

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING RESOLUTION NO. 190-05,
THE CITY'S SALARY RESOLUTION, TO ADD SECTION
7.180, "TERM LIMITED EMPLOYMENT" TO THE
SALARY RESOLUTION; AND THE CIVIL SERVICE
RULES AND REGULATIONS TO ADD SECTION 15.04,
AND MODIFY SECTION 17.02(A) FOR "TERM LIMITED
APPOINTMENTS"**

WHEREAS, the City of Sunnyvale "City" has developed a "term limited" class of employment that will provide more flexibility to staff for limited duration projects and cyclical workload peaks; and

WHEREAS, term limited employees would be hired as at-will employees in regular, benefitted classifications for pre-established time periods (one to four years) where a specific end date is stipulated; and

WHEREAS, the City reviewed the proposed term limited class of employment with its various bargaining groups and the Sunnyvale Employees' Association raised concerns regarding the program, but ultimately came to an agreement through a fact-finding process on February 22, 2016; and

WHEREAS, on March 22, 2016 the Personnel Board met and reviewed the addition of Section 15.04, "Term Limited Appointments," and revision of Section 17.02(a), and by vote of _____, recommended that the City Council amend the Civil Service Rules and Regulations to provide for term limited employment; and

WHEREAS, the City Council desires to amend the Salary Resolution (Resolution No. 190-05) and the Civil Service Rules and Regulations to provide for Term Limited Appointments in employment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Resolution No. 190-05, the City's Salary Resolution, is hereby amended to add Section 7.180, "Term Limited Employment", as set forth in Exhibit "A," attached and incorporated by reference.
2. The Civil Service Rules and Regulations are hereby amended to add Section 15.04, "Term Limited Appointments" and modify Section 17.02(a), as set forth in Exhibit "B," attached and incorporated by reference.

3. All other provisions of Resolution No. 190-05 and the Civil Service Rules and Regulations shall remain in full force and effect.
4. The Salary Resolution and Civil Service Rules and Regulations amendments noted above shall be effective April 6, 2016.

Adopted by the City Council of the City of Sunnyvale at a regular meeting held on _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

CITY OF SUNNYVALE SALARY RESOLUTION

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CITY OF SUNNYVALE

SALARY RESOLUTION

1.000. PAY PLAN SCHEDULES. The schedule of pay for each classification in the Classified Service and in the Unclassified Service enumerated by pay category in Sections 2.000, 2.100, 2.200, 2.450, 2.500, 2.600, 2.700, and 2.900 consists of hourly pay rates for each available step in each classification. The schedule of pay for Unclassified and Classified Management classifications enumerated by pay category in Sections 2.300, 2.400, and 2.800 consists of the annual control point for each classification. Pay Plan Schedules A through L apply to employee categories as follows:

The section in which each classification is assigned to a pay range is indicated in parentheses () following the definition of the category.

Pay Plan Category A applies to employees represented by the Communications Officers Association (COA) (Section 2.000).

Pay Plan Category B applies to employees represented by the Sunnyvale Employees Association (SEA) (Section 2.100).

Pay Plan Category C applies to employees represented by the Public Safety Officers Association (PSOA) (Section 2.200).

Pay Plan Category D applies to unrepresented **Classified Management** employees. This category represents first-line supervisors, mid-management, and staff level employees who plan and implement established City programs, budgets, and policy (Section 2.300).

Pay Plan Category E applies to employees represented by the Sunnyvale Managers Association (SMA). This category represents first-line supervisors, mid-management, and staff level employees who plan and implement established City programs, budgets, and policy (Section 2.300).

Pay Plan Category F applies to employees in Unclassified **Department Director** positions who report directly to the City Manager. These classes are the highest level management positions at the department level. Employees in these positions are responsible for overall direction of their respective department operations within the context of City policy (Section 2.400).

Pay Plan Category G applies to unrepresented **Classified Confidential** employees (Section 2.450). [Note: For purposes of wage increases/decreases, benefits and leaves, Category G employees receive the same treatment as Category B employees, except as provided in Section 3.110 and Section 3.310.].

Pay Plan Category J applies to the **Unclassified** classifications listed under the **Job Training Partnership Act (JTPA)** (Section 2.700).

Pay Plan Category K applies to employees in unrepresented **Unclassified Management** classifications appointed directly by the City Attorney (Section 2.800).

Pay Plan Category L applies to **Classified Regular Part-time** employees represented by the Service Employee International Union (SEIU) (Section 2.900).

The Pay Ranges and Rates for each Subclass of a classification for which subclasses have been established shall be as set forth for the applicable classification.

The effective dates for each Pay Plan are indicated on the respective Pay Plan Schedules as set forth in Exhibit "A" (posted Salary Tables).

1.050. RETROACTIVE PAYMENT. SEPARATED/RETIRED EMPLOYEES. Retroactive salary adjustments which occur as a result of a collective bargaining settlement will be provided to those employees who are actively employed by the City at the time of the Memorandum of Understanding adoption by the City Council, and to those employees who have retired between the effective date for retroactivity and date of adoption by the City Council. Any employees who have separated or have been terminated prior to this adoption will not be eligible for any retroactive adjustments. Retroactivity will be provided for salary adjustment only. To be eligible for any other salary adjustment as a result of MOU provisions, the employee must be employed as of the established effective date of such action.

1.100. MANDATED DEDUCTIONS. Any state or federally mandated deductions are made in accordance with applicable law.

All employees hired after April 1986 shall be covered by Medicare. The employee and the City will each contribute the mandated percentage of the employee's wage toward the cost of Medicare.

Unemployment insurance is provided to employees at no cost to the employee.

2.000 THROUGH 2.900. ASSIGNMENT OF PAY RANGES AND RATES TO PAY PLAN. All Pay Ranges and Rates are contained in Exhibit "A" (posted Salary Tables) and incorporated by this reference.

3.000. LEAVE BENEFITS. The enumerated leave benefits are part of the Pay Plan or applicable Memoranda of Understanding.

3.010. LEAVE AUTHORIZATION. All leaves, with the exception of those of Category K members, must be approved in advance by the City Manager or designated Management representative under established procedure. Leaves of Category K members must be approved in

advance by the City Attorney.

3.020. LEAVE BENEFITS. TO WHOM APPLICABLE. Except as otherwise provided for herein, leave benefits are applicable to employees in Pay Plan Categories A, B, C, D, E, F, G, K and L.

3.030. LEAVE PAYMENT. All leave time shall be paid at the hourly straight time rate. Only one type of paid leave shall be paid at any given time and when paid shall be to the exclusion of any other paid time.

3.040. LEAVE SUBSTITUTION. No leave may be substituted for the authorized leave once the employee is on leave except as provided in the Administrative Policy; nor may any leave be authorized in addition to another leave for the same period.

3.100. PAID TIME OFF LEAVE (PTO) AND PAID MEDICAL LEAVE (PML).
MANAGEMENT.

(a) Employees in Categories D, F and K are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, disability/illness, family emergency, and may also be used for personal business, care of sick children or other family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, management administrative leave, workers' compensation, floating holiday, and holiday.

Except for illness or emergency, all PTO shall be pre-planned and pre-approved. The minimum advance notice is 1 week. The City may at any time require written verification from a physician for a non-pre-planned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave, except in Section 3.100.
(k) that employees use PTO or any other leave balance available to him/her to supplement workers' compensation benefits as provided by state law. Time off is paid provided there is adequate PTO accrued to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

- (c) The accrual rates are listed below:

TABLE A

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/yr	Days/yr
1-26.99	0 to 1	6.5	169	21
27-130.99	1+ to 5	7.5	195	24
131-260.99	5+ to 10	9.0	234	29
261-442.99	10+ to 17	10.5	273	34
443-650.99	17 to 25	11.5	299	37
651+	25+	12.0	312	39

- (d) Eligible employees will accrue at the rates shown in Table A for the first 870 hours (21.75 weeks, 108.75 work days). After 870 hours are accrued, the employee will start accruing at the reduced rate levels of Table B.

TABLE B

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/Yr	Work Days/Yr
1-130.99	0 to 5	5.0	130	16
131-650.99	5+ to 25	6.5	169	21
651+	25+	8.0	208	27

Accruals at this level will stop at 1040 hours (maximum cap) until total accrual is reduced below 1040.

- (e) If at any time the total accrual falls below 870 hours, the accrual rate will revert to the rates in Table A.

- (f) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

- (g) For a newly-hired Category F employee, the City Manager may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

- (h) For a newly-hired Category K employee, the City Attorney may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

- (i) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis

for each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(j) PTO and Paid Medical Leave. After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified (same occurrence) disability, beginning with work hour 121 through 90 calendar days of disability. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No disability leave will be provided until this requirement is satisfied.

To access the Paid Medical Leave (full pay from 16-90 calendar days), an employee must provide acceptable written medical documentation showing that the disability is a single disability, whether continuous time off has been taken or not for that disability. The first 120 hours of a single disability are charged to the employee's PTO bank. Hours 121 up through the maximum of calendar day 90 are eligible for coverage under the Disability Leave Benefit.

After 90 calendar days of (same occurrence) disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 121 hours on a same disability and becoming eligible for disability leave pay, the disabled employee continues to be unable to return to work full-time, but is able to work partial days, the employee remains eligible for disability pay for the part of the day that the employee is unable to work.

(k) PTO and Workers' Compensation. Employees will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related (same occurrence) disability, beginning with workday 1 through 60 calendar days of disability. After 60 calendar days of (same occurrence) work-related disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630.

(l) If an employee has no available leave hours, pay may be deducted for any hours short of 40 worked in a week. This policy is established pursuant to principles of public accountability.

(m) Employees in Categories D, F and K will have the option to cash-out up to 80 hours

of PTO once at the end of each payroll calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

**3.110. PAID TIME OFF LEAVE (PTO) AND PAID MEDICAL LEAVE (PML).
CONFIDENTIAL EMPLOYEES.**

(a) Employees in Category G are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, illness or injury, family emergency, and may also be used for personal business, care of sick children or other family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, floating holiday, holiday, and workers' compensation leave. Except for illness or emergency, all PTO shall be pre-planned and pre-approved. The minimum advance notice is 1 week. The City may at any time require written verification from a physician for a non-preplanned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave. Time off is paid provided there is adequate PTO accrual to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

(c) The accrual rates are listed below:

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/Yr	Days/Yr*
1-26	0 to 1	5.5	143	17.875
27-130	1+ to 5	6.5	169	21.125
131-260	5+ to 10	8.0	208	26.000
261-650	10+ to 25	9.5	247	30.875
651+	25+	11.0	286	35.750

*Based on an eight hour/day schedule.

(d) Accruals will stop at 700 hours (maximum cap) until total accrual is reduced below 700.

(e) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

(f) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis for

each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(g) PTO and PML. After 26 consecutive pay periods of service, the City shall provide full pay for medically certified same illness or injury, beginning with work hour 121 through 90 calendar days of same illness or injury. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No Paid Medical Leave will be provided until this requirement is satisfied.

To access the Paid Medical Leave Benefit, an employee must provide acceptable written medical documentation showing that the illness or injury is a single illness or injury, whether continuous time off has been taken or not for that illness or injury. The first 120 hours of a single illness or injury are charged to the employee's PTO bank. Hours 121 up through the maximum of calendar day 90 are eligible for coverage under the Paid Medical Leave Benefit.

After 90 calendar days of Paid Medical Leave, the employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 120 hours on a same illness or injury and becoming eligible for Paid Medical Leave, the employee continues to be unable to return to work full-time, but is able to work partial days, the employee remains eligible for Paid Medical Leave for the part of the day that the employee is unable to work.

