



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

AGENDA MEETING OF THE CITY OF DEL REY OAKS CITY COUNCIL TUESDAY, JANUARY 26, 2010 at 6:00 P.M. CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. 6:00 P.M. - ROLL CALL – *City Council*
2. PLEDGE OF ALLEGIANCE
3. ANNOUNCEMENTS & COMMUNICATIONS
 - A. Certificate of Appreciation from Monterey County Elections Department
4. PRESENTATION
Presentation by the Census Bureau for the upcoming 2010 Census
5. PUBLIC COMMENTS:
Anyone wishing to address the City Council or Agency on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered. *There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this item and all comments will be referred to staff.*
6. CONSENT AGENDA: *Action Items*
 - A. MINUTES:
 1. December 15, 2009, Joint Regular City Council Meeting
 2. December 9, 2009, Regular Planning Commission Meeting – Cancelled, due to lack of agenda items
 - B. MONTHLY REPORTS:
 1. Claims, December 2009
 2. Financials, December 2009
 3. Fire Department Response Report, December 2009
 4. Police Activity Report, December 2009
 - C. MISCELLANEOUS:
 1. 2010 Boards and Committees List
 2. Resolution 2010-01, Approval of Personnel Manual
 3. Mid Year Financial Review

7. **OLD BUSINESS:** None
8. **NEW BUSINESS:** None
9. **STAFF REPORTS:**
 - A. City Manager Report
 1. Report on RFP for Legal Services
10. **MAYOR AND COUNCIL REPORTS**
11. **CORRESPONDENCE:** None
12. **CLOSED SESSION:** As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations
 - A. Conference with Real Property Negotiator
 - 1) Property: 360 Acres of Former Fort Ord
Negotiating Party: Federal Development Partners
Under Negotiation: Price and Terms of Payment
 - B. Public Agency Employee Evaluation: City Manager
13. **SET NEXT MEETING DATE:** Establish **Tuesday, February 23, 2010, at 6:00 P.M.** as the date and time of the Council's next regular meeting.
14. **ADJOURNMENT**

Information distributed to the Council at the meeting becomes part of the public record. A copy of written material, pictures, etc. must be provided to the secretary for this purpose. All enclosures and materials regarding these agenda items are available for public review at the Del Rey Oaks City Hall, 650 Canyon Del Rey Road, Del Rey Oaks.

CERTIFICATE OF APPRECIATION

Is awarded to

Del Rey Oaks City Hall

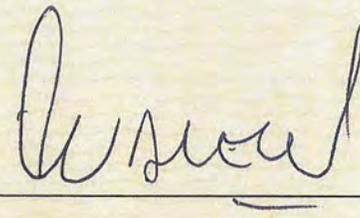
In recognition of your dedication to the community and to the democratic process and serving as an

OFFICIAL POLLING PLACE

For Monterey County Elections



Linda Tulett,
Registrar of Voters



Claudio Valenzuela,
Assistant Registrar of Voters

REGULAR MEETING OF THE CITY OF DEL REY OAKS CITY COUNCIL AND REDEVELOPEMENT AGENCY CONVENED AT 6:00 P.M. ON TUESDAY, DECEMBER 15, 2009 IN THE CHARLES BENSON MEMORIAL HALL, CITY HALL

Present: Council Member/Agency Member Zuccaro, Clark, Cecilio, Allion and Mayor/Agency Chair Edelen

Absent:None

Also present: Assistant City Attorney Buchert, City Manager Dawson and Deputy City Clerk Carvalho

Meeting came to order at 6:00 p.m. and roll call was taken.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: None

ANNOUNCEMENTS:

- A.** Recognition of the Del Rey Oaks Citizen's Action Group for the Beautification of the Del Rey Oaks City Hall Planters.

Mayor Edelen: Talked about all the volunteers in the DROCAG and how much they do for the citizen's of Del Rey Oaks including but no limited to: Annual Christmas party, beautification of the City, the Annual City Picnic, bringing meals to residents who are no longer able to get out into the public. He read into record a letter of appreciation for the Del Rey Oaks Citizen's Action Group and it was presented to Council Member Clark as a member of the DROCAG.

Chief Langford: The DROPD is going to be delivering meals to citizen's who need them starting on Christmas day.

- B.** Recognition of Bob Pack for his Volunteer Work in the Restoration of Rosita Road.

Mayor Edelen: Talked about the deterioration of Rosita Road and how this deterioration was in imminent danger of washing away completely and Mr. Pack, a Del Rey Oaks resident, came in and volunteered his time, equipment and all the materials to repair the road on his own time over a weekend.

CONSENT AGENDA:

A. MINUTES:

1. November 17, 2009, Regular City Council Meeting
2. November 18, 2009, Regular Planning Commission Meeting

B. MONTHLY REPORTS:

1. Claims, November 2009
2. Financials, November 2009
3. Fire Department Response Report, November 2009
4. Police Activity Report, November 2009

C. MISCELLANEOUS:

1. 2010 Meeting Schedule for City Council and Planning Commission
2. Reappointment of Jeff Cecilio to the Northern Salinas Valley Mosquito Abatement District for the term of January 2, 2010 – January 2, 2014.

Council Member Allion: Requested to pull Item 5.B.2. Wanted to point out that as of November we are about 40% through the year. Requested that a mid year budget review be done in February.

City Manager Dawson: Stated that we will have a presentation in February

Motion by Council Member Clark to approve the consent agenda, motion seconded by Council Member Allion

Motion passed 5-0

No public comment was received

OLD BUSINESS:

The Council considered **ITEM 6.A.**, Ordinance No. 269, An ordinance Adding Chapter 8.30 Relating to Polystyrene Food Packaging to the Municipal Code (*Second reading*)

City Manager Dawson: Stated that we need to be good stewards of our environment.

Council Member Clark: Feels that most cities will be.

PUBLIC COMMENT:

Jeff Lindenthal: Represents Monterey Regional Waste Management District (MRWMD) and this resolution has been used in Carmel, Monterey and other cities. He stated that he has heard a lot of good feedback and that litter has already been reduced.

Assistant City Attorney Buchert: Mr. Lindenthal was of great assistance in the preparation of this item.

Council Member Zuccaro: Will this eventually extend to plastic bags?

Jeff Lindenthal: It is a topic of discussion at MRWMD.

Motion by Council Member Allion to approve Ordinance 269, motion seconded by Council member Clark

Roll Call Taken:

Council Member Zuccaro: Aye

Council Member Clark: Aye

Council Member Cecilio: Aye

Council Member Allion: Aye

Mayor Edelen: Aye

Motion passed 5-0

No public comment received

OLD BUSINESS:

The Council considered **ITEM 7.A.** Consider Resolution 2009-19, A resolution Authorizing the City of Del Rey Oaks to Join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to Accept Application from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments within the Territory of the City; and Authorizing Related Actions.

City Manager Dawson: Will allow property owners to install solar systems, energy efficient appliances in their homes and will allow this to be paid for by a tax assessment.

Council Member Allion: Thought it said we have to pay \$12,500?

City Manager Dawson: We have to pay nothing; this will say that it's ok for the County to apply for a grant to cover all costs so the City will pay nothing.

Council Member Zuccaro: Will there be interest charges?

City Manager Dawson: There will be but it's based on the going interest rate

Council Member Allion: With a home equity loan you can write off interest, and will the homeowner be able to write off any of this?

Council Member Clark: How will the average homeowner find out about this program?

City Manager Dawson: Not decided yet but assumes that the County is working on that process.

Council Member Zuccaro: Will City Hall be going more green?

City Manager Dawson: Absolutely, we are getting a grant to retrofit City Hall with new windows as we speak.

Public Comment:

Alice Green: Will this cover cisterns?

