 DISQUALIFICATION OF APPLICANTS. The Human Resources Manager may disqualify any applicant from consideration, either before or after a recruitment, for a number of reasons to include, but not be limited to, the following:

- A. The applicant is lacking in any of the qualifications or requirements established for the recruitment, or set forth in the Job Description for the class for which he/she is applying, or in these Rules.
- B. The applicant fails to follow written or oral direction, is disruptive during the recruitment process, fails to appear promptly at the time and place designated for any portion of a recruitment, or fails to reply within a reasonable time to communications concerning availability for employment.
- C. The applicant has made false statement(s) of material fact(s), or practiced or attempted to practice deception or fraud in his/her recruitment, or in securing eligibility for appointment.
- D. The applicant used or attempted to use personal political influence or pressure, or bribery, to secure an advantage in a recruitment or appointment.
- E. The applicant did not successfully pass all aspects of the recruitment process, which may include but not be limited to, a criminal history, credit verification, and a drug and alcohol test or physical examination.
- F. The applicant is unable to perform the essential functions of the position with reasonable accommodations.

SECTION 7.05. APPLICANTS WITH FELONY OR MISDEMEANOR CONVICTIONS. Convictions including pleas of guilty and nolo contendere of a felony or of any misdemeanor on the part of the applicant or eligible will be reviewed individually by the Human Resources Manager as to determine the standing or removal of the name of an eligible from any employment list. Applicants with convictions listed by State law shall be ineligible for positions with supervisory or disciplinary responsibilities over minors.

SECTION 7.06 ACCESS TO CRIMINAL RECORDS BY HUMAN RESOURCES. In order to further the objectives set forth in these Rules and as authorized by the California Penal Code Section 11105b(10) and 13300(b)(10), Human Resources is hereby authorized to have access to and utilize criminal history 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, certification or licensing duties as set forth in these Rules and in California Labor Code Section 432.7.

SECTION 7.07 RECRUITMENT PROCESS.

- A. Human Resources shall schedule recruitments as deemed necessary for maintaining a continuity of City services. Recruitments may be specified as either promotional or open:

1. Open recruitments are open to all persons who meet the requirements and conditions set forth in the recruitment announcement. They may be conducted on a continuous basis when the Human Resources Manager determines such recruitments are in the best interest of the City.
 2. Promotional recruitments are open to probationary and regular/full-time employees of the City who meet the requirements and conditions set forth in the recruitment announcement. The names of eligibles on promotional lists who are no longer employed by the City shall automatically be dropped from such lists.
- B. The Human Resources Manager shall determine or approve the manner and methods of preparation of recruitments, and by whom they are administered, and shall be responsible for the conduct of recruitments for all classes of positions within the City service.
- C. The recruitment selection process is intended to test for the job functions identified in the job analysis and job description. Human Resources may examine applicants by a variety of techniques to include, but not be limited to: achievement tests; aptitude tests; evaluation of training, experience, and education assessment centers; personal interview; performance tests; evaluation of work performance and/or work samples; physical agility tests; written tests; review and investigation of personal background and references; medical, physical and/or psychological examinations; successful completion of prescribed training; and/or by such other techniques as determined by the Human Resources Manager.

SECTION 7.08 RATINGS. Following the examination, a candidate will be rated according to his or her overall performance and by his or her eligibility to proceed to the next level of screening in the recruitment process.

- A. Rating determinations to advance through the recruitment process will be established by Human Resources. Failure on any one part of the recruitment may be grounds for declaring that the applicant has failed the entire recruitment, or that the applicant is disqualified from subsequent parts of the recruitment.
- B. Each applicant in a recruitment shall be sent notice of his or her outcome.

SECTION 7.09 PROTEST OF APPLICATION REJECTION OR RESULTS OF RECRUITMENT PROCESS. Protests as to alleged errors, fraud, discrimination or recruitment results must be submitted to Human Resources within fifteen (15) business days of the date of the mailing of the appropriate notices and he/she may take such corrective measures as appropriate. Correction of any rating shall not invalidate any previous appointment.

- A. A written statement to Human Resources shall include the following:
1. The action being appealed;

2. The specific basis for the appeal; and
 3. The relief sought.
- B. Within fifteen (15) business days from the receipt of a timely appeal, Human Resources shall complete an investigation. The individual shall be promptly notified of the results of the investigation and advised of any rights and responsibilities for further appeal.
- C. An individual may appeal the decision of Human Resources to the City Manager or his designee by filing a written request to do so with the Human Resources Manager within fifteen (15) business days following the written notification of results by Human Resources. The City Manager's decision is binding on both parties.