(h) PTO and Workers' Compensation. During the first 26 pay periods of service, the employee will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related same illness or injury, beginning with workday 1 through 90 calendar days of illness or injury. After 90 calendar days of a work-related same illness or injury, the employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630.

(i) Employees in Category G will have the option to cash-out up to 80 hours of PTO once at the end of each payroll calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

3.200. BEREAVEMENT LEAVE. Employees in Categories D, F and K are entitled to bereavement leave where death has occurred to an employee's spouse or registered domestic partner, father, mother, son, daughter, brother, sister, grandparents or grandchildren, or to the father, mother, son, daughter, brother, sister, grandparents or grandchildren of an employee's spouse or registered domestic partner. The City reserves the right to require proof of death from the employee. Employees in Categories D, F and K shall be entitled to bereavement leave in an amount not to exceed 40 work hours per eligible incident immediately upon employment.

3.300. HOLIDAY LEAVE. Employees in Categories B, C (except those scheduled to work holidays), D, E, F and K who were on pay status both before and after each holiday shall be entitled to take leave on each of the following holidays and be paid at the straight time rate, except as provided in Section 3.320.

CITY OBSERVED HOLIDAYS

Independence Day	Christmas Eve	Martin Luther King, Jr. Birthday
Labor Day	Christmas Day	President's Holiday
Thanksgiving Day	New Year's Eve	Memorial Day
Day After Thanksgiving	New Year's Day	

When a City holiday falls on a Saturday the holiday will be observed on the Friday; when a holiday falls on a Sunday, the holiday will be observed on Monday; or as designated by the City Council.

3.310. FLOATING HOLIDAY LEAVE. Employees in Categories D, F, G and K shall be credited with 20 hours of floating holiday leave at the beginning of each payroll calendar year. New employees shall be credited with a pro-rata share based upon the proportion of the payroll calendar year remaining after their date of hire. Use of floating holiday leave shall be subject to the approval of the employee's supervisor.

Employees terminating City employment shall have their allotment of floating holiday leave for that year pro-rated based upon their date of separation. Employees who have used less than their pro-rated allotment for the portion of the payroll calendar year worked shall have the balance paid to them on their final paycheck. Employees who have used more than their pro-rated allotment for the portion of the payroll calendar year worked, shall have the overage deducted from their final paycheck.

Further, employees in Categories D, F, G and K who have unused floating holiday hours at the end of the payroll calendar year have the option of having all of the unused hours either paid in cash or added to their PTO balance if such addition does not exceed the maximum accrual allowed for PTO.

3.320. SPECIAL SCHEDULE. HOLIDAY LEAVE. Holiday leave for employees on a Special Schedule is paid in accordance with policies set forth in the Special Schedule Agreement, applicable MOU, or in the Administrative Policy Manual as the same exists or is amended hereafter.

3.400. JURY LEAVE. An employee is entitled to jury leave subject to conditions and limitations contained in the applicable MOU, or in the Administrative Policy Manual, as the same exists or is amended hereafter.

3.500. MILITARY LEAVE. Employees assigned to active military duty are entitled to military leave in accordance with the provisions of applicable State and Federal laws and the Administrative Policy Manual as the same exists or is amended hereafter. This leave is granted on a fiscal year basis.

3.550. MILITARY RESERVISTS. EXTENSION OF BENEFITS AND SUPPLEMENTAL SALARY.

(a) A person is eligible for the benefits established in this section if he or she meets all of the following qualifications:

- (1) Is an active probationary or regular part-time or full-time employee of the City in Pay Plan Categories A, B, C, D, E, F, G, K or L;
- (2) Is a member of the Armed Forces, Naval Militia or National Guard;
- (3) Is called to active duty per Executive Order 13223 issued on September 14, 2001;
- (4) Returns to City employment within 60 days after the end of active duty status; and
- (5) Remains as an employee of the City for at least six months following his or her return to City employment.

Eligible employees will be required to sign an agreement with the City which details their rights and obligations with respect to these benefits and supplemental salary prior to their initial receipt of benefits beyond the mandatory 30 days of benefits otherwise provided by law. Employees who elect not to return to City service shall be required to repay the City for the cost of the supplementary salary and benefits plus interest at the 26-week T-bill rate at the time that the final supplementary compensation was provided and for the period that exceeded the mandatory 30 days of benefits otherwise provided by law.

(b) The City will continue to pay a bi-weekly check to eligible employees equal to base salary, plus any other compensation the employee would have received had he/she been actually

working. The employee then will reimburse the City the amounts paid for military service plus allowances, including Basic Allowance for Housing.

(c) Eligible employees will be required to send copies of their military pay stubs to the Department of Human Resources for purposes of reconciliation. The payments will be reconciled by the Payroll unit of the Accounting Division of the Department of Finance. If the Payroll unit has not received the copies within three weeks after the end of the month, future checks will be withheld until the information is provided.

(d) All employees who receive the benefits and supplemental salary under this section will be eligible to remain covered under their current retirement, medical, dental, employee assistance, and vision plans while Executive Order 13223 remains active or until such time as Council takes action to amend or discontinue such benefits and supplemental salary. The City will provide eligible employees, along with the supplemental salary, the amount that the City currently contributes toward the benefits plans. If the employee is currently paying a deduction toward these plans, the employee will continue to make those payments.

3.600. PAID MEDICAL LEAVE. NONMANAGEMENT ENTITLEMENT. Employees in Categories B and C qualify for Paid Medical Leave (PML) after completion of twenty-six (26) consecutive pay periods from the date of original appointment; provided, however, that employees may be authorized up to 40 hours of interim PML from the date of employment for the first 26 pay periods; provided, however, that at the conclusion of the 26th pay period the interim PML shall terminate, including any unused amount. The total allowable paid interim PML leave for employees in Categories B and C for work-related and non-work related illness or injury combined is 40 hours.

3.610. PAID MEDICAL LEAVE. NONMANAGEMENT PROVISIONS. For employees in Categories B and C upon completion of the 26th consecutive pay periods of service; the City shall provide regular salary for Paid Medical Leave (PML), less any coverage provided by any other insurance program for the first 90 calendar days of illness or injury.

3.620. PAID MEDICAL LEAVE. AUTHORIZATION. Paid Medical leave may be authorized by Management staff in accordance with procedures set forth in the applicable MOU or Administrative Policy Manual as the same now exists or is hereafter amended.

3.625. STATE DISABILITY INSURANCE (SDI), INCLUDING PAID FAMILY LEAVE INSURANCE (PFLI). Category L employees are eligible for SDI benefits in accordance with the applicable MOU. Benefits are provided due to non-work related disability. The cost is paid by employee. SDI includes Paid Family Leave Insurance. These programs are administered by the

State of California.

3.630. LONG TERM DISABILITY. For employees in Categories A, B, D, E and K, the City shall provide, after completion of 26 consecutive pay periods of service, income protection insurance which will take effect after 90 calendar days from the original date of disability and which, subject to standard policy provisions, exclusions and limitations, will pay 2/3 of the employee's salary while the employee is disabled and unable to work. For employees in Category F, income protection insurance is provided as of the first of the month after date of hire. Eligibility and procedural limitations are set forth in the Administrative Policy Manual and the current Long Term Disability contract as the same now exists or is hereafter amended. For employees in Category C, the Public Safety Officers Association shall contract with a long-term disability insurance provider and make long-term disability insurance available to represented employees in accordance with provisions of the MOU.

3.640. PAID MEDICAL LEAVE REQUIREMENT WAIVER. For employees in Categories D, E, F and K, the requirement of 26 pay periods of service for eligibility for City-provided Paid Medical Leave, i.e., full pay for a medically certified (same occurrence) illness/injury beginning with work hour 121 through 90 calendar days for Categories D, F and K; work hour 101 through 90 calendar days for Category E; and work hour 121 through 90 calendar days for Category E effective July 1, 2017, may be waived by the City Manager in the case of catastrophic and/or life-threatening illness/injury.

3.700. MEDICAL APPOINTMENT LEAVE. For employees in Category C, medical appointment leave for employee appointments with medical doctors and dentists may be authorized after the employee has completed 26 consecutive pay periods of service. This leave will not exceed 2 hours during a standard daily work schedule.

3.800. VACATION LEAVE. Casual / Temporary employees hired prior to August 30, 1992 with 2,500 hours of City employment which is continuous or separated by no more than 26 pay periods of service are entitled to .1 hour of vacation leave for each hour of work. Casual/Temporary employees hired after August 30, 1992 are not entitled to vacation leave accrual.

3.810. VACATION LEAVE ACCUMULATION USE. For Casual / Temporary employees hired prior to August 30, 1992, vacation leave may be accumulated up to 50 hours. Accumulated leave time unused at the end of the payroll calendar year will be paid at the employee's current pay rate on one of the last paychecks of the payroll calendar year. Casual/Temporary employees who have accumulated 50 hours of vacation leave at any time shall

not accrue additional vacation leave or be compensated for any unused vacation leave in excess of 50 hours.

Accrued vacation leave for all categories of employees shall be paid off to the employee on the employee's last day of work and will be included in the employee's final paycheck. The City Manager may, however, approve the utilization of available accrued vacation to extend the date of retirement, and in special circumstances, the date of separation.

3.900. MANAGEMENT. ADMINISTRATIVE LEAVE FOR MANAGEMENT. Employees in Categories D and K shall be credited with 50 hours of Administrative Leave at the beginning of the first pay period of the payroll calendar year. Employees in Category F shall be credited with 70 hours. All employee categories must complete 6 months of employment to meet eligibility. Use of Administrative Leave for Category F is subject to the City Manager's approval, Categories D to Department Director's approval and to the additional provisions in the Administrative Policy. Provisionally appointed managers not previously holding a regular management position are ineligible for Administrative Leave.

3.950. EMPLOYEE EMERGENCY LEAVE RELIEF FUND. The Employee Emergency Leave Relief Fund is a program that allows any City employee who has leave hours accrued, the opportunity to donate a portion of his/her accrued leave to benefit another employee needing paid emergency leave. To benefit from this fund, the receiving employee must be eligible to accrue City paid leave time, must have used all available accrued leave and must have a personal emergency that requires the employee to be on leave from work responsibilities to attend to the emergency. The employee must request in writing to the City Manager that this Employee Relief Fund be enacted. The City Manager will have administrative authority to accept or reject the employee's request. The City Manager will also have the administrative authority in defining all procedures to be followed in setting up and utilizing this fund.

4.000. OVERTIME PAY. WHO IS ENTITLED. All employees of the City shall be entitled to overtime pay, except those in Management positions in Categories D, E, F and K which are hereby designated as exempt from the provisions of the Fair Labor Standards Act.

4.010. OVERTIME AUTHORIZATION. All overtime must be approved in advance by the City Manager or designated Management representative under established procedure.

4.020. OVERTIME COMPUTATION. Overtime, when applicable, shall be paid at the rate of 1½ times the straight-time rate, except as otherwise provided for in an applicable MOU or herein.

4.030. OVERTIME PAY. WHEN APPLICABLE. An employee in Category C on tour of

fire duty who has worked more than 24 hours of fire tour duty shall be entitled to overtime pay.

Employees in Categories C (other than those assigned to a tour of fire duty), only for hours worked in excess of 80 hours in a biweekly pay period. Casual/Temporary employees and regular part-time employees in Category L shall be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA). Casual / Temporary employees who meet the FLSA exempt requirements are designated as such.

Employees assigned to a special schedule shall be entitled to overtime only for hours worked in excess of 40 hours in a work week as defined in the applicable MOU and Administrative Policy Manual, or as provided in the written special schedule agreement. See also Section 6.150 regarding flex time for designated Category B employees.