City Manager Dawson: Water is handled by AB474

Motion by Council Member Clark to approve, motion seconded by Council Member Cecilio

Motion passed 5-0

There was no further public comment received

The Council considered **ITEM 7.B.** Consider Appointment of Planning Commissioner to Fill One Vacancy

City Manager Dawson: Mr. Zuccaro was from the Planning Commission and is now on the Council leaving a vacancy on the Planning Commission. Mr. Larson put in his application for the City Council and when the Planning Commission position opened up he applied for that position. He explained that the application from the City Council was used for the Planning Commission so there are some carry over's but that he knows his obligation is to the Planning Commission.

Motion by Council Member Cecilio to approve Mr. Larson's appointment, motion was seconded by Council Member Zuccaro.

Motion passed 5-0

No public comment was received

City Manager Dawson swore Scott Larson in as the newest Planning Commissioner

The Council considered **ITEM 7.C.,** California Statewide Communities Development Authority to Accept Application from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments within the Territory of the City; and Authorizing Related Actions.

City manager Dawson: The Redevelopment Agency has to have an independent audit each year and it was recommended that the value of the property be evaluated to bring it to current values.

Council Member Allion: Will give us a more pragmatic view of the value of the Ft. Ord Property.

Council Member Zuccaro: Will there be any review of this on a yearly basis?

City Manager Dawson: We will be audited every year so this number could change.

Motion by Council Member Clark to approve the new valuation, motion seconded by Council Member Cecilio.

Motion passed 5-0

No public comment was received

STAFF REPORTS:

City Manager Dawson: Announced that City Hall will be closed the week of December 21st through the 25th and will reopen on Monday, December 28th. Has been attending the City Manager's meeting and we are doing much better than a lot of cities. Thanked Council Member Allion for reviewing the personnel manual. Joint Fire Services; He will be attending another hearing of the JPA. This Friday is the Christmas party and it is recognition of the City Employees.

COUNCIL MEMBER REPORTS:

Council Member Zuccaro: Attended his first AMBAG meeting.

Council Member Clark: Holiday party was a great success and thanked Mayor Edelen for the idea of taking all the collected items to the KSBW donation at Nob Hill in Pacific Grove. She attended the MST meeting and announced the purchase of two new buses and a measure that might be on the next election to save funding for transportation.

Council Member Cecilio: Water board (was sick) not able to attend, Mosquito Abatement meeting was attended

Council Member Allion: MRWPCA attended.

Mayor Edelen: Has attended many meetings: TAMC is having a lot of problems with financing. He talked about the "5-11" project, billboards to talk about traffic congestion but TAMC has no money to pay for this. Monterey County Realty luncheon attended and spoke with a Financial Realty person and has thousands of homes they can't sell. Talked about Salt Water intrusion. Cal-Am cease and desist order about pumping from Carmel Valley River. The City will write a letter opposing the suit to oppose the moratorium. Monterey Mayor's meeting discussed retirement plan (Cal-PERS). Many cities have over extended themselves in retirement plan. Attended the DLI holiday reception. Officer Matt Young and Terry Serrano as Santa Claus donated food and toys via DROPD police car to the KSBW drive at Nob Hill and it was very impressive.

Council Member Zuccaro: Attended MPUSD and DRO kids will not be going to Del Rey Woods school for another year. They will be attending Foothill.

Mayor Edelen: Still discussions about closing schools down and notices will be going out to residents.

Next meeting: Tuesday, January 26th, 2010 at 6:00 p.m.

7:08 p.m. - Meeting adjourned to closed session

7:11 p.m. – Reconvened into closed session

7:15 p.m. - Reconvened open session. Assistant City Attorney Ken Buchert reported that the Council met in closed session for the item on the agenda, Conference with Real Property Negotiator, information was provided, no action was taken.

7:16 p.m. - Meeting was adjourned

December 3, 2009

-NOTICE-

NOTICE IS HEREBY GIVEN THAT THE REGULAR
DEL REY OAKS PLANNING COMMISSION
MEETING:

WEDNESDAY, DECEMBER 9, 2009 AT 6:00 P.M.

**HAS BEEN CANCELLED DUE TO A LACK OF
ITEMS TO BE HEARD**

THE NEXT REGULAR SCHEDULED PLANNING
COMMISSION MEETING WILL BE HELD ON:

WEDNESDAY, JANUARY 13, 2009 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL, 650 CANYON
DEL REY ROAD, DEL REY OAKS

KAREN MINAMI
Deputy City Clerk

CITY OF DEL REY OAKS
Claims Report
December 2009

Type	Date	Num	Memo	Amount
AT&T CAL NET 2				
Bill	12/19/2009		PHONE DEC 2009	67.01
Bill	12/19/2009		PHONE DEC 2009	927.59
Bill	12/19/2009		PHONE DEC 2009	16.80
Total AT&T CAL NET 2				1,011.40
BAYVIEW BUSINESS SOLUTIONS, INC.				
Bill	12/18/2009	Notary Service	Notary Service	10.00
Total BAYVIEW BUSINESS SOLUTIONS, INC.				10.00
BYTE TECHNOLOGY				
Bill	12/13/2009	WEBSITE MAINTENANCE	WEBSITE MAINTENANCE 12/10/09-INVOICE ...	31.25
Bill	12/20/2009	WEBSITE MAINTENANCE	WEBSITE MAINTENANCE 12/16/09-INVOICE ...	62.50
Total BYTE TECHNOLOGY				93.75
CALIFORNIA-AMERICAN WATER				
Bill	12/31/2009		650 CANYON DEL REY RD	68.15
Bill	12/31/2009		69 CARLTON DR	37.36
Bill	12/31/2009		DEL REY GARDENS DR	18.49
Bill	12/31/2009		HYDRANTS	31.74
Bill	12/31/2009		ANGELUS WAY	54.97
Bill	12/31/2009		LOS ENCINOS DR	18.49
Bill	12/31/2009		VIA VERDE	46.19
Bill	12/31/2009		PORTOLA/SETTER	18.49
Bill	12/31/2009		QUENDALE/LOCH	18.49
Total CALIFORNIA-AMERICAN WATER				312.37
Cecilio, Jeffrey				
Check	12/31/2009	10053	Earnings Imported From PBS	100.00
Total Cecilio, Jeffrey				100.00
CITY CLERKS ASSOCIATION				
Bill	12/1/2009	Annual Membership Du	Annual Membership Dues 2009-10	140.00
Total CITY CLERKS ASSOCIATION				140.00
CITY OF MONTEREY				
Bill	12/17/2009		BUILDING AND PLANNING NOV 09	1,226.69

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
Total CITY OF MONTEREY				1,226.69
CITY OF SEASIDE				
Bill	12/7/2009		STREET SWEEPING NOV 09	1,105.28
Total CITY OF SEASIDE				1,105.28
CO-POWER				
Bill	12/17/2009		BOURQUIN JAN 09	113.10
Bill	12/17/2009		CARVALHO (85%)	48.08
Bill	12/17/2009		CARVALHO (15%)	8.49
Bill	12/17/2009		JOHNSON (60%)	67.86
Bill	12/17/2009		JOHNSON (40%)	45.24
Bill	12/17/2009		LANGFORD	175.05
Bill	12/17/2009		MINAMI (85%)	148.80
Bill	12/17/2009		MINAMI (15%)	26.25
Bill	12/17/2009		OLMOS	56.57
Bill	12/17/2009		SERRANO (60%)	67.86
Bill	12/17/2009		SERRANO (40%)	45.24
Bill	12/17/2009		TOPPS	175.05
Bill	12/17/2009		VAN ZANTEN	175.05
Bill	12/17/2009		VILLARREAL	175.05
Bill	12/17/2009		EDELEN	175.05
Bill	12/17/2009		RUSSELL	113.10
Bill	12/17/2009		CECILIO	175.05
Bill	12/17/2009		ALLION	113.10
Bill	12/17/2009		CLARK	113.10
Total CO-POWER				2,017.09
COMCAST HIGH SPEED INTERNET				
Bill	12/18/2009		INTERNET 12/10/09-1/9/10	32.45
Bill	12/18/2009		INTERNET 12/10/09-1/9/10	32.45
Total COMCAST HIGH SPEED INTERNET				64.90
COUNTY OF MONTEREY				
Bill	12/31/2009		3 mobile computer system/network access to Coun...	76.00
Total COUNTY OF MONTEREY				76.00