SECTION 7.10 RECRUITMENT RECORDS. Recruitment records are working documents, confidential in nature, and not public documents. The Human Resources Manager shall establish and maintain procedures to ensure the confidentiality of recruitment records to include, but not be limited to, rating sheets, test results, reference checks, background investigations, physical and psychological examinations, records, ethnic, sex, age, citizenship/legal alien documents and data.

SECTION 7.11 POSTPONEMENT AND CANCELLATION OF RECRUITMENTS. If, in the opinion of the Human Resources Manager, a sufficient number of qualified applicants have not submitted an application for a recruitment or the vacancy no longer exists, the Human Resources Manager may extend the final filing date and the date of the recruitment or cancel the recruitment.

SECTION 7.12 LIMITED RECRUITMENT. When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the Human Resources Manager may take steps to limit the size of the applicant group through (a) shorter filing period, or (b) specifying a maximum number of applications which will be accepted; or (c) other means which are appropriate to the circumstances and otherwise consistent with these Rules.

SECTION 7.13 FEES FOR RECRUITMENTS. Application and/or recruitment fees may be charged to applicants for the recovery of costs associated with the selection process for open recruitments.

ARTICLE VIII ELIGIBLE LISTS

SECTION 8.01 ESTABLISHMENT OF ELIGIBLE LISTS: Upon completion of a recruitment, Human Resources shall prepare and keep available an Eligible List detailing the names of those applicants who qualified in the recruitment and therefore proceed to the next level of screening. Generally, an eligible list has two (2) categories: Eligible to Proceed in the Recruitment Process at this time and Not Eligible to Proceed in the Recruitment Process at this time. Though the City Manager or designee will make the final employment decision, they are expected to be actively involved prior to the establishment of an eligible list.

SECTION 8.02 DURATION OF ELIGIBLE LISTS. Eligible lists shall be effective for a period of twelve (12) months unless exhausted or extended. Prior to its expiration, the Human Resources Manager may extend the effective period of an eligible list for open recruitments for no more than two (2) periods of six (6) months each.

SECTION 8.03 SUBSTITUTION OF ELIGIBLE LISTS. Eligible lists that are currently established may be substituted to fill vacancies in classifications which require the same knowledge, skills, and abilities, or of the same or lower level compensation for which there is no eligible list.

SECTION 8.04 ELIGIBLE LISTS RESULTING FROM CONTINUOUS RECRUITMENT. Lists established as a result of a continuous filing shall remain in effect no longer than twelve (12) months from the date of the recruitment unless sooner exhausted, abolished, or extended. Names placed on such lists may be merged with any others in order to establish one pool of applicants.

SECTION 8.05 REEMPLOYMENT LISTS. The reemployment lists for any class shall consist of the names of employees who have been laid off. Such names shall be placed on the reemployment list in reverse order of layoff.

SECTION 8.06 REINSTATEMENT. Any former employee who voluntarily separated may request to be placed on a reinstatement list for a period not to exceed three (3) years. Any separated employee may be reinstated at the request of the Department Director to the employee's former classification if vacant, or to a vacant position in a lower rated class in the same class series in which he/she meets the minimum qualifications. Whenever any person is reinstated, his/her reinstatement date shall govern his/her seniority. Reinstated employees shall be required to serve a six (6) month probationary period with an additional six (6) months at the discretion of the department director. No former employee has a right to reinstatement. The decision to reinstate is at the discretion of the Department Director with the approval of the appointing authority.

SECTION 8.07 AVAILABILITY OF ELIGIBLES.

- A. It is the responsibility of eligibles, those on reemployment lists and individuals who have requested reinstatement to notify Human Resources of any change of address or other change affecting availability for appointment.

- B. Eligibles, those on re-employment lists, and those who have requested reinstatement, who do not indicate a 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 8.08 REMOVAL OF NAMES FROM ELIGIBLE LISTS. The Human Resources Manager may remove the name of any eligible from an eligible list for any of the following reasons:

- A. Disqualification for any of the reasons identified in these Rules that would be grounds for termination of employment.
- B. A report or information related to an applicant's background, to include but not be limited to a medical examination, criminal history, credit verification, drug and alcohol test, or psychological examination that is unsatisfactory.
- C. On evidence that the eligible cannot be located by postal authorities at the last known address. Failure to reply within ten (10) business days from the date the letter, card or email was sent requesting information as to availability for appointment, or failure to notify Human Resources of any change of address resulting in the return of letters or emails, will be considered sufficient evidence. On submission of a request giving acceptable reasons as to why the notice was not returned or change of address not filed, the Human Resources Manager may restore the name of an eligible to the appropriate list.
- D. The eligible has been appointed to the position for which the list was established.
- E. Upon receipt of a written statement from the eligible requesting the removal of his/her name from a list.
- F. The eligible selected has been granted at least two weeks to report to work and fails to do so.