4.100. COMPENSATORY TIME. Employees in Category G shall have the same accumulation and use options as employees in Category B.

4.200. CALL-BACK PAY. OVERTIME. WHEN APPLICABLE. For full-time employees and for Category C employees the call-back provisions apply when an employee has gone off duty and left the job site. Overtime pay for call-back duty shall not continue into the next work schedule nor shall it be counted toward fulfillment of a work period.

4.300. CONFIDENTIAL PREMIUM PAY. The City shall provide a 3.5% premium on all paid hours for employees in Category D, G, and K.

5.000. WAGE SUPPLEMENTS. Wage supplements shall consist of payments to the employee outside the standard pay schedule for paid work time, and which are paid by the City either in part or in total as provided for herein or in applicable Memoranda of Understanding.

5.010. INTERIM/ACTING PAY. MANAGEMENT. Employees who are appointed by the City Manager in an acting/interim status to a vacant position in Pay Plan Categories D and F may receive placement within the control point of the vacant position; or a percentage over his/her current pay as designated by the City Manager.

5.020. Y-RATING PAY. Y-rating may be authorized by the City Manager or his/her designee when an employee is allocated to a classification with a lower salary range. If the current salary of the employee is more than the maximum of the revised allocated classification, the employee may be Y-rated and he/she will continue to receive the former rate of pay until the maximum salary of the new classification is raised to an amount higher than the rate of pay received in the former classification.

5.100. UNIFORMS. The City shall provide uniforms for Category B employees assigned to meter reading, public facility maintenance, public safety records, and others as designated by

the City Manager.

5.200. WORK EQUIPMENT. The City shall provide mattresses, sheets, pillows, pillow cases and blankets at the fire stations and safety gear in all departments as required by law.

5.210. SAFETY GLASSES. The City shall provide employees in Categories A, B, C, D, E and L prescription safety glasses, provided (a) that safety glasses are required on the job; (b) the employee provides the prescription at no cost to the City; and (c) the glasses are provided by an optical firm approved by the City.

5.220. SAFETY FOOTWEAR. Employees in Category L in classifications required by the City to wear safety footwear shall be eligible to receive an annual allowance in accordance with the provisions of the applicable MOU. Employees hired after the start of the fiscal year shall be eligible for a pro-rated allowance.

The Human Resources Risk Manager may authorize additional classifications to receive the safety footwear allowance if it is determined that safety footwear is required for the work being performed.

5.300. TRAINING ASSISTANCE. The City shall reimburse employees in Categories A, B, C, D, E, F, K, L, those in the Public Safety Cadet program, and employees in the classification of Crime Prevention Assistant for all or part of the cost of tuition and books for courses approved in advance by the City, provided the course is completed successfully and documentation of costs and certificates of completion are presented according to Administrative Policy or applicable MOU. The amount of reimbursement based on relatedness to the employee's present position may be taxable in accordance with state and federal law.

5.500. HEALTH INSURANCE. ELIGIBILITY AND EFFECTIVE DATES.

(a) Medical. Participation in the medical insurance plan is available to employees in all full-time and regular part-time Categories and to members of the City Council at the time of appointment in accordance with the provisions of the plan selected, with the effective date the first day of the month following enrollment.

(b) Dental. Employees in Categories D, E, F, K and members of the City Council are eligible for dental coverage at the time of appointment, with an effective date of the first day of the month following enrollment. Employees in Categories B and L shall become eligible for dental coverage, in accordance with the provisions of the plan selected, upon completion of 13 pay periods of service with the effective date on the first of the month following enrollment. For employees in Category C, the Public Safety Officers Association shall contract with a dental provider and make dental insurance available to represented employees in accordance with the

provisions of the respective MOU. Effective January 1, 2010, employees and members of the City Council may elect to enroll in an enhanced “voluntary buy-up” dental plan. The cost of the voluntary buy-up plan is solely funded by employee / City Council member contributions.

(c) Vision. Employees in all full-time and regular part-time Categories and members of the City Council are eligible for vision coverage at the time of appointment, with an effective date of the first day of the month following enrollment. Effective January 1, 2010, employees and members of the City Council may elect to enroll in an enhanced “voluntary buy-up” vision plan. The cost of the voluntary buy-up plan is solely funded by employee/City Council member contributions.

(d) Employee Assistance Plan (EAP). Employees in all full-time and regular part-time Categories are covered by the employee assistance program at the time of appointment in accordance with the provisions of the plan.

5.501. CASH IN-LIEU. MEDICAL COVERAGE.

(a) Employees in Categories D, F, K and members of the City Council have the option of reducing their medical coverage and receiving payment of a portion of the City contribution. However, if the employee is currently a dependent of a City employee and covered by a CalPERS Health Plan, the employee is not eligible for reimbursement.

To be eligible for this plan, an employee must either:

- (1) Change from full family to employee plus one or employee only;
- (2) Change from employee plus one to employee only;
- (3) Change from any level coverage to no coverage; or
- (4) A new employee may choose no coverage. Payment shall be made based on the following schedule:

<u>Current</u>	<u>New</u>	<u>Monthly</u>
Employee + 2	No coverage	\$213.42
Employee + 2	Employee only	\$131.08
Employee + 2	Employee +1	\$ 48.75
Employee + 1	No coverage	\$164.67
Employee + 1	Employee	\$ 82.33
Employee only	No coverage	\$ 82.33
NEW employee	No coverage	\$ 82.33

Whenever an employee changes to no coverage, the employee shall provide proof of alternate coverage and sign a waiver stating that she or he does have alternative coverage and that he or she understands that he or she will no longer receive coverage through a City- sponsored CalPERS provided medical plan.

If an employee decides to increase his or her level of coverage by either reentering a City sponsored CalPERS provided medical plan or including a dependent in his or her current coverage, he or she must enroll during the annual open enrollment period, unless a qualifying event occurs.

See the Department of Human Resources for additional information on what constitutes a qualifying event.

Procedures for exercising this option and for reentering the City sponsored CalPERS provided medical plans shall be established by the City.

5.502. CASH REIMBURSEMENT. CITY RETIREE COUNCIL MEMBERS.

Members of the City Council who are City retirees and are enrolled in the CalPERS medical program as a retiree, are eligible to receive a reimbursement equal to the difference of the current City contribution to medical insurance included under Section 5.505 and the current cost of the CalPERS medical premium.

In addition, if Members of the City Council who are City retirees and have an alternative dental plan, and they waive City coverage, the City will reimburse the cost of dental insurance up to the amount specified under Section 5.506 (f).

5.505. CITY CONTRIBUTION. MEDICAL INSURANCE. Effective January 1, 2016, the City will contribute the following amounts toward the cost of premiums for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) for each employee in the respective categories listed below, and his or her eligible dependents, and for each annuitant in CalPERS formerly in the respective categories listed below and his or her eligible dependents:

- (a) Category A. The cost of the premium or \$472.98 per month, whichever is less.
- (b) Categories B and G. The cost of the premium or \$757.97 per month, whichever is less.
- (c) Category C. The cost of the premium or \$467.46 per month, whichever is less.
- (d) Category L. The cost of the premium or \$416.90 per month, whichever is less.
- (e) Categories D, E, F and K. The cost of the premium or \$757.97 per month, whichever is less. Effective January 1st each year, the City's contribution will be the lesser of the cost of the premium or the lowest cost HMO premium for single coverage of the lowest cost HMO plan available through the CalPERS Bay Area regional medical plans. Additionally, the City's

contribution shall be no less than the highest City contribution for any of the employee represented units; including COA, PSOA, SEA and SEIU.

(f) Members of the City Council. The City's contribution will be the lesser of the cost of the premium or the minimum monthly contribution pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA). For calendar year 2015, the amount is \$122.00 and for calendar year 2016, the amount is \$125.00.

5.506. CITY CONTRIBUTION. DENTAL INSURANCE.

(a) Category A. The City's contribution is up to a maximum of \$140.55 per month, pursuant to the provisions of the COA MOU.

(b) Category B. The City's contribution is included under Section 5.515 (b) below.

(c) Category C. The City's contribution is up to a maximum of \$140.55 per month, pursuant to the provisions of the PSOA MOU.

(d) Category L. The City's contribution is included under Section 5.515 (d) below.

(e) Categories D, E, F and K. The City will contribute the premium for employee only, employee plus one dependent, or employee plus family coverage.

(f) Members of the City Council. The City will contribute the premium for council member only coverage. Dependent coverage is available at the council member's cost.

5.507. CITY CONTRIBUTION. VISION INSURANCE.

(a) Category A. The City's contribution is included under Section 5.515 (a) below.

(b) Category B. The City will contribute the premium for employee only or employee plus one dependent coverage.

(c) Category C. The City's contribution is included under Section 5.515 (c) below.

(d) Category L. The City will contribute the premium for employee only or employee plus one dependent coverage.

(e) Categories D, E, F and K. The City will contribute the premium for employee only, employee plus one dependent, or employee plus family coverage.

(f) Members of the City Council. The City will contribute the premium for council member only coverage. Dependent coverage is available at the council member's cost.

5.515. CITY CONTRIBUTION. CAFETERIA BENEFITS PLAN.

(a) Category A. Effective September 27, 2015, the City will contribute \$142.02 per month, the difference between \$615.00 and the amount stated in 5.505 (a) above. Effective calendar year 2016, the City will contribute \$242.02 per month, the difference between \$715.00 and the amount stated in 5.505 (a) above. Effective calendar year 2017, the City will contribute

\$342.02 per month, the difference between \$815.00 and the amount stated in 5.505 (a) above.

(b) Category B. The City will contribute a maximum of \$588.69 per month toward a Cafeteria Benefits Plan for employees and dependent medical coverage and a minimum of \$196.21 per month for employees with employee only medical coverage.

(c) Category C. The City will contribute \$47.54 per month, the difference between \$515.00 per month and the amount stated in 5.505 (c) above.

(d) Category L. The amount the City contributes towards the Cafeteria Benefits Plan shall be made based on the number of hours in paid status as provided in the SEIU MOU.

(e) Categories D, E, F and K. The City will contribute to a Cafeteria Benefits Plan for the cost of medical premiums only. The City's Cafeteria Benefits Plan contribution will be capped at the cost of the premium of the highest priced plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan, effective January 1 each year, less the City Contribution as stated in Section 5.505 (e) above, and shall be based upon the plan level in which the employee is enrolled (i.e., employee only, employee plus one dependent, or employee plus family).

(f) Members of the City Council. The City will contribute to a Cafeteria Benefits Plan for the cost of medical premiums only. The City's Cafeteria Benefits Plan contribution will be capped at the cost of the premium of the highest priced plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan, effective January 1 each year, less the City Contribution as stated in Section 5.505 (f) above, and shall be based upon the plan level in which the council member is enrolled (i.e., council member only, council member plus one dependent or council member plus family).

5.520. MAXIMUM CITY CONTRIBUTION. HEALTH INSURANCE.

(a) Category A. Including the amounts specified in Sections 5.505 (a) and 5.515 (a), the City's maximum contribution is \$615.00 per month (\$283.85 per pay period) effective September 27, 2015, \$715 per month (\$330.00 per pay period) effective calendar year 2016, and \$815 per month (\$376.15 per pay period) effective calendar year 2017. The City's maximum contribution is payable towards the employee assistance program insurance, employee and dependent medical insurance, employee and dependent vision insurance, optional life insurance or any combination thereof.