Type	Date	Num	Memo	Amount
CRYSTAL SPRINGS WATER CO.				
Bill	12/1/2009		WATER	11.91
Bill	12/1/2009		WATER	11.92
Bill	12/1/2009		WATER	11.92
Bill	12/31/2009		WATER	16.66
Bill	12/31/2009		WATER	16.66
Bill	12/31/2009		WATER	16.68
Total CRYSTAL SPRINGS WATER CO.				85.75
DON CHAPIN COMPANY, INC.				
Bill	12/18/2009		CONTRACT 209015-10% RETENTION, 2008 P...	2,260.00
Total DON CHAPIN COMPANY, INC.				2,260.00
ELECTRICAL DISTRIBUTORS				
Bill	12/1/2009		PD GATE MATERIALS	12.12
Total ELECTRICAL DISTRIBUTORS				12.12
ENTERSECT CORPORATION				
Bill	12/9/2009		INVOICE #32107/POLICE ONLINE SERVICE-...	79.00
Total ENTERSECT CORPORATION				79.00
FIRST AMERICAN REAL ESTATE SOLUTIONS				
Bill	12/2/2009	METRO SCAN- ADDRESS	METRO SCAN- ADDRESS SERVICE-NOV 09	52.08
Bill	12/2/2009	METRO SCAN- ADDRESS	METRO SCAN- ADDRESS SERVICE-NOV 09	52.09
Total FIRST AMERICAN REAL ESTATE SOLUTIONS				104.17
FIRST CHOICE SERVICES				
Bill	12/1/2009		Coffee and condiments	22.43
Bill	12/1/2009		Coffee and condiments	22.44
Bill	12/1/2009		Coffee and condiments	22.44
Total FIRST CHOICE SERVICES				67.31
FIRST NATIONAL BANK CHARGE				
Check	12/3/2009		Merchant Bankcard Fee	44.52
Check	12/3/2009		Merchant Bankcard Discount	15.25
Check	12/3/2009		Merchant Bankcard Interchang Fee	0.18
Check	12/28/2009	EFT	Bank Analysis Fee	125.35

Type	Date	Num	Memo	Amount
Total FIRST NATIONAL BANK CHARGE				185.30
FORD MOTOR CREDIT COMPANY				
Bill	12/1/2009	LEASE #7687900	LEASE PAYMENT FOR F150 POLICE CHIEF T...	12,248.59
Total FORD MOTOR CREDIT COMPANY				12,248.59
GLOBALSTAR USA				
Bill	12/12/2009		SATELITE PHONE	26.76
Bill	12/31/2009		SATELITE PHONE	26.87
Total GLOBALSTAR USA				53.63
HOME DEPOT CRC				
Bill	12/1/2009		MATERIALS FOR GATES FOR POLICE DEPT.	342.72
Bill	12/1/2009		MATERIALS FOR CITY CLERKS OFFICE DOOR	65.03
Bill	12/1/2009		SUPPLIES FOR HOLIDAY LIGHTS ON CITY H...	112.14
Bill	12/1/2009		MATERIALS TO REPAIR FLAG POLE BASE A...	18.43
Bill	12/1/2009		POLICE DEPT SUPPLIES FOR CARS, ETC.	96.23
Bill	12/1/2009		WATER FOUNTAIN BUBBLER HEAD REPLA...	70.42
Total HOME DEPOT CRC				704.97
I.M.P.A.C.GOVERNM'T SER				
Bill	12/3/2009		CAR "UNLOCK" TOOL	103.85
Bill	12/3/2009		BADGE	38.34
Bill	12/3/2009		FIELD TRAINING OFFICER TRAINING FOR D...	105.00
Bill	12/3/2009		HOLIDAY PARTY 2009	500.00
Bill	12/3/2009		GAS FOR C.M. CAR	46.02
Bill	12/3/2009		BOOK FOR C.M.	41.79
Bill	12/3/2009		MUNICIPAL FINANCE INSTITUTE 2009	425.00
Bill	12/3/2009		SANITIZATION SUPPLIES FOR STAFF	127.17
Bill	12/3/2009		SUPPLIES FOR STAFF	27.33
Bill	12/31/2009		GAS FOR C.M. CAR	43.00
Bill	12/31/2009		1099 FORMS	68.82
Bill	12/31/2009		FIELD TRAINING OFFICER TRAINING FOR D...	484.00
Bill	12/31/2009		ROOM FOR INVESTIGATION	95.12
Bill	12/31/2009		HOLIDAY PARTY 2009	1,055.80
Bill	12/31/2009		HOLIDAY PARTY 2009	1,055.80
Bill	12/31/2009		POLICE SAFETY VEST	81.18

Type	Date	Num	Memo	Amount
Bill	12/31/2009		NOTARY CLASS AND MATERIAL FOR K.MI...	114.47
Bill	12/31/2009		BADGES	38.47
Bill	12/31/2009		P.W. SHOP HEATER PROPANE	35.20
Bill	12/31/2009		P.W. SHOP HEATER PROPANE	35.20
Total I.M.P.A.C.GOVERNM'T SER				4,521.56
Intuit				
Check	12/15/2009	EFT	Payroll charges	0.55
Check	12/15/2009	EFT		0.56
Check	12/15/2009	EFT		42.43
Total Intuit				43.54
JAMES DE CHALK				
Bill	12/31/2009		DEC BILLING	375.00
Total JAMES DE CHALK				375.00
LEAGUE OF CALIFORNIA CITIES				
Bill	12/18/2009	INVOICE 96305	MEMBERSHIP DUES FOR 2010 - INVOICE 963...	1,025.00
Total LEAGUE OF CALIFORNIA CITIES				1,025.00
MONTEREY AUTO SUPPLY INC.				
Bill	12/1/2009		TRUCK SUPPLIES	149.34
Total MONTEREY AUTO SUPPLY INC.				149.34
MONTEREY BAY AREA INSURANCE FUND				
Bill	12/1/2009		1ST INSTALLMENT FOR 2009-2010 LIABILIT...	856.33
Bill	12/1/2009		1ST INSTALLMENT FOR 2009-2010 WORKER...	12,265.50
Total MONTEREY BAY AREA INSURANCE FUND				13,121.83
MONTEREY BAY TECHNOLOGIES				
Bill	12/7/2009		IT SUPPORT (P.D.) AND QUICKBOOKS INST...	220.00
Bill	12/7/2009		IT SUPPORT (P.D.) AND QUICKBOOKS INST...	220.00
Bill	12/7/2009		IT SERVICES RETAINER OCT. 09	350.00
Total MONTEREY BAY TECHNOLOGIES				790.00
MONTEREY PENINSULA ENGINEERING				
Bill	12/19/2009	INV. 12-01	INV 12-01, ROSITA RD. REMOVE AND REPL...	2,147.26