ARTICLE IX APPOINTMENTS

SECTION 9.01 APPOINTMENTS AND PROMOTIONS. All appointments and promotions shall be made from eligible lists to be established in accordance with these Rules. In the absence of persons eligible in such manner, provisional appointments may be made in accordance with these Rules.

SECTION 9.02 REQUEST TO FILL VACANCIES. Whenever a position is to be filled, the Department Director shall notify Human Resources and make a request for the certification of eligibles and provide such information as is required by Human Resources.

SECTION 9.03 SELECTION OF EMPLOYEES. Prior to a conditional offer of employment the City will conduct a background investigation to include but not be limited to, a reference check (both professional and educational), a criminal history, and any other pre-employment testing that is deemed to be necessary and appropriate by Human Resources. Once a conditional offer of employment is extended, Human Resources will conduct the appropriate medical/physical/psychological, and drug and alcohol screenings. An offer of employment shall be made contingent upon the successful completion of these tests.

It is the responsibility of the prospective appointee to take and complete any and all examinations at the time and place set by Human Resources. Failure to do so shall constitute a basis for denying appointment.

SECTION 9.04 TEMPORARY APPOINTMENTS. Whenever a position is required for the efficient and economical operation of a department, the Department Director may request a temporary position by submitting written justification and such other information to the City Manager. A temporary appointment is the appointment of an individual, who may or may not be on an eligible list, to a temporary position. A temporary appointment may be authorized by the City Manager.

- A. No special credit shall be awarded in any recruitment or the establishment of any employment list for services rendered under a temporary help appointment.
- B. Any person on an eligible list who accepts employment as a temporary help employee shall retain his/her place on such eligible list.
- C. A temporary help employee is not part of the classified service and, if eventually hired as a regular/full-time employee, shall receive no credit for any time employed as a temporary help.
- D. Unless otherwise approved by the City Manager, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacations, sick leave, and holiday salary shall not be granted nor accrue to any employee serving in a temporary help appointment.

- E. A temporary help employee serves at-will and may be removed at any time without the right of appeal or hearing.

SECTION 9.05 TEMPORARY PROMOTION. A temporary promotion is the appointment of a regular/full-time City employee to a vacant regular/full-time position for a limited period of time. Except for a pay differential, a temporary promotion would not result in a change in benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation and sick leave shall be granted or accrue to any probationary or regular employee under a temporary promotion.

- A. An employee who is in a temporary promotion may be removed from such appointment and returned to his/her original probationary or regular position at any time without the right of appeal or hearing.
- B. An employee must be certified by Human Resources as meeting all the qualifications for the position prior to promotion.

SECTION 9.06 EMPLOYEE OATH OF OFFICE. Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the California Constitution (Government Code Section 3100). The Oath of Office shall be administered and witnessed by, and in the presence of the City Clerk, Assistant City Clerk, or the appropriate person deputized by the City Clerk.

SECTION 9.07 PROOF OF CITIZENSHIP OR LEGAL RESIDENCY. In accordance with the applicable laws all employees shall be required to submit a proof of citizenship, or legal residency and/or permit to work to Human Resources. Such documents shall be returned to the employee.

**ARTICLE X
PROBATIONARY PERIOD**

SECTION 10.01 PURPOSE OF PROBATIONARY PERIOD. The probationary period is part of the recruitment 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 the City to determine whether to retain the probationary employee.

SECTION 10.02 LENGTH OF PROBATIONARY PERIOD.

- A. All appointments are subject to a probationary period of no less than one year or a time period specified in the appropriate memorandum of understanding.
- B. The probationary period shall not include the time served under any provisional, temporary help, emergency or acting appointment, and shall begin on the effective date of appointment to a regular position except as otherwise specified in a memorandum of understanding.
- C. As an alternative to the release of a probationary employee, a probationary period may be extended at the discretion of the City Manager and in accordance with the timeframes of the appropriate memorandum of understanding.

SECTION 10.03 RELEASE DURING PROBATIONARY PERIOD. With approval of the City Manager, a probationary employee may be released at any time during the probationary period. Such action shall not be subject to appeal. The effective date of release shall be no later than the last day of the probationary period.