(b) Category B. Including the amounts specified in Sections 5.505(b) and 5.515(b) the City's maximum monthly contribution is \$1154.29 (\$532.75 per pay period). For employees with employee only medical coverage, the City's maximum monthly contribution is \$761.81 (\$351.60

per pay period). The City's health insurance contribution is payable towards the cost of employee and dependent medical insurance, employee and dependent dental insurance, family coverage vision insurance, optional life / AD&D insurance or any combination thereof. In addition, the City pays the full premium for the employee assistance program.

(c) Category C. Including the amounts specified in Sections 5.505 (c) and 5.5150 (c), the City's maximum contribution is \$515.00 per month (\$237.69 per pay period) towards the employee assistance program insurance, employee and dependent medical insurance, employee and dependent vision insurance, optional life insurance or any combination thereof.

(d) Category L. Including the amounts specified in Sections 5.505 (d) and 5.515 (d), the City's maximum contribution is up to \$923.42 per month (\$426.19 per pay period) towards employee and dependent medical insurance, employee and dependent dental insurance, family coverage vision insurance, or any combination thereof. The actual City maximum is pro-rated based on the number of hours in paid status as provided in the SEIU MOU. In addition, the City pays the full premium for the employee assistance program.

(e) Categories D, E, F and K. In addition to the amounts contributed by the City as specified in Sections 5.505 (e), 5.508 (e), 5.510 (e) and 5.515 (e), the City pays the full premium for the employee assistance program.

(f) Members of the City Council. For calendar year 2010, the maximum monthly City contribution, as described in Sections 5.505 (f), 5.506 (f), 5.507 (f) and 5.515(f), ranges from \$630.55 to \$1554.28. The actual amount is based upon the plan level in which the council member is enrolled in medical coverage (e.g.; council member only, council member plus one dependent or council member plus family).

5.525. EMPLOYEE CONTRIBUTION. HEALTH INSURANCE. To the extent that any full or part-time employee or member of the City Council elects health insurance coverage that exceeds the amount stated in Section 5.520, the employee/member of the City Council shall pay the difference.

5.530. PREMIUM CONVERSION. If applicable, pursuant to IRS Code §125, regular full-time and regular part-time employees shall pay their contribution toward health insurance on a pre-tax basis, unless the employee chooses to pay on a post-tax basis and notifies the Department of Human Resources of this request in writing.

5.540. POST RETIREMENT MEDICAL BENEFITS.

(a) Categories D, E, F and K. Employees who retire from City service under the provisions of the City's contract with CalPERS (minimum of age 50 and 5 years of service) are

eligible for post-retirement medical benefits as stated below:

(a.1) Group A – Retirement date prior to January 1, 2008.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan.

(a.2) Group B – Retirement date on or after January 1, 2008 with an appointment date prior to July 1, 2007.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan, subject to a cap based on the cost of the premium of the highest price plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan effective January 1st of each year.

(a.3) Group C – Retirement date on or after January 1, 2008 with an appointment date on or after July 1, 2007.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program (RHR) will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan, subject to the cap indicated in (a.3) above and according to the following vesting schedule:

Vesting Schedule

City of Sunnyvale Management Years of Service	% of RHR paid to Retiree
5	50%
6	55%
7	60%
8	65%
9	70%
10	75%
11	80%
12	85%
13	90%
14	95%
15+	100%
Combined Years of Service 5 years management service with City of Sunnyvale and 15 years or more of non- management City service	100%

5.550. LIFE INSURANCE. The City shall provide life insurance equal to one times annual base salary for employees in Categories D, F and K. In addition, the employee has the option of buying additional insurance of one times his/her annual base salary up to the maximum allowable coverage. Coverage is subject to the terms and conditions of the insurance policy and to current tax law provisions.

5.560. DEPENDENT CARE REIMBURSEMENT ACCOUNT. Employees in Categories B, C, D, F, K and L are provided with an option to pay for dependent care expenses on a pre-tax basis, as provided in the Internal Revenue Code.

5.561. HEALTH CARE REIMBURSEMENT ACCOUNT. Employees in Categories A, B, C, D, F, K and L are provided with an option to pay for health care expenses on a pre-tax basis, as provided in the Internal Revenue Code.

5.600. WORKERS' COMPENSATION BENEFITS. The City self-insures for Workers' Compensation benefits. Workers' Compensation benefits will be provided as required by law. Employees who are injured on the job are to comply with the legal requirements governing the use of Workers' Compensation benefits. Employees in Categories B, D, F and K, who are eligible for temporary disability payments under Workers' Compensation law, shall receive salary

continuation from the City's disability program for the first 60 calendar days of temporary disability. Pursuant to current tax laws, a portion of salary continuation, in lieu of temporary disability payments, is exempt from federal and state withholding taxes. The amount of tax-free salary continuation is up to 2/3 of an employee's average wage, subject to minimums and maximums set by state law. Employees who remain temporarily totally disabled after 90 calendar days shall receive temporary disability payments directly from the City's Workers' Compensation third party administrator.

5.700. RETIREMENT SYSTEMS. The City shall provide a retirement system to eligible employees and to members of the City Council who elect to join the California Public Employees' Retirement System, in accordance with the provisions of the City Charter, and as specifically described herein.

5.710. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS). The City shall contract with the State of California Public Employees' Retirement System (CalPERS) for retirement plans for qualified Safety and Miscellaneous employees. Both plans shall include the 1959 Survivor Benefits. Miscellaneous and Safety employees, and members of the City Council who have elected CalPERS membership, receive the 1959 Survivor Benefit at the increased benefit level (Third Level). Miscellaneous and Safety employees are eligible for the optional Military Buy-Back benefit (Military Service Credit as Public Service).

5.711. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. QUALIFIED EMPLOYEES. Qualified employees are those in Categories A, B, C, D, E, F, G, K, L and those employees in any other Category who are required by CalPERS to be covered. In addition, members of the City Council are qualified to participate in the California Public Employees Retirement System and may elect optional membership in CalPERS.

5.715. PUBLIC AGENCY RETIREMENT SYSTEM (PARS). In appropriate situations for employees hired on or after July 1, 1996, who retire in good standing, City agrees to provide a supplemental retirement benefit through the Public Agency Retirement System (PARS) so that the employee's retirement benefit equals what the employee would have received from CalPERS had the employee been hired by the City prior to July 1, 1996 as outlined in the CalPERS Circular Letter No. 200-002 (circular letter available in the Department of Human Resources).

5.720. TIER 1 – 3%-AT-50 SAFETY PLAN. The City shall provide qualified Safety employees with the basic "3%-at-50" plan with the one-half continuance option under the California Public Employees' Retirement System (CalPERS). Final compensation shall be calculated using the single highest year model.

5.721. TIER 2 – 3%-AT-55 SAFETY PLAN. The City shall provide qualified Safety employees with the basic “3%-at-55” plan with the one-half continuance option under the California Public Employees’ Retirement System (CalPERS). This benefit will apply to Safety employees hired after February 19, 2012. Final compensation shall be calculated using the single highest year model.

5.722. TIER 3 – 2.7%-AT-57 SAFETY PLAN. The City shall provide qualified safety employees hired beginning January 1, 2013 who are not current CalPERS members or who are not members of a reciprocal retirement system as defined by CalPERS the safety 2.7% at age 57 retirement formula with the one-half continuance option under CalPERS. Final compensation shall be calculated using the average of the three highest years model.

5.730. TIER 1 – 2.7%-AT-55 MISCELLANEOUS PLAN. The City shall provide qualified Miscellaneous employees and members of the City Council with the “2.7%-at-55” plan under the California Public Employees’ Retirement System (CalPERS). Final compensation shall be calculated using the single highest year model.

5.731. TIER 2 – 2%-AT-60 MISCELLANEOUS PLAN. The City shall provide qualified Miscellaneous employees and members of the City Council hired/appointed beginning in the last full pay period in December 2012 the Local Miscellaneous 2.0% at age 60 retirement formula. Final compensation shall be calculated using the single highest year model. Employees hired on or after January 1, 2013 who are current CalPERS members or who are members of a reciprocal retirement system, as defined by CalPERS shall also receive the 2% at 60 retirement plan.

5.732. TIER 3 – 2%-AT-62 MISCELLANEOUS PLAN. The City shall provide qualified Miscellaneous employees and members of the City Council hired/appointed beginning January 1, 2013 who are not current CalPERS members or who are not members of a reciprocal retirement system as defined by CalPERS the Local Miscellaneous 2.0% at age 62 retirement formula. Final compensation shall be calculated using the average of the three highest years model.

5.740. CalPERS CONTRIBUTION.

(a) Effective August 31, 2014, employees in categories D, F (except for the Director of Public Safety), and K who are also in Tier 1, shall be responsible for contributing 4% of the member contribution, and the City shall contribute 4%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 4% as additional compensation.

Effective first full pay period of July 2015, employees shall be responsible for contributing

5% of the member contribution, and the City shall contribute 3%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 3% as additional compensation.

Effective first full pay period of July 2016, employees shall be responsible for contributing 6% of the member contribution, and the City shall contribute 2%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 2% as additional compensation.

(b) Effective August 31, 2014, employees in categories D, F and K in Tier 2 shall be responsible for contributing 3% of the member contribution, and the City shall contribute 4%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 4% as additional compensation.

Effective first full pay period of July 2015, employees shall be responsible for contributing 4% of the member contribution, and the City shall contribute 3%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 3% as additional compensation.

Effective first full pay period of July 2016, employees shall be responsible for contributing 5% of the member contribution, and the City shall contribute 2%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 2% as additional compensation.

(c) Employees in categories D, F and K in Tier 3 shall be responsible for paying 50% of the normal cost toward their retirement.

(d) Effective August 31, 2014, the Director of Public Safety shall be responsible for paying 3% of the member contribution, and the City shall contribute 6%; such payment shall be made pursuant to IRC Section 414(h)(2). In addition, the City shall continue to pay to CalPERS a total of 2.25% of the employee's salary to fund the cost of the single highest year retirement benefit. The City will report the value of the Employer Paid Member Contribution (EPMC) of 6% as additional compensation.

Effective first full pay period of July 2015, the Director of Public Safety shall be responsible for paying 4% of the member contribution, and the City shall contribute 5%; such payment shall be made pursuant to IRC Section 414(h)(2). In addition, the City shall continue to pay to CalPERS a total of 2.25% of the employee's salary to fund the cost of the single highest year retirement benefit. The City will report the value of the Employer Paid Member Contribution (EPMC) of 5% as additional compensation.

Effective first full pay period of July 2016, the Director of Public Safety shall be responsible for paying 5% of the member contribution, and the City shall contribute 4%; such payment shall be made pursuant to IRC Section 414(h)(2). In addition, the City shall continue to pay to CalPERS a total of 2.25% of the employee's salary to fund the cost of the single highest year retirement benefit. The City will report the value of the Employer Paid Member Contribution (EPMC) of 4% as additional compensation.

(e) For employees in other Categories who are required by the CalPERS to be covered, such as City Council members who elect to enroll in CalPERS and eligible casual employees, the employee shall be responsible for the full normal member contribution to CalPERS.

5.750. SOCIAL SECURITY. FICA PORTION. All employees not covered by CalPERS shall be covered by Social Security/FICA. The employee and the City will each contribute the mandated percentage of the employee's wages toward the cost of Social Security/FICA. No Social Security/FICA will be withheld for retired CalPERS members who return to work as a temporary employee.