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
Total MONTEREY PENINSULA ENGINEERING				2,147.26
MRWPCA				
Bill	12/1/2009		11/1/09-12/31/09	25.13
Total MRWPCA				25.13
MTRY BAY OFFICE PRODUCTS				
Bill	12/31/2009		INV. 58529-SERVICE CONTRACT 12/10/09-3/9...	326.77
Total MTRY BAY OFFICE PRODUCTS				326.77
NEXTEL COMMUNICATION				
Bill	12/15/2009		NEXTEL RADIO- CLK 11/12/09-12/11/09	27.43
Bill	12/15/2009		NEXTEL RADIO PW 11/12/09-12/11/09	60.71
Bill	12/15/2009		NEXTEL RADIO PD 11/12/09-12/11/09	187.22
Bill	12/15/2009		NEXTEL CITY MANAGER 10/12/09-11/11/09	119.01
Total NEXTEL COMMUNICATION				394.37
OFFICE DEPOT				
Bill	12/1/2009		KEYBOARD AND MOUSE DEC. 09	87.39
Bill	12/2/2009	CALENDARS AND AUDIO	CALENDARS AND AUDIO TAPES	30.44
Bill	12/23/2009		BAGS	22.56
Bill	12/29/2009		PRINTER CARTRIDGES	24.98
Bill	12/29/2009		PURELL, SANITIZER, TOILET PAPER, GARB...	146.81
Bill	12/29/2009		PURELL, SANITIZER, TOILET PAPER, GARB...	146.80
Bill	12/31/2009		TAPE	4.27
Bill	12/31/2009		LABELS	33.21
Bill	12/31/2009		DESK CALENDAR	12.02
Total OFFICE DEPOT				508.48
OFFICE EQUIPMENT FINANCE SERVICES				
Bill	12/11/2009	LEASE PAYMENT FOR CO	LEASE PAYMENT FOR COPIER-JAN 09	176.16
Bill	12/11/2009	LEASE PAYMENT FOR CO	LEASE PAYMENT FOR COPIER-JAN 09	58.72
Total OFFICE EQUIPMENT FINANCE SERVICES				234.88
ORCHARD SUPPLY				
Bill	12/1/2009		SUPPLIES FOR CITY HALL	255.15

Type	Date	Num	Memo	Amount
Total ORCHARD SUPPLY				255.15
P.E.R.S.-HEALTH				
Bill	12/15/2009	HEALTH PREMIUM JAN 2	BOURQUIN DEC 09	984.82
Bill	12/15/2009	HEALTH PREMIUM JAN 2	CARVALHO 85%	418.54
Bill	12/15/2009	HEALTH PREMIUM JAN 2	CARVALHO 15%	73.86
Bill	12/15/2009	HEALTH PREMIUM JAN 2	JOHNSON 40%	393.92
Bill	12/15/2009	HEALTH PREMIUM JAN 2	JOHNSON 60%	590.89
Bill	12/15/2009	HEALTH PREMIUM JAN 2	LANGFORD	1,280.27
Bill	12/15/2009	HEALTH PREMIUM JAN 2	MINAMI 85%	1,088.22
Bill	12/15/2009	HEALTH PREMIUM JAN 2	MINAMI 15%	192.04
Bill	12/15/2009	HEALTH PREMIUM JAN 2	OLMOS	492.41
Bill	12/15/2009	HEALTH PREMIUM JAN 2	SERRANO 60%	590.89
Bill	12/15/2009	HEALTH PREMIUM JAN 2	SERRANO 40%	393.92
Bill	12/15/2009	HEALTH PREMIUM JAN 2	TOPPS	1,280.27
Bill	12/15/2009	HEALTH PREMIUM JAN 2	VAN ZANTEN	1,322.72
Bill	12/15/2009	HEALTH PREMIUM JAN 2	VILLARREAL	1,280.27
Bill	12/15/2009	HEALTH PREMIUM JAN 2	DAWSON	984.82
Bill	12/15/2009	HEALTH PREMIUM JAN 2	ADMIN. FEES	51.69
Total P.E.R.S.-HEALTH				11,419.55
PERS				
Bill	12/1/2009	Payroll 2009-11-2	Dan Dawson	269.21
Bill	12/1/2009	Payroll 2009-11-2	85% - Kim Carvalho	153.35
Bill	12/1/2009	Payroll 2009-11-2	15% - Kim Carvalho	27.06
Bill	12/1/2009	Payroll 2009-11-2	85% - Karen Minami	126.17
Bill	12/1/2009	Payroll 2009-11-2	15% - Karen Minami	22.26
Bill	12/1/2009	Payroll 2009-11-2	60% - PW	178.12
Bill	12/1/2009	Payroll 2009-11-2	40% - PW	118.74
Bill	12/1/2009	Payroll 2009-11-2	PD	4,418.62
Total PERS				5,313.53
PG&E				
Bill	12/10/2009		equipment building	21.17
Bill	12/10/2009		city hall	46.24
Bill	12/10/2009		city hall	472.35
Bill	12/10/2009		street lighting	1,286.13

Type	Date	Num	Memo	Amount
Bill	12/10/2009		street lighting	88.95
Bill	12/10/2009		city hall	7.84
Bill	12/10/2009		city hall	34.71
Bill	12/10/2009		TOTAL CREDIT ISSUED BY PG&E FOR THE ...	(491.48)
Bill	12/23/2009		equipment building	45.42
Bill	12/23/2009		city hall	115.36
Bill	12/23/2009		city hall	402.20
Bill	12/23/2009		street lighting	1,286.22
Bill	12/23/2009		street lighting	88.96
Bill	12/23/2009		city hall	8.39
Bill	12/23/2009		city hall	34.61
Total PG&E				3,447.07
PITNEY BOWES-QTLY INV				
Bill	12/13/2009	postage	Reserve postage	150.00
Bill	12/13/2009	postage	Reserve postage	78.00
Total PITNEY BOWES-QTLY INV				228.00
PITNEY BOWES PURCHASE POWER				
Bill	12/31/2009		POSTAGE	466.60
Total PITNEY BOWES PURCHASE POWER				466.60
RED SHIFT INTERNET SERV				
Bill	12/1/2009		INTERNET DEC 09	9.97
Bill	12/1/2009		INTERNET DEC 09	9.98
Total RED SHIFT INTERNET SERV				19.95
SHELL OIL COMPANY				
Bill	12/7/2009		P/W #60 FUEL	140.41
Bill	12/7/2009		P/D #61 FUEL	119.67
Bill	12/7/2009		P/D #62 FUEL	174.66
Bill	12/7/2009		P/D #63 FUEL	279.52
Bill	12/7/2009		CITY MANAGER #67	89.90
Bill	12/7/2009		P/D #65 FUEL	
Bill	12/7/2009		P/D #68 FUEL	133.82
Bill	12/7/2009		P/D #80 FUEL	308.94
Bill	12/7/2009		P/D #32 FUEL (\$40.00 USED FOR DUMP TRU...	142.70

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
Bill	12/7/2009		P/D #33 FUEL	95.46
Bill	12/7/2009		CREDIT USED FOR 496.0 GALLONS USED	(90.77)
Total SHELL OIL COMPANY				1,394.31
SPCA OF MONTEREY COUNTY				
Bill	12/8/2009	NOV 09 ANIMAL SERVIC	NOV 09 ANIMAL SERVICES	490.00
Total SPCA OF MONTEREY COUNTY				490.00
STATE WATER RESOURCE CONTROL BOARD				
Bill	12/9/2009	Annual Permit Fee	Annual fee 7/1/09-6/30/10-waste discharge requir...	3,600.00
Total STATE WATER RESOURCE CONTROL BOARD				3,600.00
TERMINIX				
Bill	12/3/2009		PEST CONTROL AND MAINTENANCE NOV 09	27.50
Bill	12/3/2009		PEST CONTROL AND MAINTENANCE NOV 09	27.50
Total TERMINIX				55.00
WELLINGTON, ROBERT R.				
Bill	12/8/2009	INV 20228 RETAINER F	INV 20228 RETAINER FEE DEC 09	910.00
Bill	12/8/2009	INV 20229 MISC LAND	INV 20229 MISC LAND USE MATTERS FEE N...	360.00
Bill	12/8/2009	INV 20230 MISC LITIG	INV 20230 MISC LITIGATION NOV 09	54.00
Bill	12/8/2009	INV 20233 TAX AND FI	INV 20233 TAX AND FINANCE MATTERS NO...	135.00
Bill	12/8/2009	INV 20232 PERSONNEL	INV 20232 PERSONNEL MATTERS NOV 09	531.00
Total WELLINGTON, ROBERT R.				1,990.00
TOTAL				<u><u>74,300.64</u></u>