An employee released 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 XI
CHANGES IN EMPLOYMENT STATUS

SECTION 11.01 ATTAINMENT OF STATUS AS A REGULAR EMPLOYEE. An employee appointed to a position in the classified service shall earn status as a regular employee in a class if the employee successfully completes the designated probationary period.

SECTION 11.02 STATUS OF EMPLOYEE FOLLOWING PROMOTION. An employee who has been promoted, and successfully completes the designated probationary period in that classification, gains status as a regular employee in that position.

SECTION 11.03 TRANSFER OF AN EMPLOYEE. Regular transfers shall not be made unless the employee being transferred shall have been in the position at least six (6) months prior thereto. A transfer is not a right, but is made at the discretion of the Department Director. Transfers between departments must have the approval of both Department Directors involved.

SECTION 11.04 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 regular employee may request a demotion by submitting such a request in writing to the Human Resources Manager. Any demotion resulting from an employee's request shall be known as a voluntary demotion. Voluntary demotions may be made to a vacant position upon approval of the Department Director. No employee may voluntarily demote to a position for which he/she does not meet the minimum qualifications and no employee has a right to voluntarily demote.
- C. A demotion resulting from a disciplinary action shall be known as an involuntary demotion.

SECTION 11.05 VOLUNTARY RETURN TO FORMER POSITION AFTER PROMOTION, DEMOTION, OR TRANSFER.

- A. An employee separated from a class due to a promotion, demotion or transfer, does not have the right to return to the former position except in accordance with these Rules. An employee recently separated from a class due to a promotion, or transfer may be returned to the formerly held classification provided:
 - 1. A vacancy in the formerly held classification exists; and
 - 2. Such return is approved by the appropriate Department Director(s).

- B. Such employee is exempt from the recruitment process for the formerly held position providing the employee meets the current minimum qualifications for the classification.

ARTICLE XII
DISCIPLINARY PROCEEDINGS

SECTION 12.01 POLICY FOR DISCIPLINARY PROCEEDINGS. In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this section outlines those circumstances under which disciplinary action may be required. The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or discharge of any employee. The purpose of specifying these causes is to alert employees to the more common 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. Inability to maintain regular and consistent attendance, which prevents the reasonable availability for assigned duties.
- C. Absence without authorized leave; repeated tardiness to assigned work, leaving assigned work without authorization; failure to report to work after a leave of absence has expired, or after a leave has been disapproved or revoked.
- D. Misconduct; willful or negligent violation of any City rule or policy.
- E. Insubordination.
- F. Acceptance of gifts or gratuities in connection with or relating to the employee's duties.
- G. Conviction of a felony or a misdemeanor involving 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 for personal gain during the conduct of City business; engaging in outside employment for any business under contract with the City; or participating in any outside employment that adversely affects the employee's City work performance; or conducting personal business on City time.
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business; for example, fighting, using profanity, intimidation, or abusive and threatening language.
- K. Conduct that interferes with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate 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 or practices.
- N. 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 practices.
- O. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform or complete assigned tasks or training in a prompt competent and reasonable manner.
- Q. Refusal to accept and carry out reasonable and proper assignment from an authorized supervisor.
- R. Intoxication, incapacity or possession or use of controlled substances or alcohol on City property and/or at the worksite.
- S. Failure to obtain or maintain possession of the minimum qualifications for the position.
- T. 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.
- U. Unauthorized release or use of confidential information or official records.
- V. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City.
- W. Inability to perform the duties of his/her job.
- X. Dishonesty.
- Y. Possession of firearms on the job (except for law enforcement personnel).
- Z. Sleeping on the job.
- AA. Theft.
- BB. Retaliation for actions protected by law.
- CC. Failure to report loss of or damage caused to City equipment and/or facilities for which the employee was responsible.

DD. Threats of violence against City employees and/or City property.

EE. Violation of the Fair Political Practices Act.

SECTION 12.03 PERSONS WHO MAY TAKE DISCIPLINARY ACTION. The City Manager or any Department Director or designee may take disciplinary action against an employee.

SECTION 12.04 CONSIDERATIONS IN THE DETERMINATION OF TYPE OF DISCIPLINARY ACTION. Where appropriate, the City practices a progressive disciplinary process. The considerations used in determining the type of disciplinary action shall be considered on a case-by-case basis. Such considerations shall include, but not be limited to: the employee's work history and performance record; the nature and severity of the infraction; aggravating and mitigating circumstances associated with the offense; and any extenuating factors.

SECTION 12.05 TYPES OF DISCIPLINARY ACTION. The types of disciplinary action that may be taken shall include but not be limited to oral reprimand, written reprimand, demotion, suspension, reduction in pay and dismissal.