5.800. PUBLIC SAFETY NONMANAGEMENT. DIFFERENTIAL. When salaries are set for Public Safety Officer II, the following classifications of Public Safety Non Management will be adjusted, since they are tied to differentials established by the Public Safety Officer II, to maintain the appropriate relationships:

Public Safety Officer-in-Training	Step 1 is set at 10% below Step 1 of Public Safety Officer II; Step 2 is 5% above Step 1
Public Safety Officer I	Step 1 is set at 5% above Step 1 of Public Safety Officer-in-Training; Steps 2 through 4 are set at 5% above each previous step

6.000. SPECIAL PROVISIONS. Those provisions which are in a non-pay category, but which confer a benefit on an employee, are provided in accordance with the provisions in the Administrative Policy Manual.

6.100. WORK SCHEDULES. Employees in the Civil Service are to work in accordance with the schedules, shifts, tours of duty and work periods or cycles established by their respective departments in accordance with the provisions of the applicable MOU or the Administrative Policy Manual as the same now exists or is hereafter amended.

6.150. FLEX SCHEDULES. DESIGNATED CATEGORY B EMPLOYEES. Category B

employees, designated under the terms of the applicable MOU as exempt under the Fair Labor Standards Act, may have their work schedules adjusted, at the discretion of their managers, in order to minimize the cost of overtime pay. Such adjustments shall be made in accordance with the provisions of the applicable MOU.

6.200. ALTERNATE SCHEDULES. MANAGEMENT EMPLOYEES. Alternate schedules for individual employees in Categories D, E, F, and K may be authorized by the City Manager and the City Attorney in accordance with the Administrative Policy Manual.

6.300. DEFERRED COMPENSATION. Employees in Categories A, B, C, D, E, F, K and L and members of the City Council shall be entitled to participate in a 457 deferred compensation plan approved by the City. For employees in Categories D, E, F and K, a 401 (a) plan is available and procedures for contribution to such plan will be established by the City. With respect to any employee in Categories D, F and K who enrolls in any of the two deferred compensation plans (457 or 401 (a)), the City shall contribute to such plan on behalf of the employee an amount equal to 2% of the employee's gross pay per pay period. Such employees shall not be entitled to receive any or all of such payment except as payment into a deferred compensation account.

6.400. YOUTH PARTICIPATION INCENTIVES. Incentive Payments may be made in accordance with 29 USC § 2854, to provide incentives for recognition and achievements of the participants in the youth activities through the Department of Employment Development.

6.500. AUTOMOBILE ALLOWANCE. Any Management employee authorized and assigned exclusive use of a City vehicle on a 24-hour basis may, at the option of the employee, receive a car allowance, payable monthly, in lieu of the assignment and authorization to use such City vehicle. Such car allowance is only available while the employee is actively at work (i.e., not absent from work for more than one month, irrespective of reason). When not actively at work, the automobile allowance will cease the first of the month following the last date the employee is actively at work. A Management employee in Category D, E who is not assigned exclusive use of a City vehicle and who ordinarily does not have access to pool vehicles at his or her work site and who averages 300 or more miles per month of City business travel in his or her own personal vehicle, excluding normal travel to and from work, shall be eligible for a car allowance. This option shall not be available in the event the City Manager or the employee's Department Director determines that the vehicle assigned is a special purpose vehicle or a vehicle especially equipped so that it cannot be adequately replaced by the employee's private vehicle. Effective July 1, 2007, the monthly vehicle allowance for Department Directors will be \$450.00 and for designated management employees \$310.00. The City Manager may authorize a change in this allowance in

accordance with the change in the IRS standard mileage rate.

6.600. RELOCATION ASSISTANCE. Employees in Categories D, E and K may be offered up to \$5,000 of relocation assistance, including expenses incurred in connection with the final trip for employee and immediate family to the area, provided that their primary residence at the time they receive their offer of employment with the City is located outside a 50 mile radius of the City and they move to a location within Santa Clara County within 1 year of appointment. In addition, these employees are also eligible for interim living expenses, at the maximum rate of \$100 per day for a period not to exceed 30 days, incurred while searching for a new residence. Category F employees may be offered up to the full cost of relocation assistance, including interim living expenses, if they move into the City limits within 1 year of appointment. Such assistance may be taxable to the employee. This assistance must be documented in the offer letter to the employee.

6.700. EXECUTIVE MORTGAGE ASSISTANCE PROGRAM. Category F employees are eligible for benefits provided pursuant to the Executive Mortgage Assistance Program. Provisions of the program have been approved through separate resolution and may be amended as necessary.

7.000. ADMINISTRATION. CLASSIFIED SERVICE AND UNCLASSIFIED MANAGEMENT. The Pay Plan for all City employees shall be administered by the City Manager in accordance with policies stated herein and in the Administrative Policy Manual and any applicable MOU. The City Manager shall issue such rules and procedures as are necessary to put the policies into effect.

7.100. HOURLY RATES. Employees in Categories A, B, C, G and L at the time of appointment are ordinarily assigned the hourly rate in the first step of the pay range. In cases where it is necessary to attract qualified personnel the employee may be assigned the hourly rate in the second or third step of the pay range. Under extraordinary circumstances, employees may be assigned to a higher step than the first step of the pay range, upon recommendation of the Department Director and approval of the City Manager.

7.105. SALARY RATES. The minimum rate at which employees in Categories D, E, F and K may be hired is 85.0% of the Control Point for that classification; the maximum is 100% of Control Point. Appointments made above 95.0% of Control Point require recommendation of the Department Director, and approval of the City Manager for all, but Category K. Determinations on Category K employees are made by the City Attorney.

7.110. CONTROL POINTS AND SALARY RANGES. MANAGEMENT. Control

Points for Management classifications are as established in Sections 2.300, 2.400 and 2.800. The range for each classification extends from 85.0% of the Control Point up to the Control Point (100%).

7.115. DIFFERENTIAL PAY. MANAGEMENT. In the event that a pay differential of less than 15% is identified between the Control Point for a Management classification and the top step base salary for a direct-report non-management classification, a department director may recommend a pay differential of up to 15%. The differential will not be applied automatically, and an identifiable need for such differential must exist prior to providing the differential pay. All differentials require review by the Director of Human Resources and approval of the City Manager.

7.120. MERIT INCREASE. NONMANAGEMENT. Upon completion of 13 pay periods, employees in Categories A, B, C and G may be assigned the next step in the pay range to which the classification is assigned. Such merit increases shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given at 26 pay period intervals until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following the anniversary date.

Upon completion of 6 months of continuous City service, employees in Category L may be assigned the next step in the pay range to which the classification is assigned. Such merit increase shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given upon completion of intervals of 12 months of continuous service until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following completion of the requisite hours.

7.130. MERIT INCREASE. MANAGEMENT. Upon completion of 13 pay periods of service, employees in Categories D, F and K who receive an overall rating of achieves or exceeds expectations on their most recent performance evaluation may receive an increase in salary above the rate to which they were initially assigned, up to but not exceeding the Control Point.

The pay rate for employees in Categories D, F and K hired or appointed to management positions prior to June 1, 2013 will be considered for adjustment beyond that granted after the first 13 pay periods of service at the beginning of each new fiscal year after employment. The pay rate adjustment is subject to an overall rating of achieves or exceeds expectations on the employee's most recent performance evaluation. Increases of more than 5% require approval of the City

Manager.

The pay rate for employees in Categories D, F and K hired or appointed to management positions on or after to June 1, 2013 will be considered for adjustment beyond that granted after the first 13 pay periods of service following the completion of 26 pay periods from the prior increase in salary, up to but not exceeding the Control Point. Increases in salary shall be granted effective with the pay period immediately following the completion of 26 pay periods. Increases of more than 5% require approval of the City Manager.

7.140. PROMOTION. NONMANAGEMENT. Upon promotion to a full-time non-management classification having an assigned pay range greater than the classification from which the employee is being promoted, employees in Categories A, B, C and G shall be entitled either to that hourly pay step in the pay range of the higher class which is at least 5% above the employee's current hourly step rate, or that step the employee would have received within 2 pay periods had the promotion not been made, provided the increase does not exceed the rate contained in the top salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

Upon promotion to a regular part-time classification having an assigned pay range greater than the classification from which the employee is being promoted, the employee shall be entitled to that hourly pay step in the pay range of the higher classification which is at least 5% above the employee's current hourly step rate, provided the increase does not exceed the rate contained in the 5th salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

7.150. PROMOTION. MANAGEMENT. Employees in Category D and E who are promoted to a classification which has been assigned a Control Point greater than the classification from which the employee is being promoted shall be entitled to assignment to a pay rate in the new salary range which provides at least 5% above the employee's current hourly rate, or the rate which the employee would have received with a meeting or exceeding expectation of performance within 2 pay periods had the promotion not been made, provided the increase does not exceed 95.0% of the Control Point for the new classification, except that upon recommendation of the Department Director and approval of the City Manager, the promoted employee's pay rate may be set at up to 100% of such Control Point. Employees in Category K who are promoted in similar circumstances shall likewise receive an increase, subject to the determination of the City Attorney. Thereafter, the employee is considered for merit increases in the same manner as other Management employees.

7.160. P R O V I S I O N A L A P P O I N T M E N T. The pay periods of service of a probationary or regular employee shall not be affected by a provisional appointment. Merit pay increases are to be considered as though the employee had not accepted the provisional appointment.

7.170. GRANT FUNDED EMPLOYMENT.

(a) The City may hire employees in grant-funded (limited duration) positions where the position is funded by grant funds or similar types of non-City funding sources.

(b) Job classification titles for grant-funded positions shall be distinct from job classification titles for regular positions.

(c) Prospective employees shall be informed of the duration of the appointment in the job announcement and at the time of employment, and shall be advised of and acknowledge in writing the impact of the grant-funded (limited duration) status, including that the City has the authority to terminate employment at the completion of the grant or for reduction or loss of grant funding.

(d) Unless otherwise stated by the funding source or agency, if the appointment is for a period of twelve months or more, employees in grant-funded positions shall receive the same benefits as regular employees. Employees who will be working a full-time schedule in a management classification will be included in the Sunnyvale Managers Association bargaining unit; employees who will be working a full-time schedule in a non-management classification will be included in the Sunnyvale Employees Association bargaining unit; and employees who will be working a schedule of 1,092 -1,716 hours per fiscal year will be included in the Services Employees International Union bargaining unit.

(e) If the appointment is for less than twelve months, employees shall be employed in the unclassified service as temporary employees. Temporary employees are unrepresented, are eligible for only those benefits applicable to this category of employment, and are limited to 900 hours of work in the fiscal year.

(f) Should an employee who was originally hired to fill a grant-funded position of twelve months or more be later appointed to a regular position, his/her hire date will be the date that service commenced in the grant-funded position.

7.180. TERM LIMITED EMPLOYMENT.

(a) Term limited appointments are designed for limited duration projects, and shall not be used to displace regular bargaining unit represented positions. There shall be no adverse effect on the

bargaining units, as all bargaining unit members shall continue to receive full protections under existing MOUs. The intent behind Term Limited positions is to avoid layoffs – i.e., avoid hiring and then laying off employees retained to perform work of a limited duration. The assignment of regular employees to perform work related to the limited duration project with Term Limited employees used to provide backfill for the work of regular employees shall not be considered displacement of regular bargaining unit represented positions.

(b) Term Limited positions are different from Grant Funded employment as described in 7.170 above, in that Term Limited appointments shall be tied to a budget for a specific project or projects of limited anticipated duration.

(c) Term Limited appointments must be approved by the City Manager.

(d) Term Limited appointments are “at-will” and may be terminated at any time with or without cause. Further, the City has the authority to terminate employment at the completion of the specified term, or prior to the specified term due to lack of funding or other budgetary constraints, or lack of work.