CITY OF DEL REY OAKS
Payroll Report
December 2009

Type	Date	Num	Account	Debit	Credit	Balance
BOURQUIN, CHRISTOPHER L						
General Journal	12/11/2009	1268	SALARIES	2,425.50		(2,425.50)
General Journal	12/29/2009	1287	SALARIES	2,873.34		(5,298.84)
Total BOURQUIN, CHRISTOPHER L				5,298.84		(5,298.84)
CARVALHO, KIMBERLY R						
General Journal	12/11/2009	1265	SALARIES	2,107.57		(2,107.57)
General Journal	12/11/2009	1265	SALARIES	371.93		(2,479.50)
General Journal	12/29/2009	1284	SALARIES	2,107.57		(4,587.07)
General Journal	12/29/2009	1284	SALARIES	371.93		(4,959.00)
Total CARVALHO, KIMBERLY R				4,959.00		(4,959.00)
DAWSON, DANIEL						
General Journal	12/11/2009	1266	CITY MANAGER SALARY	3,700.00		(3,700.00)
General Journal	12/29/2009	1285	CITY MANAGER SALARY	3,700.00		(7,400.00)
Total DAWSON, DANIEL				7,400.00		(7,400.00)
LANGFORD, RONALD J						
General Journal	12/11/2009	1269	SALARIES	4,600.00		(4,600.00)
General Journal	12/29/2009	1288	SALARIES	4,600.00		(9,200.00)
Total LANGFORD, RONALD J				9,200.00		(9,200.00)
MINAMI, KAREN L						
General Journal	12/11/2009	1267	OVERTIME	5.30		(5.30)
General Journal	12/11/2009	1267	OVERTIME	30.01		(35.31)
General Journal	12/11/2009	1267	SALARIES	360.72		(396.03)
General Journal	12/11/2009	1267	SALARIES	2,044.10		(2,440.13)
General Journal	12/29/2009	1286	SALARIES	360.72		(2,800.85)
General Journal	12/29/2009	1286	SALARIES	2,044.10		(4,844.95)
Total MINAMI, KAREN L				4,844.95		(4,844.95)
MUSE, HENRY						
General Journal	12/11/2009	1276	RESERVES SALARY	2,054.36		(2,054.36)
General Journal	12/29/2009	1296	RESERVES SALARY	1,250.48		(3,304.84)
Total MUSE, HENRY				3,304.84		(3,304.84)
OLMOS, DAVID M.						
General Journal	12/11/2009	1273	GF SALARIES/COPS GRANT	2,425.50		(2,425.50)
General Journal	12/29/2009	1292	GF SALARIES/COPS GRANT	3,265.20		(5,690.70)
General Journal	12/29/2009	1292	OVERTIME	1,196.57		(6,887.27)
Total OLMOS, DAVID M.				6,887.27		(6,887.27)
TOPPS, RALPH E						
General Journal	12/11/2009	1270	SALARIES	3,097.26		(3,097.26)
General Journal	12/29/2009	1289	SALARIES	2,929.32		(6,026.58)
Total TOPPS, RALPH E				6,026.58		(6,026.58)
VAN ZANTEN, RUSS V.						
General Journal	12/11/2009	1271	SALARIES	2,705.40		(2,705.40)

CITY OF DEL REY OAKS
Payroll Report
December 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Account</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
General Journal	12/29/2009	1290	OVERTIME	41.99		(2,747.39)
General Journal	12/29/2009	1290	SALARIES	3,041.28		(5,788.67)
Total VAN ZANTEN, RUSS V.				5,788.67		(5,788.67)
VILLARREAL, MARIO A						
General Journal	12/11/2009	1272	SALARIES	3,095.50		(3,095.50)
General Journal	12/29/2009	1291	SALARIES	3,667.02		(6,762.52)
Total VILLARREAL, MARIO A				6,762.52		(6,762.52)
YOUNG, MATTHEW J						
General Journal	12/11/2009	1277	RESERVES SALARY	446.60		(446.60)
General Journal	12/29/2009	1297	RESERVES SALARY	1,875.72		(2,322.32)
Total YOUNG, MATTHEW J				2,322.32		(2,322.32)
TOTAL				62,794.99		(62,794.99)

CITY OF DEL REY OAKS
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL
DECEMBER 2009

			Actual Total for 2009/10	FY 2009/10 Budget	
				% of Annual Budget	
		REVENUE			
		300 · Operating Revenues			
		3100 · PROPERTY TAXES			
		3105 · P/T-SECURED	169,880.05	367,000.00	46.29%
		3107 · P/T-UNITARY TAX	2,921.49	5,100.00	57.28%
		3108 · PRIOR UNITARY TAX		50.00	
		3110 · P/T-UNSECURED	14,747.40	17,400.00	84.76%
		3120 · P/T-SB813	2,021.54	13,700.00	14.76%
		3130 · P/T-PRIOR SECURED	16,400.22	20,800.00	78.85%
		3132 · PRIOR UNSECURED	86.23	50.00	172.46%
		3135 · PROPERTY TAX - VLF	60,542.00	125,600.00	48.2%
		3140 · P/T-INT/PENAL	(490.23)	1,450.00	(33.81%)
		3145 · P/T - ADMINISTRATIVE FEE		(5,500.00)	
		Total 3100 · PROPERTY TAXES	266,108.70	545,650.00	48.77%
		3200 · OTHER TAXES			
		3202 · MANDATED COSTS		4,000.00	
		3205 · SALES TAX	105,237.07	255,000.00	41.27%
		3206 · SALES TAX IN LIEU - 3-FLIP	36,074.00	83,000.00	43.46%
		3208 · Sales Tax - Add On	166,567.42	388,000.00	42.93%
		3209 · COP MONIES	65,901.06	88,000.00	74.89%
		3210 · PROPERTY TRANSFER TAX	514.25	4,900.00	10.5%
		3220 · GAS FRANCHISES		6,850.00	
		3225 · ELECTRIC FRANCHISES		14,500.00	
		3235 · GARBAGE FRANCHISES	22,640.48	40,600.00	55.77%
		3240 · CABLE TV FRANCHISES	11,755.91	24,500.00	47.98%
		3245 · WATER FRANCHISES		8,500.00	
		3851 · SEWER IMPACT	6,341.96	8,400.00	75.5%
		Total 3200 · OTHER TAXES	415,032.15	926,250.00	44.81%
		3300 · LICENSES & PERMITS			
		3301 · BUSINESS LICENSES	161,072.64	170,000.00	94.75%
		3305 · BUILDING PERMITS	3,171.25	12,000.00	26.43%
		3310 · PLAN CHECK FEES	513.58	5,000.00	10.27%
		3315 · STREET OPENING PERMITS FEES	10,674.04	500.00	2,134.81%
		3325 · PLUMBING PERMITS	320.00	600.00	53.33%
		3330 · ELECTRICAL PERMITS		500.00	
		3340 · ENVIRON ASSESS FEES/PERMIT		100.00	
		3342 · DEVELOPER PYMT FEES/PERMITS	480.00	100.00	480.0%
		3345 · OTHER LICENSES/PERMITS	6,293.99	500.00	1,258.8%
		Total 3300 · LICENSES & PERMITS	182,525.50	189,300.00	96.42%
		3400 · FINES & FORFEITURES			
		3401 · VEHICLE CODE FINES	5,331.99	10,000.00	53.32%

CITY OF DEL REY OAKS
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL
DECEMBER 2009