SECTION 12.06 NOTICE OF DISCIPLINARY ACTION. Those disciplinary actions beyond an oral reprimand shall be in writing and include the following:

- A. The causes/reasons for the disciplinary action, which may include the performance expectations, rules, regulations or policies that have been violated.
- B. The effective date(s) of the disciplinary action.
- C. Any rights of appeal.

SECTION 12.07 APPEAL OF DISCIPLINARY ACTION. An employee shall have the right to appeal any disciplinary action through the appropriate chain of command. The appeal process shall be composed of the following steps:

- A. An appeal shall be submitted in writing to the person who proposed and enacted the discipline within fifteen (15) business days of the date of notification for disciplinary action.
- B. The person who proposed and enacted the discipline shall respond in writing within fifteen (15) business days of the date of receipt of the employee's appeal.
- C. If resolution is not achieved at that level, the employee may submit an appeal in writing to the Department Director within fifteen (15) business days of the date of the supervisor's response.
- D. The Department Director shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.

- E. If resolution is not achieved with the Department Director, the employee may submit an appeal in writing to the City Manager within fifteen (15) business days of the date of the Department Director's response.
- F. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
- G. If resolution is not achieved with the City Manager, the employee may submit a request in writing to the City Clerk for the Personnel Board of Review to hear a review of the case within fifteen (15) business days of the date of the City Manager's response.
- H. A hearing by the Personnel Board of Review shall be scheduled within fifteen (15) business days of the date of receipt of the request by the City Clerk. The hearing by the Board shall be a public hearing, unless the employee desires a closed hearing.
- I. The Personnel Board of Review shall submit a statement of opinion to the employee, City Manager, and the employee's Department Director in writing within fifteen (15) business days of the hearing. The decision of the Board shall be advisory to the City Manager.
- J. The City Manager shall respond in writing within fifteen (15) business days of receipt of the statement of opinion by the Personnel Board of Review.
- K. Failure, by either party to respond in a timely manner would result in judgment for the opposing party.

ARTICLE XIII
APPEAL TO THE RULES FOR PERSONNEL ADMINISTRATION

SECTION 13.01 RIGHT TO APPEAL. An employee shall have the right to appeal the interpretation and application of these Rules and the City's Administrative Policies and Procedures. The following procedure shall be used to process and resolve disputes.

- A. Employee(s) shall submit in writing on the appropriate form to Human Resources within fifteen (15) business days from the date of alleged infraction of these Rules, or the date the employee became aware of the incident which is the basis for filing the appeal.
- B. The Human Resources Manager shall respond in writing within fifteen (15) business days from the date of receipt of the appeal.
- C. If resolution is not achieved with Human Resources, the employee may submit an appeal in writing to the City Manager within fifteen (15) business days of the date of Human Resources' response.
- D. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal. The decision of the City Manager shall be final and binding.
- E. If appeal of these rules is connected to a disciplinary action, that appeal will be consolidated with the disciplinary appeal.
- F. Failure by either party to respond in a timely manner would result in judgment for the opposing party.

ARTICLE XIV EMPLOYEE REQUIREMENTS

SECTION 14.01 DRESS CODE. Employees of the City of Lodi should remain conscious of all potential health and safety issues that may be addressed during the course of their work day. Work attire should be appropriate to the job task and assignment and in good taste. Dress should be sensitive to the public the individual will encounter. It is expected that all employees will use good judgment and common sense in choosing their work-day attire.

- A. Shorts are permissible according to your work assignment and departmental standards. Shorts shall be worn with a belt or stitched-in waistband/belt and shall be no shorter than one-half the distance between the knee and inseam.
- B. No shirt may be worn that would display an inappropriate slogan (i.e. drugs, sex and language).
- C. Supervisors and/or Department Directors will retain the right to be the final judge of an ensemble that may be questionable.
- D. Employees sent from the workplace to change into proper attire will do so on unpaid time.

SECTION 14.02 DRIVERS LICENSE. An employee who drives, or may drive, a City vehicle, drives a personal vehicle on City business, or whose job classification requires a driver's license must have a valid California drivers' license in his/her possession while at work or on City business. The license must match the classification of the type of vehicle the employee drives or may drive.

An Employee who drives, or may drive, any vehicle on City business is required to report to his/her supervisor on the first business day after there is any change in their license status. A change in license status may include, but is not limited to: the license became invalid, any lapse in his/her driver's license due to loss of license, suspension, failure to pass the test; issuance of a temporary license pending an administrative or other type of hearing by the Department of Motor Vehicles. Those cited for driving under the influence (DUI) will report such citation to their supervisor no later than the next business day. Failure to maintain a valid license in the manner prescribed above may result in disciplinary action up to and including termination.