(e) Term Limited appointments shall specify their duration, and shall not exceed two years, except under special circumstances approved by the City Manager, in which case the term may be extended by no more than 1 year. Such positions are not intended to replace regular, budgeted positions. Duration in position is counted from hire date and is not based on work hours.

(f) Term Limited positions shall be subject to membership in the applicable bargaining unit and shall receive the full benefits applicable to their bargaining unit, except as limited by their “at-will” status.

(g) Prospective employees shall be informed of the duration of the appointment in the job announcement and at the time of employment, and shall be advised of and acknowledge in writing the impact of the Term Limited status, including that the City has the authority to terminate employment at the completion of the term, or prior to the specified term due to lack of funding or other budgetary constraints, or lack of work. Prospective employees shall also be advised of and acknowledge in writing their status as at-will employees and the City’s ability to terminate their employment for any reason with or without cause.

(h) At the request of any bargaining unit, the City will meet with bargaining unit representatives no less than twice a year to hear and resolve any concerns about the Term Limited program.

There shall be no more than twenty-seven (27) Term Limited employees in the SEA bargaining Unit. However, a regular SEA employee in an out of class assignment (either within or outside of the bargaining unit) shall not count against the twenty-seven (27).

8.000. CASUAL/TEMPORARY PAY RATE ASSIGNMENTS AND STEP INCREASES.

Pay rate assignments and pay step increases for Casual/Temporary employees shall be administered by the City Manager in accordance with the policies stated herein. The City Manager shall promulgate such rules and procedures as are necessary to put said policies into effect.

Casual/Temporary employees at the time of appointment are ordinarily assigned the hourly rate in the first step of the pay range; however, the department may assign employees to a higher step based on qualifications and experience, and/or specific job functions, or in cases where it is necessary to attract qualified personnel. Casual/Temporary employees may be considered for an initial merit step increase after completion of 1040 hours of service and additional merit step increases upon completion of intervals of 2080 hours of service up to top step. However, a merit increase shall not be approved unless the employee's work performance is rated satisfactory or better. In situations where the above hour criteria for merit increases is not reasonable given the nature of a Casual/Temporary assignment, individual departments may assign a Casual/Temporary employee to the next step in the series upon completion of a minimum of 12 months of service in the current job classification and step, and a minimum number of hours worked as established by the department.

8.100. REDUCED TIME JOB STATUS PROGRAM. CATEGORY G. Designated classifications within Category G may work a reduced time work job share schedule pursuant to the provisions of the Reduced Time Job Status Program.

9.000. PAY BASIS. An eligible employee may be paid under multiple pay ranges or scheduled amounts in any given pay period, in addition to working out of class, on special assignment or under special circumstances.

10.000. EFFECTIVE DATE. Unless otherwise specifically indicated, all provisions herein contained shall be effective as of the date of posting. This version of the Salary Resolution supersedes any prior versions and amendments thereto.



CITY OF SUNNYVALE

**CIVIL SERVICE RULES AND
REGULATIONS**

ORIGINAL DATE OF APPROVAL, MAY 1960

PREVIOUSLY AMENDED JUNE 19, 2012, JUNE 25, 2013

AMENDED June 25, 2013

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SECTION 11.00 GENERAL

11.01 APPLICABILITY AND OBJECTIVES

The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:

- (a) Obtain and retain the best qualified personnel available for service in the Classified Service;
- (b) Assure that appointments and promotions shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
- (c) Assure, through formal appeal provisions, that disciplinary actions, or separations from the service are consistent with the best interest of the City.

11.02 PERSONNEL BOARD

The Personnel Board shall consist of five members selected as prescribed by the City Charter and shall appoint its own Chairperson at the first meeting of each fiscal year. Three members of the Board shall constitute a quorum, and the affirmative vote of the majority of the quorum shall be required to give effect to any action of the Board. The Personnel Board shall:

- (a) Fix the time and place of regular meetings and give reasonable public notice thereof. Special meetings may be convened at the call of the Chairperson or by any three members of the Board after reasonable public notice and notice to the remaining members of the Board; and
- (b) Act as a personnel advisory agency and as a personnel appeals hearing agency as prescribed by the

11.03 CLASSIFIED SERVICE

The Classified Service shall consist of all positions in the City service except the following:

- (a) All elective officers;
- (b) All members of Boards and Commissions;
- (c) The City Manager, City Attorney and any Assistant or Deputy City Attorney.
- (d) The head of each department;
- (e) Persons employed in part-time positions regarded as "casual" or "seasonal";
- (f) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
- (g) Persons employed for a temporary or special purpose for a period of time fixed by resolution of the City Council and in accordance with the City Charter.

11.04 ADMINISTRATION

The City Manager shall be responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service; except that the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office.

SECTION 12.00 RECRUITMENT

12.01 GENERAL STANDARDS

Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made. No applicant shall either be discriminated against or be privileged on account of their protected categories as defined by state and federal law.

12.02 WORKFORCE COMPOSITION

The City shall strive to reflect the demographic composition of the total workforce of the community at all job levels and in all segments of the work force. The City shall provide equal opportunity for all people in all employment policies and practices in accordance with the City's Equal Employment Opportunity Policy.

12.03 REASONABLE ACCOMMODATION

With adequate notice, the City shall provide reasonable accommodation to applicants and City Employees with a disability (as defined by the Americans with Disabilities Act and the California Fair Employment and Housing Act) in order to ensure access to the benefits and conditions of employment, City facilities, and City services.

12.04 MINIMUM STANDARDS

Applicants shall, prior to appointment, meet the minimum standards prescribed by applicable class specifications and shall:

- (a) Pass a medical examination (if required for a specific job classification) administered by a licensed medical practitioner, selected and paid by the City, to determine physical fitness for the position to which an appointment is to be made;

- (b) Subscribe to the Oath of Office as contained in the City Charter;
- (c) All employees are required to be fingerprinted;
- (d) Pass a full background investigation, if required for a specific job classification;
- (f) Pass an alcohol and drug test as required by position or assignment;
- (g) Meet other requirements as prescribed by state or federal law.

12.05 EMPLOYMENT OF RELATIVES

The City Manager, or the designated representative of the City Manager, may refuse to employ any person under the direct supervision of a City official or City employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) to such person, or to employ any person to the same department wherein a direct working relationship with an employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) exists, and where the above appointments have the potential for creating a negative impact on the supervision, safety, security, or morale, or involve potential conflicts of interest.

An application shall not be accepted from nor shall an appointment be made of any member of the Sunnyvale City Council or any Sunnyvale appointive Board or Commission during the term of office to which the member has been elected or appointed, nor within two (2) years thereafter. Nor shall an application be accepted from, or an appointment be made of, any person directly related by blood within the first degree (e.g. father/mother, son/daughter)

or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin), to a member of the Sunnyvale City Council.

12.06 TYPES OF RECRUITMENT PROCESSES

All recruitment processes are conducted in accordance with civil service merit principles.

There shall be three types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:

- (a) Citywide Promotional Recruitment. The applicant group is limited to employees who have regular Classified Service status with the City (including probationary employees), meet the minimum qualifications specified on the job announcement, and have received an overall rating of “achieves or exceeds expectations” on their most recent performance evaluation. The requirement to have received an overall rating of “achieves or exceeds expectations” on their most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation.
- (b) Citywide Transfer Recruitment. This type of recruitment may be conducted to fill vacancies in a classification which exists across City departments and/or in a classification that has similar minimum qualifications and the same salary range.
- (c) Open and Competitive Recruitment. This type of recruitment is normally conducted to fill vacancies. A department head may request that any recruitment be conducted on an open and competitive basis.

12.07 SOLICITATION OF APPLICANTS

Announcements of vacancies shall be posted on the City’s website and on the bulletin board in the Department of Human Resources and advertised in a manner appropriate to the type of examination to be administered (open, closed promotional — see paragraph 13.02). City departments shall also post announcements of vacancies at each work location.

SECTION 13.00 EXAMINATIONS

13.01 PREPARATION

The City Manager, or the City Manager's designated representative, shall direct the preparation of such tests of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The City Manager, or the City Manager's designated representative, shall determine whether the examination shall consist of a written, or oral, or performance, or psychological, or investigative, or physical tests, or a combination thereof, and shall indicate the procedure in the announcement.

13.02 CLASSES OF EXAMINATIONS

Examinations held to establish a list of eligible candidates for any classification shall consist of one or more of the following parts, as determined and developed by the Human Resources Department. All examinations administered by the City are objective, content-valid and job-related examinations. The following represent the most common types of City examinations utilized:

- (a) Training and Experience Examinations. A training and experience examination is designed to measure the applicants’ training and experience as it relates to the

minimum qualifications of the position. This examination process requires applicants to respond to supplemental questions that are rated and scored to determine the best qualified applicants. Those applicants that are determined to be the best qualified will continue with the examination process.

- (b) Oral Examinations. An oral examination is designed to measure candidates' knowledge, skills, and experience determined to be essential to the position, including interpersonal, leadership, problem solving, customer service, supervisory, presentation, and/or oral communication skills. The oral examination is a standard set of questions developed by Subject Matter Experts (SMEs) and is asked of every candidate.
- (c) Written Examinations. A written examination is designed to measure the various knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job.
- (d) Performance Examinations. A performance examination is designed to determine the level of abilities and/or manual skills of candidates to perform the essential functions of the job. The performance examination is a standard set of questions and/or tasks developed by Subject Matter Experts (SMEs) and given to each candidate.
- (e) Physical Agility Examinations. A physical agility examination is designed to determine physical agility, stamina and physical fitness of candidates to perform essential functions of the job.
- (f) Assessment Center Examinations. An assessment center examination is

a series of examinations that are designed to determine the knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job, including role-playing, in-basket, presentation, oral examinations, etc.

- (g) Other Examinations. Other types of selection tools may be developed and administered, including: presentations, personal interviews, typing tests, work samples, background investigations, or any combination of these or other tests as described above. All examinations are developed with the assistance of Subject Matter Experts (SMEs) and administered by the Department of Human Resources.

13.03 DISQUALIFICATION OF APPLICANTS

An applicant may be disqualified during any step of the examination process for any one of the following reasons:

- (a) Using or attempting to use influence to gain advantage in the examination process;
- (b) Making a false or misleading statement of material fact in connection with any stage of the examination process;
- (c) Is found to lack any of the requirements, certificates or qualifications of the classification applied for;
- (d) Making demeaning comments or behaving inappropriately towards others during the course of the examination process in violation of the City's policy against Harassment, Discrimination and Retaliation;

- (e) Withholding relevant information regarding applicant qualifications;
- (f) Using deception or fraud at any stage in the examination process;
- (g) Possessing unauthorized materials, devices, or anything of use or assistance in any stage of the examination process;
- (h) Behaving in a disruptive manner during an examination process;
- (i) Directly or indirectly obtaining information regarding examinations;
- (j) Copying the work of another applicant; or reviewing the examination documents prior to commencement of an examination;
- (k) Arriving at the place of examination after the start time;
- (l) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law;
- (m) Failing to respond to notifications or other correspondence;
- (n) City employees that apply for a promotion and did not receive an overall rating of "achieves or exceeds expectations" on their last performance evaluation; this requirement shall not apply to probationary employees who have not yet received a performance evaluation;
- (o) Physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- (p) Is a current user of illegal drugs;
- (q) Is in violation of Section 12.05 (Employment of Relatives) of the City's Civil Service Rules and Regulations;
- (r) Has had his or her privilege to currently operate a motor vehicle in the State of California suspended or revoked, if driving is required;
- (s) Refusing to execute the Loyalty Oath, as required by State law;
- (t) Is a current City Council member or on a current City Board or Commission during the term of office the member has been elected or appointed, or within two years thereafter;
- (u) For any material cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including but not limited to a prior termination from the City or a significant disciplinary action.