			Actual Total for 2009/10	FY 2009/10 Budget	% of Annual Budget
		3415 · OTHER COURT FINES	939.32	700.00	134.19%
		Total 3400 · FINES & FORFEITURES	6,271.31	10,700.00	58.61%
		3501 · INTEREST EARNED	80.21	20,000.00	0.4%
		3600 · OTHER AGENCY REVENUE			
		3602 · MOTOR VEHICLE LICENSE FEE(MVL	1,106.71	3,000.00	36.89%
		3603 · OFF HIGHWAY		100.00	
		3604 · HOPTR	351.52	400.00	87.88%
		3605 · VEHICLE LICENSE COLLECTION		1,100.00	
		3620 · PROP 172	3,145.35	8,500.00	37.0%
		3624 · POST REIMBURSE		100.00	
		3648 · GRANTS		100.00	
		3649 · TRAFFIC CONGESTION RELIEF-AB43	3,288.79	10,000.00	32.89%
		3655 · POLICE GRANTS OTHER AGENCIES		1,100.00	
		3600 · OTHER AGENCY REVENUE - Other	1,068.68		
		Total 3600 · OTHER AGENCY REVENUE	8,961.05	24,400.00	36.73%
		3700 · CURRENT SERVICES			
		3703 · USE PERMITS	760.00	3,000.00	25.33%
		3704 · MAPS/PUBLICATIONS	128.30	100.00	128.3%
		3706 · RENTAL INCOME	5,002.00	9,600.00	52.1%
		3707 · POLICE REPORTS	66.00	1,400.00	4.71%
		3709 · PROPERTY INSPECTIONS	1,100.00	1,300.00	84.62%
		3710 · POLICE SERVICES	21,290.00	10,000.00	212.9%
		3711 · PUBLIC EVENTS	48,584.93	80,000.00	60.73%
		3712 · MISCELLANEOUS SERVICES	2,772.46	1,000.00	277.25%
		3715 · PD DONATIONS	3,540.00	100.00	3,540.0%
		3717 · SCRIP TAXI SVC FOR SENIORS	40.00		
		Total 3700 · CURRENT SERVICES	83,283.69	106,500.00	78.2%
		3800 · PARKS/RECREATION			
		3801 · PARK RENTAL	1,150.00	4,000.00	28.75%
		3802 · RV RENTAL PARKS	12,345.00	26,000.00	47.48%
		Total 3800 · PARKS/RECREATION	13,495.00	30,000.00	44.98%
		3900 · OTHER			
		3610 · GAS TAX 2107	3,202.12	15,000.00	21.35%
		3612 · GAS TAX 2106	2,217.85	10,000.00	22.18%
		3614 · GAS TAX 2107.5		1,000.00	
		3616 · GAS TAX 2105	2,368.11	10,000.00	23.68%
		Total 3900 · OTHER	7,788.08	36,000.00	21.63%
		TOTAL REVENUE	983,545.69	1,888,800.00	52.07%

CITY OF DEL REY OAKS
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL
DECEMBER 2009

				Actual Total for 2009/10	FY 2009/10 Budget	% of Annual Budget
EXPENDITURES						
10000 · Salaries & Benefits						
		10008 · GF SALARIES/COPS GRANT		22,445.28		
		10009 · OVERTIME		26,117.16	45,000.00	58.04%
		10010 · SALARIES		241,936.60	647,250.00	37.38%
		100101 · COUNCIL MEMBER STIPEND		2,300.00	6,000.00	38.33%
		100102 · CITY MANAGER SALARY		31,000.00	96,000.00	32.29%
		100103 · RESERVES SALARY		16,711.87	34,000.00	49.15%
		10011 · PERS		65,398.77	144,000.00	45.42%
		10012 · MEDICARE		2,368.12	10,000.00	23.68%
		10013 · DENTAL EXPENSE		12,054.74	24,600.00	49.0%
		10014 · HEALTH INS		45,032.77	127,400.00	35.35%
		10015 · VISION INS		802.75	2,600.00	30.88%
		10016 · WORKERS COMP		74,061.00	148,000.00	50.04%
		10120 · UNIFORM ALLOWANCE		4,500.00	7,000.00	64.29%
		10130 · EDUCATIONAL INCENTIVE		4,821.88	5,100.00	94.55%
		Total 10000 · Salaries & Benefits		549,550.94	1,296,950.00	42.37%
20100 · PAYROLL EXPENSE						
		20100 · PAYROLL EXPENSE - Other		813.54	3,000.00	27.12%
		Total 20100 · PAYROLL EXPENSE		1,039.54	3,000.00	34.65%
		20119 · BANK SERVICE CHARGES		1,002.36	100.00	1,002.36%
20120 · -SUPPLIES						
		20121 · MATERIALS/SUPPLY		6,982.22	11,500.00	60.72%
		20123 · AMMUNITION			9,000.00	
		20160 · OFFICE SUPPLIES		6,793.23	15,500.00	43.83%
		20161 · SPECIAL SUPPLY POLICE		2,901.29	9,000.00	32.24%
		Total 20120 · -SUPPLIES		16,676.74	45,000.00	37.06%
20130 · UTILITES & SERVICES						
		20122 · REPAIR/MAINTENANCE		6,468.51	20,000.00	32.34%
		20126 · STREET SWEEPING		3,320.84	14,400.00	23.06%
		20127 · GABILAN CREW		10.16	2,000.00	0.51%
		20131 · UTILITIES/PGE		3,328.30	7,500.00	44.38%
		20132 · UTILITIES/WATER		2,155.63	5,000.00	43.11%
		20140 · TELEPHONE / INTERNET		7,180.32	15,000.00	47.87%
		20145 · WEBSITE DESIGN & MAINTENANC		653.28	3,500.00	18.67%
		20163 · BACKGROUND-TESTING		571.86	500.00	114.37%
		20168 · POSTAGE / SHIPPING		1,349.69	4,000.00	33.74%
		20170 · TRAVEL/CONFERENCE		3,204.57	1,000.00	320.46%
		20171 · MEMBER/DUES/CONTRIBUTIONS		5,521.80	14,500.00	38.08%
		20172 · AD/PROMOTION CITY CNCL		283.15	1,500.00	18.88%

CITY OF DEL REY OAKS
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL
DECEMBER 2009

			Actual Total for 2009/10	FY 2009/10 Budget	% of Annual Budget
		20173 · LEGAL ADVERT NON-DEPT	272.00	1,500.00	18.13%
		20174 · BOOK/PERIODICAL	188.74	100.00	188.74%
		20175 · MEETING CITY CNCL	1,806.25	1,000.00	180.63%
		Total 20130 · UTILITES & SERVICES	36,315.10	91,500.00	39.69%
		20176 · PRINTING / PUBLICATIONS			
		201761 · PERSONNEL MANUAL		500.00	
		20176 · PRINTING / PUBLICATIONS - Othe	178.61	3,000.00	5.95%
		Total 20176 · PRINTING / PUBLICATIONS	178.61	3,500.00	5.1%
		20180 · OUTSIDE SERVICES			
		20178 · TRAINING POLICE	405.00	2,000.00	20.25%
		20181 · OTHER PERMITS PW/ENGNR	3,600.00	4,000.00	90.0%
		30044 · LIABILITY/PROP NON-DPT	8,035.87	21,500.00	37.38%
		30113 · CONTRACTUAL AUDIT	11,212.50	25,000.00	44.85%
		30115 · DATA PROCESSING	6,008.95	4,000.00	150.22%
		30116 · CONTRACTUAL SVCS PLANNING /	4,330.19	26,000.00	16.66%
		30119 · CONTRACTUAL SVCS - LEGAL	26,252.33	40,000.00	65.63%
		30120 · CONTRL RETAINER LEGAL	6,370.00	11,000.00	57.91%
		30126 · JANITORIAL FUND	2,025.00	4,100.00	49.39%
		30127 · RADIO DISPATCH POLICE	40,926.17	23,800.00	171.96%
		30165 · COMM HUM SERV NON-DEPT	3,057.00	3,100.00	98.61%
		Total 20180 · OUTSIDE SERVICES	112,223.01	164,500.00	68.22%
		30170 · AUTO OPERATION			
		30181 · AUTO OPS - SUPPLIES / EQUIP	3,979.00	6,000.00	66.32%
		30182 · AUTO OPS - FUEL	9,642.44	21,000.00	45.92%
		30190 · AUTO REPAIR/MAINTENANCE	7,463.05	23,000.00	32.45%
		Total 30170 · AUTO OPERATION	21,084.49	50,000.00	42.17%
		30180 · POLICE AND FIRE			
		30183 · FUND JAIL & PRISONER	273.79	1,000.00	27.38%
		30184 · ACJIS SYSTEM POLICE	1,075.87	1,500.00	71.73%
		30186 · FIRE CONTRACT	34,806.81		
		301861 · FIRE SEASIDE	59,058.02	116,000.00	50.91%
		30187 · ANIMAL REGULATION FIRE	2,009.00	2,500.00	80.36%
		Total 30180 · POLICE AND FIRE	97,223.49	121,000.00	80.35%
		30200 · STREETS & STORM WATER			
		30218 · STREETS ENGINEERING	57.84		
		30219 · S.M.I.P.	(4.46)	200.00	(2.23%)
		30220 · SB 1473	(3.90)		
		30230 · STREET LIGHTING	8,244.45	17,000.00	48.5%
		30231 · STORM WATER PROJECT - PHASE1	10,456.00	4,900.00	213.39%