- A. In situations when licensing problems are due to physical reasons, the City may hold a position open for up to one year if medical evidence indicates the problem is resolvable within the one-year period. If a medical condition is permanent and precludes qualifying for the necessary driver's license, the City will follow applicable law.
- B. Employees required to have a commercial license (e.g. Class A or B) must renew their medical examination card as required by DMV. The City will pay the cost of

these required examinations. Failure to maintain a current medical examiner's card must be immediately reported to the supervisor.

- C. The City of Lodi participates in the Pull Notice Program through the California Department of Motor Vehicles (DMV) in order to monitor the driver's license status of employees in positions requiring the operation of City vehicles in the course of their duties. Departments must advise Human Resources if a part-time employee or contract individual will drive during the course of employment or work with the City. Human Resources will verify appropriate licensure, and enroll the employee or contract individual in the City's DMV pull program.

SECTION 14.04 EMPLOYEE ASSISTANCE PROGRAM. The purpose of the City of Lodi's employee assistance program is to provide employees an opportunity to receive counseling regarding personal and family matters in order to promote personal stability and job performance.

- A. Upon employment, all full-time regular employees, their spouses, and dependent children are eligible to receive counseling services. This program is a benefit which provides professional, confidential services addressing a wide variety of problems.
- B. Each employee and eligible family member is entitled, free of charge, to three (3) visits per incident, per family member. Any additional counseling might be supplemented by medical insurance.

SECTION 14.05 EMPLOYEE PERFORMANCE EVALUATION. The purpose of employee performance evaluations is to: motivate employees to work at their highest capacity by better delineating work responsibilities; jointly establish job standards and objectives, and review progress toward achieving those results and subsequently plan the employee's future development; determine an employee's performance level to assist in making appraisals for probation completion, appointment, merit pay increases, promotions, transfers, and disciplinary actions; and most importantly, to serve as a means of communication between management and staff.

- A. An employee may appeal the performance evaluation with the Department Director, and may file a written response to the performance evaluation which will be placed in his/her personnel file. Performance evaluations are not grievable.
- B. An Employee Performance Report shall be filed with Human Resources annually and be prepared by a supervisor as determined by the Department Director. In addition, performance evaluations may be conducted at specified intervals or at any time at the discretion of the Department Director.

The employee will receive and sign their evaluation and the original will be forwarded to Human Resources for review by the Human Resources Manager and placement in the employees' personnel file. Each employee will receive a copy of their evaluation.

SECTION 14.06 EMPLOYEE SEPARATION. An employee's failure to notify a supervisor of an absence or to arrive at his/her designated workplace for three (3) consecutive business days as scheduled may be considered an unauthorized absence and/or an abandonment of position. Such absence may be processed as an automatic resignation or be cause for disciplinary action up to and including termination.

- A. The following procedures are applicable to cases of termination and resignation after initial notification of such action has been received by the affected department after the employee has submitted a signed resignation notice stating the effective date and reason for leaving employment.
1. The responsible department shall submit all pertinent documentation including resignation notice or termination documents, and required Personnel Action Form and Property Checklist to Human Resources.
 2. Finance will determine leave balances.
 3. Final checks are normally issued on the date of termination or 72 hours after a resignation. Any other arrangements must be made by the employee through Finance.

SECTION 14.07 FINGERPRINTING. The City of Lodi requires all employees and contractual employees to be fingerprinted in compliance with current laws and as part of the City's obligation for due diligence in screening people who work with children and act on behalf of the City of Lodi. Following the City's submission of fingerprints to the Department of Justice a criminal history report is issued to Human Resources. The City of Lodi will not hire any person or permit any person to employ his/her services who has been convicted of any offense identified in Penal Code Section 11105.3 ("disqualifying violations").

Based upon the Criminal History Report the City of Lodi reserves the authority and discretion to exclude any individual from its employ who has been convicted of a violation of the law that would have an adverse impact on the City's operation, as determined by the City Manager or his/her designated representative. All employees with access to Criminal Record Information (CORI) shall be fingerprinted and processed through the California Department of Justice. Misuse of CORI is a criminal offense, which may result in criminal or civil prosecution and shall result in administrative action up to and including access to information maintained by the Department of Justice and/or termination of employment.

Expunged convictions shall be considered convictions for purposes of this section except where the expungement is based on a finding of factual innocence.