Any applicant disqualified for fraud, deception or dishonesty during any stage of the examination process may not reapply with the City for a period of twelve months.

13.04 GRADING OF EXAMINATIONS

The City Manager, or the City Manager's designated representative, shall establish for each test the basis required for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.

13.05 VETERAN'S CREDITS

Veteran's credits will only be assigned on examinations for positions in the Classified Service which represent the entry-level classification of a job family. To qualify for veteran's credits, an applicant must submit at the time of application, a copy of an

appropriate Department of Defense document indicating veteran status at the time of application. Veterans who attain a passing examination score used to determine placement on the eligible list shall be allowed a credit of three (3) points on that score. Disabled veterans shall be allowed an additional credit of two (2) points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service connected injury or wound which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the Classified Service is receiving disability compensation from the Federal Government.

Applicants who qualify for veteran's credits will have them applied to their final examination score.

SECTION 14.00 ELIGIBLE LIST

14.01 CONTENT

The Department of Human Resources shall prepare and establish the employment eligible list at the conclusion of all examination processes. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative weight assigned to each part of the examination.

The top five eligible candidates, including ties and any bargaining unit inclusions, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional candidate will be referred to the Department for consideration

for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

Direct Referral: For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process(es), establish an employment eligible list and directly refer the eligible candidates to the appointing authority for consideration.

For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.

14.02 DURATION

An employment eligible list shall remain in effect for a period of twelve months, and

may be extended by the Director of Human Resources, at the request of the Department Director, for a period up to an additional twelve months. The exception shall be the Public Safety Lieutenant employment eligible list which will remain in effect for a period of eighteen months with no extensions.

The Director of Human Resources may abolish any employment eligible list when there are two candidates remaining on the list.

The Director of Human Resources may also abolish any open and competitive employment eligible list prior to its expiration date upon recommendation of the Department Director, with approval of the City Manager. Such action shall be permitted only when it is considered to be in the best interest of the City.

14.03 REMOVAL

The Director of Human Resources, or designee, shall remove a candidate from a certified employment eligible list for the following reasons:

- (a) Refusal to accept appointment to an offered position.
- (b) For external candidates, refusal to participate in the selection interview process.
- (c) For internal candidates, refusal, without an approved waiver, to participate in the selection interview process.
- (d) Appointment to the classification for which the eligible list was established.
- (e) Written request from the candidate for removal from the list.
- (f) Failure to contact the Department Director, or designee, within seven

calendar days from being notified of a selection interview or offer of employment.

- (g) Failure to continue to meet the minimum qualifications or minimum employment standards for the position for which the eligible list was established.
- (h) Failure to successfully complete the City's pre-employment process.
- (i) For any of the causes set forth in this section or the Recruitment, Examination and Selection Policy as basis for disqualification of the candidate from the employment eligible list.

A Department Director, with approval from the Director of Human Resources, shall remove an external (not a current regular City employee) candidate from a certified employment eligible list for any job-related reason. In addition to the reasons outlined above, examples of appropriate job-related reasons to remove an external candidate from a certified employment eligible list include: unverifiable information in employment history; unsatisfactory job performance reference check; or any reason listed under paragraph 13.03.

14.04 CERTIFICATION

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with the Certification Procedures section of the Recruitment, Examination and Selection policy.

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human

Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.

Certification to the eligible list will be accomplished by placing the candidate scores in rank order to differentiate their relative performance and referred to a Department for consideration. The Department of Human Resources shall certify the top five eligible candidates to the Department Director, or designee, for consideration for an approved vacancy. One additional eligible candidate will be referred to a Department for consideration for each additional approved vacancy. The candidate names referred to the Department for consideration will be in alphabetical order. All candidates referred to the Department Director are considered fully qualified and eligible for hire.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

(a) Waiver of Certification

Internal candidates may waive certification once upon giving

reasons satisfactory to the Director of Human Resources. If the reason is not approved by the Director of Human Resources, then the candidate's name shall be removed from the eligible list from which they were certified. Waivers must be filed in writing with the Director of Human Resources.

There is no provision for external candidates to waive certification or to request a waiver from certification.

(b) Selective Certification

If a vacancy exists within a broad classification, the Department Director, or designee, may request a selective certification of candidates having the specialized qualifications required from the eligible list for that classification. For example, if a department has a requirement that candidates be able to type at a certain rate of speed or use a ten-key.

When selective certification is indicated, the Director of Human Resources, or designee, shall determine which candidates, in order of ranking on the applicable list, have the required special qualifications.

The special qualification may be tested for as part of the examination for the classification. Applicants must be notified of their opportunity to be tested for the special qualification.

Applicants who do not pass the special qualification testing required for selective certification will remain on the original employment eligible list.

SECTION 15.00 APPOINTMENTS

15.01 CLASSES OF APPOINTMENTS

The classes of appointments to positions in the Classified Service shall be Probationary, and Regular. Appointees to each class shall be subject to the conditions and limitations set forth herein.

15.02 PROBATIONARY APPOINTMENTS

Probationary appointments are for the purpose of providing a work performance evaluation period (also known as a "probationary period") prior to filling positions on a Regular Appointment basis. The appointing authority shall make each probationary appointment from the certification list (see paragraph 14.04).

Probationary periods are used to evaluate an employee's work for the period of time prior to an employee obtaining regular employment status with the City. A probationary period will occur when a new employee is hired within regular appointment or grant-funded appointment status or when a current City employee promotes to a new position requiring a probationary period.

The probationary period shall be for the following period of time:

- (a) Thirty-nine (39) pay periods for Public Safety Officers;
- (b) Twenty-six (26) pay periods for Public Safety Dispatchers;
- (c) Thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

As specified below, an employee's probationary period may be extended for the time period indicated upon recommendation of the Department Director or designee, and approval of the City Manager or designee, if

the employee's work performance or work-related behavior does not meet the required standards of the position:

- Up to an additional thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

During the probationary period an employee may be rejected at any time without cause and without the right of appeal upon recommendation of the appointing authority and approval of the Director of Human Resources. An employee does not acquire regular employment status in a position until the probationary period has been successfully completed.

An employee who has obtained regular employment status in a prior lower-level classification and is rejected while on the promotional probationary period will be reinstated to the classification from which the promotion occurred, unless the rejection is due to discharge for cause in which case no reinstatement shall occur. However, if the rejection is due to discharge for cause, the Procedures for Formal Disciplinary Action in Paragraph 21.04 and the Appeal Procedures contained in paragraph 19.02 would apply.

Regular full-time and part-time employees on probationary periods shall be entitled, according to their pay periods of service, to all of the supplementary pay and benefits applicable to employees holding regular full-time and part-time appointments with the same pay periods and/or months of service.

15.03 REGULAR APPOINTMENTS

Regular appointments may be full-time or part-time and are for the purpose of providing a regular complement of employees in the Classified Service to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the appointing authority from employees

successfully completing the probationary period required of employees holding probationary appointments.

15.04 TERM LIMITED APPOINTMENTS

Term Limited appointments may be full or part time and are designed to fill staffing needs for limited duration projects, tied to a budget for a specific project(s) of limited anticipated duration. Term Limited appointments are for specified durations, are “at-will” and not subject to a probationary period, and may be terminated at any time with or without cause. Term Limited employees shall be approved by the City Manager, and shall be entitled, according to their pay periods of service, to all of the supplementary pay and benefits applicable to employees holding regular full-time and part-time appointments with the same pay periods and/or months of service.

15.05 TRANSFER

The City Manager may transfer any employee to another position having the same class specifications or to another position in a different class providing the education, experience, knowledge, skill and ability, and salary of the class are substantially equal to the position from which the employee is being transferred.

SECTION 16.00 PERFORMANCE

16.01 PERFORMANCE STANDARDS

Performance standards shall be established for each department or office and shall specify standards of conduct, appearance, and work performance. These standards shall be expressed in precise and readily understood terms for the guidance of employees and for application by supervisory personnel in evaluating employee performance.

16.02 EVALUATION REQUIRED

- (a) For all regular employees, a work performance evaluation shall be completed at least once each three (3) months for employees on a probationary period and at the conclusion of the probationary period. A performance evaluation is also required to extend an employee's probationary period.
- (b) All regular employees who have successfully completed their probationary period will receive an annual evaluation for the rating period specified in City policy.
- (c) Performance evaluations may be completed more frequently than on an annual basis as determined to be necessary by the employee's supervisor or manager. This does not preclude the taking of disciplinary action in interim periods between evaluations.
- (d) Performance evaluation rating periods and/or due dates may be modified due to pending personnel actions or leave issues upon the approval of the Director of Human Resources.

16.03 PERFORMANCE RATING

The evaluation of work performance shall be directed to recording significant facts about the quality and quantity of work performed, conduct and work habits on work assignments and other pertinent factors which demonstrate the value of the employees' work performance. Such facts shall be reported by supervisory personnel. A uniform system of appraisal shall be used. Each rating shall be discussed with the employee being rated to the end that the employee understands the rating and the areas in which performance is competent or must be improved.

16.04 USE OF PERFORMANCE RATINGS

Performance ratings are a continuing record of employee performance and progress and shall be used as follows:

- (a) Salary adjustments between the steps established as the scale for a given class shall not be approved unless the employee's work performance achieves expectations.
- (b) Salary adjustments for management employees designated in the City's current salary resolution shall be made in accordance with provisions therefore set forth in said resolution.
- (c) The order of lay-off of employees for a lack of work or funds, or in the interest of economy, shall be determined in accordance with Section 17.02.
- (d) A Leave of Absence Without Pay shall not be granted unless the overall rating is achieves expectations or better.
- (e) An overall rating of "achieves or exceeds expectations" on the most-recent work performance evaluation is required in order for an employee to be eligible to participate in a promotional examination. This requirement shall not apply to probationary employees who have not yet received a performance evaluation.
- (f) Performance ratings shall be considered in disciplinary actions or dismissals.

SECTION 17.00 SEPARATION

17.01 RESIGNATION

An employee under the appointing authority of the City Manager desiring to leave the

City's service may do so by filing a statement of resignation in writing with the appropriate department director, Director of Human Resources, or the City Manager at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future employment.

Once the resignation is accepted by the City Manager or designee, the employee may rescind or modify the separation date only upon the approval of the City Manager or designee.

An employee under the appointing authority of the City Attorney desiring to leave the City's service may do so by filing a statement of resignation in writing with the City Attorney or designee at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future employment.

Once the resignation is accepted by the City Attorney or designee, the employee may rescind or modify the separation date only upon the approval of the City Attorney or designee.

17.02 REDUCTION OF FORCE

When it is necessary to reduce the staff for lack of work or funds or in the interest of economy, the City Manager shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The lay-off of employees shall occur within the classes determined in accordance with the following procedure:

- (a) All employees holding provisional Term Limited appointments shall be laid off first; ~~except that those employees holding provisional appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have~~

~~previously achieved regular status;~~

- (b) Employees holding probationary appointments shall be laid off next; except that employees holding probationary appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously attained regular status.
- (c) Employees holding regular appointments who have an overall performance rating of less than “achieves expectations” in the last complete performance evaluation shall be laid off next.
- (d) All regular employees having a performance rating of at least “achieves expectations” shall be laid off last in order of seniority of service.
- (e) The names of regular or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of layoff.

17.03 RETIREMENT

Each employee shall be entitled to retirement in good standing upon becoming eligible therefore under the provisions of the retirement plan in force.