CITY OF DEL REY OAKS
FISCAL YEAR 2009-2010 BUDGET VS. ACTUAL
DECEMBER 2009

			Actual Total for 2009/10	FY 2009/10 Budget
				% of Annual Budget
		Total 30200 · STREETS & STORM WATER	18,749.93	22,100.00
		60001 · AUTO LEASE PAYMENTS	19,970.61	22,550.00
		70980 · TRANSFER FUNDS OUT	250,000.00	47,345.00
		Projected Excess / Deficit Operating Revenue	(52,651.83)	21,255.00
		Total Expenditures	1,124,014.82	1,888,800.00
		Total Operating Revenue	983,545.69	
		Less Total Operating Expenditures	1,124,014.82	
		Total Operating Revenue Less Expenditures	(140,469.13)	

CITY OF DEL REY OAKS
FISCAL YEAR 2009/10 CAPITAL OUTLAY BUDGET VS. ACTUAL
JULY 1, 2009 - DECEMBER 31, 2009

		ACTUAL TOTALS FOR 2009/10	FY 2009/10 BUDGET	
4900 · CAPITAL OUTLAY FUND				
	3625 · 2000 PARK BOND GRANT	\$0.00		
	3627 · 2002 Parks Resources Bond Act	\$0.00	99,655.00	
	3720 · Portola/Carlton (Prop 1B) CIP	\$0.00		
	3730 · Portola/Work Walkway (MPRPD)	\$0.00	12,500.00	
	3740 · Stream Blockage (State)	\$0.00		
	3750 · Portola/Work Street (TAMC)	\$0.00		
	3760 · City Monument Sign Proceeds	\$0.00		
Total 4900 · CAPITAL OUTLAY FUND		\$0.00	\$112,155.00	
50400 · CAPITAL OUTLAY				
	50420 · MONUMENT SIGN	6,761.61		
	50430 · PORTOLA / CARLTON (PROP 1B)		400,000.00	*
	50440 · PORTOLA / WORK WALKWAY (MPRPD)		25,000.00	**
	50450 · 2000 PARKS BOND ACT			
	50460 · 2002 PARKS RESOURCES BOND ACT		134,500.00	***
	50470 · STREAM BLOCKAGE (STATE GRANT)			
	50480 · PORTOLA / WORK STREET (TAMC)	1,443.66		
Total 50400 · CAPITAL OUTLAY		8,205.27	559,500.00	
	Operating Funds Transferred In for Capital Outlay Funding ²		\$47,345.00	
	Projected Excess/(Deficit) Capital Outlay Fund Balance	-\$400,000.00		
*50430	Portola/Carlton (Prop 1B):			
	Revenue received last FY; the City Engineer is preparing the plans and specifications for road resurfacing along Portola / Carlton and 13 cul-de-sacs, project deadline 06/30/2012			
*50440	Portola/Work Walkway (MPRPD)			
	The \$12,5000 parks grant is to be matched 100% by the City, project deadline 11/30/2010)			
*50460	2002 Parks Resources Bond Act:			
	The \$99,655 bond revenue is to be matched 35% by the City, project deadline 6/30/2011			
	² Funds Transferred In from City Operating Account			
	\$47,345 is the amount of match required to be paid by the City for the Walkway and the Park Bond Grants			

CITY OF DEL REY OAKS
 CASH FUNDS
 AS OF DECEMBER 31, 2009

CITY OF DEL REY OAKS			
CASH BALANCES AS OF DECEMBER 31, 2009			
		1000 · GENERAL CHECKING	\$78,723.24
		1008 · LAIF CITY - 246	824,806.79
		Total City Checking/Savings	903,530.03
REDEVELOPMENT AGENCY			
CASH BALANCES AS OF DECEMBER 31, 2009			
		10-1001 · GENERAL CHECKING	\$41,451.64
		10-1003 · DUFFY EIR/CEQA CHECKING	\$24,659.47
		10-1002 · LAIF RDA ACCOUNT	\$21,246.98
		Total RDA Checking/Savings	\$87,358.09
GRAND TOTAL CASH BALANCES			\$990,888.12



FIRE DEPARTMENT

1635 Broadway Avenue
Seaside, CA 93955

Telephone (831) 899-6790
FAX (831) 899-6261

January 11, 2010

Chief Langford
Del Rey Oaks City Hall
650 Canyon Del Rey
Del Rey Oaks, CA 93940

RECEIVED

JAN 13 2010

DEL REY OAKS
CITY CLERK

Dear Chief Langford:

Enclosed is a copy of the response reports for the Seaside Fire Department response to Del Rey Oaks for the period of December 1, 2009 thru December 31, 2009.

The City of Del Rey Oaks is being billed for the following incident numbers:

Incident #

09-2147

09-2190

09-2224

09-2276

09-2335

There are fire calls for the month of December. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Pernet".

Kathryn Pernet
Sr. Administrative Assistant

CC: File

Seaside Fire

Incident List by Alarm Date/Time

Alarm Date Between {12/01/2009} And {12/31/2009}
and District = "029"

Incident-Exp#	Alm Date	Alm Time	Location	Incident Type
09-0002147-000	12/01/2009	11:33:00	810 CANYON DEL REY BLVD /	321 EMS call, excluding vehicle
09-0002190-000	12/06/2009	21:49:00	815 CANYON DEL REY BLVD /	743 Smoke detector activation, n
09-0002197-000	12/07/2009	14:31:00	13 LOS ENCINOS DR /Del Re	6111 Cancelled upon arrival, no
09-0002224-000	12/11/2009	12:54:00	100 QUAIL RUN CT /Del Rey	740 Unintentional transmission o
09-0002276-000	12/17/2009	18:50:00	815 CANYON DEL REY BLVD /	321 EMS call, excluding vehicle
09-0002310-000	12/24/2009	19:00:00	810 PORTOLA DR /Del Rey O	6111 Cancelled upon arrival, no
09-0002322-000	12/27/2009	00:49:00	832 ALTURA PL /Del Rey Oa	611 Dispatched & cancelled en ro
09-0002329-000	12/28/2009	16:50:00	7 ROBERTSON PL /Del Rey O	611 Dispatched & cancelled en ro
09-0002335-000	12/29/2009	17:37:00	CANYON DEL REY BLVD & VIA	321 EMS call, excluding vehicle