SECTION 14.08 HOLIDAY LEAVE. All full-time regular and probationary employees are eligible for holiday leave upon employment. Employees will receive a paid holiday if they are in a paid status on the day before the holiday. Part-time, temporary, and seasonal employees do not receive paid holidays.

On January 1, of each calendar year, employees are credited with a specified number of floating holiday and fixed holidays, or a corresponding number of holiday hours according to the appropriate memorandum of understanding or statement of benefits.

Employees hired after the first pay period of the year are credited with the year's remaining fixed holidays plus a prorated share of floating holidays for the remainder of the calendar year. Employees separating from employment shall be debited the fixed holidays and the prorated share of floating holidays for the remainder of the calendar year.

Holiday leave balance must be exhausted prior to the end of each calendar year, and may not be carried into the following calendar year. Holiday hours may be taken in quarter hour increments.

Fixed holidays consist of a specified number of holidays observed each calendar year by the City of Lodi and the appropriate memorandum of understanding.

Holidays that fall during a regularly scheduled work day will be observed on that day. Holidays that fall on the first regularly scheduled day off shall be observed on the preceding work day. Holidays which fall on any other regularly scheduled day off shall be observed on the next regularly scheduled work day. The exception will be if the next regularly scheduled work day is also a holiday in which case the first holiday will be observed on the preceding work day.

The following circumstances pertain to fixed holidays.

Leave of Absence: If a holiday falls while an employee is on a leave of absence without pay, the employee will not receive credit for the holiday. If a holiday falls while an employee is on a leave of absence with pay, such that the employee is in a paid status on the day before and the day after the holiday, he/she will receive credit or payment for the holiday.

Vacation Leave: If a holiday falls during a scheduled vacation, the employee shall not be charged as using vacation leave for that day.

Sick Leave: When 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 a holiday.

Hours worked on a fixed holiday as part of an employee's regular work schedule shall be compensated at the straight rate of pay plus the appropriate overtime rate of pay in accordance with the terms and conditions of the appropriate memorandum of understanding.

Floating holidays consist of a specified number of days the employee is permitted to be absent from work, the leave compensation of which is designated as Holiday Leave.

The scheduling of floating holiday leave is determined between the employee and his/her Department Director.

SECTION 14.09 JURY DUTY/WITNESS SUBPOENA. The City of Lodi does not discharge or in any manner discriminate against any employee for taking time off from his/her regular duties to serve as required by law on an inquest jury or trial jury, or as a witness in a court of law if such employee, prior to taking such time off, gives reasonable notice that he/she is required to serve or appear.

All full-time regular employees are granted jury duty leave with pay. An employee who is summoned to attend any court during the time regularly required for his/her employment for the purpose of jury service shall be entitled, while so engaged and actually serving, to his/her regular compensation in addition to any jury duty compensation received from the court. Such leave shall not be charged to any of the employee's existing leave balances.

No employee shall receive paid time off while such employee will be testifying on their own behalf or as a witness in a court of law, except as a witness on behalf of the City of Lodi. An employee subpoenaed to appear in court on behalf of the City of Lodi, and/or connected with the employee's official duties, shall receive full compensation. Mileage and/or subsistence allowances paid by the court shall be retained by the employee.

Notwithstanding the provisions of the appropriate memorandum of understanding, an employee engaged in jury service or as a witness, who is not required to be in attendance at such jury duty or testimonial for more than one half of the employee's normal working day is expected to return to his/her regular work assignment for the balance of the day.

SECTION 14.10 NEPOTISM. It is the policy of the City of Lodi not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of familial or marital status. No employee, prospective employee, or applicant shall be denied employment or benefits of employment on the basis of his or her familial or marital status. This policy applies to the selection of persons for training programs leading to employment in addition to the above-designated persons. The City of Lodi reserves the right to reasonably regulate for reasons of supervision, security, or morale, the working of spouses, registered domestic partners and relatives in the same department, division or facility.

The City of Lodi shall prohibit the initial appointment to a position within the City of Lodi of any person or employee who has the status marital, registered domestic partner or familial relationship with the Lodi City Manager, Deputy City Manager, City Attorney, or Human Resources Manager, members of the City of Lodi Council and in the case of Library employees, members of the Library Board or the Library Services Director. Further, The City will prohibit the employment in that Department of any person who has status of marital, domestic partner or familial relationship with the Department Director of that Department.

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this anti-discrimination policy.

Spouse is a partner in marriage as defined in California Civil Code Section 4100.

Familial status is defined as the state of an individual's specific relatives working for the City of Lodi and shall include spouse, child, brother, sister, parent or parent-in-law.