SECTION 18.00 REINSTATEMENT

18.01 REINSTATEMENT AFTER RESIGNATION

A permanent City employee in the Classified Service who has resigned from the City in good standing may apply to be reinstated to their former vacant position without examination, within one year from the effective date of resignation.

An application shall be completed and forwarded to the Department of Human Resources and upon review and approval by the appropriate Department Director and the Director of Human Resources, will be placed on the reinstatement employment eligible list, subject to the following conditions:

- (a) The applicant held a regular appointment at the time of separation and resigned in good standing;
- (b) The applicant received an overall rating of “achieves or exceeds expectations” on their last performance evaluation;
- (c) The applicant has applied for reinstatement within one year from the effective date of resignation; and,
- (d) The applicant can demonstrate that they meet the minimum qualifications and employment standards of the position.

The submission of an application for reinstatement will not result in an automatic appointment. Reinstatement appointments are made upon the recommendation of the Department Director and upon approval of the City Manager, or designee.

Reinstatement appointments will be required to successfully pass all pre-employment examinations required of the position.

18.02 REINSTATEMENT FROM A REDUCTION IN FORCE LIST

A regular City employee in the Classified Service who has been laid off will be placed on a re-employment list for five years from the effective date of the layoff. Applicants will be listed on the re-employment list in inverse order of the layoff. Applicants whose names appear on a re-employment list as a result of a reduction in force shall be

reinstated in the order in which their names appear on the list subject to the following conditions:

- (a) A position is available in the class from which the applicant was separated as an employee.
- (b) The applicant accepts reinstatement within seven (7) calendar days from the date of notification; or notifies the Department of Human Resources within this time period of the desire to remain on the list but not to accept the current opening. Only one refusal is allowed.
- (c) The applicant has not during the period of lay-off incurred any disability or condition which would prevent the applicant from performing the essential duties of the position in an acceptable manner with or without a reasonable accommodation.
- (d) The re-employment list shall be retained for five (5) years from the date of establishment.

18.03 REINSTATEMENT FROM MILITARY LEAVE

Employees who are drafted or recalled to military service for long-term assignments are to be separated in accordance with the provisions of the State Military and Veterans' Code. Upon termination of the military service the employee is to be reinstated provided there has been full compliance with the provisions of the code including application for reinstatement within ninety (90) days.

18.04 PRIORITY OF APPOINTMENT

Applicants whose names appear on a re-employment list shall be given priority over all other applicants for appointments to positions for which the applicants have qualified by

reason of previous appointment or status.

SECTION 19.00 APPEALS

19.01 GRIEVANCE APPEALS PROCEDURE

Any employee having a grievance arising from employment in the Classified Service, other than that which is subject to the Disciplinary Appeal Procedure, shall seek a resolution to the grievance initially with their immediate supervisor. Should the immediate supervisor be unable or unwilling to arrive at a satisfactory resolution, or be a part of the grievance, the employee may seek resolution with the department head. Should the department head be unable or unwilling to make a satisfactory resolution, or be a party to the grievance, the employee may then seek resolution from the City Manager. The employee may request the service of the State Mediation and Conciliation Service to advise the City Manager on this matter. The decision of the City Manager shall be final and conclusive.

The foregoing procedure shall not apply to any employee covered by an alternate formal grievance procedure established pursuant to a Memorandum of Understanding entered into between the City and an employee bargaining unit.

19.02 DISCIPLINARY APPEAL PROCEDURE

Any employee in the Classified Service holding a regular appointment who, for disciplinary reasons, is suspended without pay, demoted, dismissed, or subjected to reduction in salary shall be entitled to be heard before the Personnel Board at a duly constituted meeting thereof provided a written request therefore has been filed with the Secretary of the Board within fourteen (14) calendar days from the effective date of the action from which the employee seeks exception. A properly filed written request for a hearing before the Personnel Board shall be processed as follows:

- (a) Within thirty (30) calendar days after the proper filing of written request for a hearing, the Personnel Board shall schedule a hearing, following any review of the action and complaint deemed necessary.

Upon mutual written agreement by the parties, the timeline to schedule a hearing may be extended.

Personnel Board hearings may be continued as determined necessary by the Personnel Board.

- (b) The hearing before the Personnel Board may be public or closed at the option of the employee, and the employee may be represented by legal or other counsel; however, the hearing shall be informal and the rules of evidence prescribed for duly constituted courts shall not apply. Department of Human Resources and Office of the City Attorney staff shall not be excluded from hearings designated as closed;
- (c) The Personnel Board shall, within fourteen (14) calendar days of conclusion of the aforementioned hearing or hearings, render its decision in writing and the Secretary shall direct copies thereof to the City Manager and the employee requesting the hearing.
- (d) The decision of the Personnel Board may sustain, revoke, or modify the suspension, demotion, dismissal, or reduction in salary and shall be final and conclusive in all respects and shall not be subject to appeal; and
- (e) In the event the Personnel Board revokes or modifies a suspension, demotion, dismissal, or reduction in salary and orders the employee reinstated to the former position, it

shall direct the payment of salary to the employee for the period of time the Personnel Board finds the suspension, demotion, salary reduction or dismissal was improperly in effect.

SECTION 20.00 STANDARD OF CONDUCT

20.01 STANDARD OF CONDUCT

An appointment to the Civil Service carries with it certain rights and responsibilities under the law. It is therefore incumbent upon members of the Classified Service to serve the public well and respect the rights of all to liberty, equality and justice under the Constitution. To this end, members of the Classified Service are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality and devotion to public service. In addition, no public office is to be used for personal gain or the special benefit of any citizen or citizen groups. The public has the right to expect a level of service and conduct that will promote and preserve confidence in and respect for the City Government.

20.02 EMPLOYEE RESPONSIBILITIES

- (a) The public shall be served with courtesy, impartiality, fairness and equality under the law at all times.
- (b) The public interest shall take precedence over all other considerations regardless of conditions or circumstances.
- (c) Employees shall perform the duties to which they are assigned to the best of their ability at all times.
- (d) No person shall be granted or be permitted any consideration, treatment, advantage or favor beyond that which

is general practice to grant or make available to the public at large.

- (e) Publicly owned or supported property, equipment, vehicles, labor or services shall be used for public purposes only. Public use shall mean that use which under general practice is available to the public at large, or which understated policy is authorized in the conduct of official business, or other uses as defined by action of the City Council.
- (f) City duty time shall be used for public purposes only.

20.03 CONFLICT OF INTEREST

- (a) Conflict of Interest Codes. Each employee shall comply with such code. The City Clerk will notify employees affected by the Conflict of Interest Code of their responsibilities there under.

Influencing Decisions. Employees shall not participate in or attempt to use their official positions to influence a governmental decision in which they have a financial interest.

- (b) Public Contracts. Employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Nor shall employees be purchasers at sale, or vendors at any purchase, made by them in their official capacity.

20.04 INCOMPATIBLE EMPLOYMENT

In accordance with State law, members of the Civil Service shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as employees. Employees shall not perform any work, service or counsel for compensation outside of their

City employment where any part of their efforts will be subject to approval by any other officer, employee, board or commission of the City.

20.05 GIFTS, FAVORS, AND REMUNERATIONS

No member of the Civil Service shall accept any gift, whether in the form of money, object, favor, loan or promise that would not be offered or given if the member were not a City employee other than what is provided by the City Charter, Administrative Policy and ordinances and resolutions of the City.

20.06 CONFIDENTIAL INFORMATION

Confidential information concerning any employee of the City or any other person, firm, association, group, partnership or corporation, or any property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information nor contrary to applicable state or federal law. Such confidential information regardless of disclosure shall not be used to advance the financial or personal interest of the members of the Civil Service.

20.07 POLITICAL ACTIVITIES

The City may adopt rules regarding political activities which are in conformance with State and Federal laws.

SECTION 21.00 MISCELLANEOUS

21.01 ANNIVERSARY DATE

The anniversary date of each employee shall be the date the employee began employment with the City.

21.02 CLASSIFICATION

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the Classified Service according to similarity of authority, responsibility and duties and shall take effect when adopted by the City Council. Positions shall be assigned to a single class when: (1) a similar level of authority, responsibility and duties is required; (2) a similar level of education, experience, knowledge and ability is required; and (3) the same descriptive title can be equitably applied to such positions.

Additions to or changes in the classification plan may be adopted from time to time in the same manner prescribed for the preparation and adoption of the original classification plan; provided, however, that the sum of the duties, responsibilities and authority assigned to a new class shall constitute a regular full-time or regular part-time assignment in the City service as opposed to a casual or seasonal part-time assignment.

Specifications shall be prepared for each class and shall include:

- (a) The class title;
- (b) A brief description of the class;
- (c) A summary of essential functions performed by the class; and
- (c) A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.

21.03 CLASS SPECIFICATIONS

Class specifications shall be maintained by the Human Resources Department and shall be available for review at all times on the City's website.

21.04 DISCIPLINARY ACTIONS

Any employee shall be subject to discipline, including counseling, documented oral counseling, written reprimands, suspension, demotion, decrease in pay step assignment, or dismissal from the classified service, by the City Manager for the causes for discipline identified in the City's Disciplinary Action and Appeal Policy and listed below:

- (a) Violations of any City Policy;
- (b) Misconduct;
- (c) Misuse of City Property;
- (d) Theft;
- (e) Fighting;
- (f) Discourteous treatment of the public or other employees;
- (g) Consuming, possessing, or being under the influence of alcoholic beverages, non-prescription or unauthorized narcotics, or controlled substances during working hours and/or while on City property or worksite;
- (h) Failure to satisfactorily perform the duties of his/her position;
- (i) Inexcusable neglect of duty;
- (j) Failure to observe applicable rules and regulations;
- (k) Failure to cooperate reasonably with his/her supervisor/manager or coworkers;
- (l) Willful disobedience;
- (m) Insubordination;
- (n) Dishonesty;

- (o) Fraud in obtaining employment with the City;
- (p) Failure to take or subscribe to any oath which is required by law in connection with employment;
- (q) Absence without leave;
- (r) Excessive use of unprotected disability/sick leave.
- (s) Tardiness;
- (t) Falsification of timecards or City records.
- (u) Conviction, including pleas of guilty or nolo contendere, of a felony or misdemeanor if the conviction has a nexus to employee's position;
- (v) Unlawful political activity;
- (w) Unauthorized solicitation on City property;
- (x) Violation of safety rules;
- (y) Violation of City Charter provisions;
- (z) Any violation of departmental conflict of interest codes approved by the City Council and adopted pursuant to Chapter 7 of the Political Reform Act of 1974 (Government Code 87100);
- (aa) Any other act, either during or outside of duty hours which is detrimental to the public service.

Employees may appeal a suspension, demotion, pay step reduction, or dismissal to the Personnel Board as provided herein (see paragraph 19.02) and as specified in the Disciplinary Action and Appeal Policy and/or the applicable Memorandum of Understanding.

21.05 OTHER EMPLOYMENT

Employees in the Classified Service may engage in other employment provided such employment does not conflict or interfere with prescribed duties and does not violate the provisions of Paragraph 20.04.

21.06 PERSONNEL RECORDS

A file shall be maintained for each employee and shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are to be considered confidential information and are to be used or exhibited only for administrative purposes or in connection with official proceedings before the Personnel Board or City Council. However, any employee may examine his/her own file at any reasonable time.

21.07 TRAINING

To the extent possible and practicable, in-service training and work performance opportunities shall be provided to improve daily performance and prepare employees for promotional opportunities. Approved extension or home study courses shall be considered as qualifying education for the purpose of determining eligibility for promotional examinations.

END