Registered Domestic Partner status is a same-sex legal union formalized through a registration process with the Secretary of State's Office.

The City of Lodi shall prohibit the initial appointment or advancement of any person or employee to any position within any department within the City of Lodi, wherein that person so appointed or advanced would or may in any manner or form, supervise, or evaluate; or wherein that person would or may be supervised, or evaluated by any person within the same department, where, in either event, there exists a marital, registered domestic partner, or familial status factor between said persons.

In the event two persons employed in the same City department marry or become registered domestic partners and would thereby fall within the prohibitions listed in this policy, one of such employees shall be transferred to a comparable vacant position, if any exists, in another division or City department.

If no comparable position is then vacant, the subject employees may remain in their respective positions for up to six (6) months. If a conflict still exists at the end of six (6) months, the married employees may designate the one to be terminated, or the employee with less seniority will be terminated.

SECTION 14.11 OUTSIDE EMPLOYMENT. Unless otherwise stated in an employment contract, it is the policy of the City that employees should not, because of their position, be unduly restricted in their private lives. The use of time outside City working hours shall be unrestricted as long as the activities of the employees do not interfere, prove detrimental, or present a conflict with the employees' duties or to the City of Lodi.

A City employee shall not engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible, in conflict with, or adverse to his/her duties as a City employee or with the duties, functions or responsibilities of such a person's Department Director or the department in which employed.

Each instance of outside work by an employee shall be judged on its own merits, particularly applied to the employee's function with the City.

SECTION 14.12 PUBLIC RELATIONS/MEDIA. Employees approached by the media for information on City business operations should refer the individual to the appropriate departmental media representative, or the City's Communication Specialist.

SECTION 14.13 TRAINING. The City encourages training opportunities for all of its employees to insure that the services they render for the City may be made more effective. Human Resources shall familiarize new employees with the nature of the City's benefit plans and employment policies and procedures as mandated by law.

An employee may not attend department sponsored trainings while on injury leave unless authorized to do so by their treating physician.

SECTION 14.14 VOTING TIME OFF – GENERAL, DIRECT, PRIMARY, OR PRESIDENTIAL ELECTIONS. All employees registered to vote, may take up to two (2) hours time off from work, without loss of pay, to vote. Such time shall be scheduled either at the beginning or the end of his/her work day, unless otherwise mutually agreed.

Most employees of the City of Lodi will have sufficient time available outside of working hours in which to vote. However, if an employee believes it necessary to be released from work for all or a portion of the two (2) hours, he/she should request time off in writing to his/her supervisor two (2) days before the election in order that arrangements can be made for release. Such request shall include reasons for the release.

SECTION 14.15 WORKING HOURS. The City of Lodi will establish and post its normal business hours. Departments and their divisions may vary from these hours and days relative to the services they provide to the citizens of Lodi with the approval of the City Manager.

The work period is an established and regularly recurring period of work which, under the terms of the FLSA, cannot be less than 7 consecutive days nor more than 28 consecutive days. Except for this limitation, the work period can be of any length, and it need not coincide with the duty cycle or pay period or with a particular day of the week or hour of the day. Once the beginning and ending time of an employee's work period is established, however, it remains fixed regardless of how many hours are worked within the period. The beginning and ending of the work period may be changed.

Work Day: A work day shall be the time worked within a designated 24-hour period (12:00 a.m. to 12:00 a.m.) such that an employee performs his/her duties in accordance with the duty cycle established by his/her department.

Breaks and Meal Periods: Subject to the provisions of the appropriate memorandum of understanding and applicable law, break and meal period duration and scheduling are determined at the discretion of the Department Director. Such determination shall include, but not be limited to, consideration such as workload distribution among employees, workload priorities, and departmental priorities and shall not exceed sixty (60) minutes in duration during an employees business day without a supervisor's approval.

Breaks are considered as paid time by the City. If approved, breaks shall not exceed 15 minutes of duration.

Subject to the provisions of the appropriate memorandum of understanding and applicable law, meal periods shall not be considered paid time, and shall not exceed sixty (60) minutes in duration during an employee's business day.

SECTION 14.16 CUSTOMER SERVICE. Employees are expected to be polite, courteous, prompt, and attentive to every customer. If an employee encounters an uncomfortable situation or abusive customer that he or she does not feel capable of handling, a supervisor or manager should be called immediately.

Never regard a customer's question or concern as an interruption or an annoyance. We are a service business and must remember that the customer comes first. Our customers are to be treated courteously and given proper attention and respect at all times.

END

October 6, 2010