Total Incident Count 9

5 calls

DRAFT



CITY OF DEL REY OAKS

2010

REGIONAL AGENCIES BOARDS & COMMITTEES REPRESENTATIVES

APPOINTMENT LIST

REGIONAL AGENCIES BOARDS & COMMITTEES	PRINCIPAL	ALTERNATE
<p>Association Monterey Bay Area Government (AMBAG) John T. Doughty, Executive Director 445 Reservation Road, Suite G, Marina 883-3750 or info@ambag.org / web site: www.ambag.org <i>Meeting: 2nd Wednesday of each month at 7:00 p.m.</i></p>	Zuccaro	Cecilio
<p>City Selection (Mayors) <i>Meeting: 1st Friday of each month at 11:30 a.m.</i></p>	Edelen	None
<p>Community Human Services (CHS) Robin McCrae, Executive Director 2560 Garden Road Monterey, CA 93942-3076 658-3811 or info@chservices.org <i>Meeting: 3rd Thursday of each month at 10:00 a.m.</i></p>	Clark	Edelen
<p>Del Rey Oaks Budget Committee</p>	Edelen/Allion/Dawson	
<p>Fort Ord Reuse Authority (FORA) Michael Houlemard, Executive Officer 100 12th Street, Bldg. 2880, Marina 883-3672 / web site: www.fora.org <i>Meeting: 2nd Friday of each month at 3:30 p.m.</i></p>	Edelen	Clark

REGIONAL AGENCIES BOARDS & COMMITTEES

PRINCIPAL**ALTERNATE**

Monterey Bay Area Insurance Fund (MBAIF)

Dawson

Allion

Kent Rice, Risk Manager

438-0267 / web site: www.mbaif.com*Meeting: 1st Monday of each month at 9:30 a.m.***Monterey Peninsula Water Management District
(MPWMD)**

Cecilio (PAC)

Edelen (PAC)

Dawson (TAC)

Low(TAC)

Darby Fuerst, General Manager

5 Harris Court, Bldg. G, Monterey

658-5600 / web site: www.mpwmd.dst.ca.us/mpwmd.htm*Meeting: 3rd Monday of each month at 7:00 p.m.***Monterey Regional Waste Management District
(MRWMD)**

Clark

Cecilio

William Merry, General Manager

P.O. Box 1670, Marina

384-5313 / web site: www.mrwmd.org*Meeting: 3rd Friday of each month at 9:30 a.m.***Monterey Regional Water Pollution Control Agency
(MRWPCA)**

Allion

Edelen

Keith Israel, General Manager

5 Harris Court, Bldg. D, Monterey

372-3367 / web site: www.mrwPCA.org*Meeting: Last Monday of each month at 7:00 p.m.***Monterey-Salinas Transit (MST)**

Clark

Edelen

Carl Sedoryk, General Manager

One Ryan Ranch Road, Monterey

899-2558 / web site: www.mst.org*Meeting: 2nd Monday of each month at 10:00 a.m.***Seaside County Sanitation District**

Clark

Cecilio

Ray Corpuz

899-6230

Meeting: 2nd Tuesday of each month at 9:30 a.m.

REGIONAL AGENCIES BOARDS & COMMITTEES

PRINCIPAL**ALTERNATE****Transportation Agency for Monterey County (TAMC)**

Edelen

Clark

Debbie Hale, Executive Director

55-B Plaza Circle, Salinas

775-0903 / web site: www.tamcmonterey.org*Meeting: 4th Wednesday of each month at 9:00 a.m.***Northern Salinas Valley Mosquito Abatement District**

Cecilio

None (Per H&S Code)

Peter Ghormley, Manager-Zoologist

(for period 1-02-2010 thru 1-01-2012)

342 Airport Blvd

Salinas, CA

373-2483 / No website

*Meeting: 1st Tuesday of each month at 12:30 p.m.***Seaside Groundwater Basin Watermaster**

Edelen

Clark

Dewey D. Evans, Chief Executive Officer

2600 Garden Road, Suite 228

Monterey CA 93940

641-0113 / web site: www.seasidebasinwatermaster.org*Meeting: 1st Wednesday of each month at 2:00 p.m.*

RESOLUTION NO. 2010-01

**RESOLUTION TO ADOPT A PERSONNEL POLICY MANUAL FOR THE
CITY OF DEL REY OAKS**

§§§

WHEREAS, the City of Del Rey Oaks desires to clarify and codify the policies related to personnel administration; and

WHEREAS, the Personnel Manual has been reviewed by the City Attorney, the City Council Personnel Committee, the City Manager, and the Employees of the City of Del Rey Oaks; and

WHEREAS, The Personnel Manual contains administrative guidelines in adherence to labor laws for Public Agencies;

NOW, THEREFORE, be it resolved that the City Council hereby adopts the Personnel Manual for the City of Del Rey Oaks.

The foregoing resolution was passed by the City Council of the City of Del Rey Oaks this 26th day of January, 2010.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAINS: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Jerry Edelen, Mayor

ATTEST:

Daniel Dawson, City Clerk

Section 1

Introduction and General Provisions

1.01 Adoption of Personnel System

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

1.02 Agreement to Comply with Rules and Regulations

In accepting employment with the City of Del Rey Oaks, each employee agrees to be governed by and to comply with these rules and regulations, administrative rules and procedures established by the City Manager, pursuant thereto, and rules, regulations and directives of the department in which he/she is employed.

1.03 City Manager Authority and Duties

In accordance with the provisions of Municipal Code section 2.08.070, the City Manager as appointing authority has general control and supervision over the affairs of the City; the authority to establish such policies, procedures, rules and regulations as he or she deems necessary for the control and supervision of the City; the power to appoint all officers, heads of departments, and the employees of all City departments, and to remove the same for cause, subject to these rules and regulations and those reserved to the City Council by City ordinance.

1.04 Administrative and Departmental Regulations

The City Manager is authorized to issue such additional administrative policies necessary to carry out, augment or clarify rules and regulations, or to avoid or eliminate inequities resulting from the strict application of any provisions of this manual. The City Manager is also authorized to approve supplementary department personnel rules and regulations not in conflict with these rules.

1.05 City Rights – The City retains all of its power and authority to manage municipal services and the work force performing these services including, but not limited to:

1. Determine and modify the organization of City government and its constituent work units
2. Determine the nature, standards, levels, and mode of delivery of public services
3. Determine the methods, means, and numbers and kinds of personnel by which services are to be provided

4. Implement rules, regulations, and directives consistent with law
5. Take all necessary emergency actions to protect the public and carry out its mission
6. Manage its operations
7. Exclude from the meet and confer process any subject preempted by federal or state law

1.06 Severability

Should any of the provisions contained in this manual be rendered or declared invalid by reason of any State or Federal legislation, court action, or emergency situation, such - invalidation so declared shall not invalidate the remaining portions hereof and they shall remain in full force and effect.

1.07 Distribution and Notification of Amendments

- A. This manual is the property of the City, and it is intended for the personal use and reference of City employees and supervisors.
- B. Every employee of the City is expected to read and familiarize themselves with the contents of this manual. Each City employee is to complete and sign the acknowledgment form at the back of this manual, tear it out, and return it to the City Manager. If the acknowledgment form is not in this manual and a signed copy is not on file you may obtain an extra form from the City Manager.
- C. All amendments, changes and revisions shall be made available to all employees of the City in the manner and form prescribed by the City Manager.

Section 2

Definition of Terms

The following terms, whenever used in this manual, shall be defined as follows:

1. **Advancement** shall mean a salary increase within the limits of a pay range established for a classification.
2. **Allocation** shall mean the official assignment of an individual position to an appropriate classification in accordance with the duties performed and the authority and responsibilities exercised.
3. **Applicant** shall mean a person who has filed an application for a position.
4. **Appointment** shall mean the offer to and acceptance by a person of a position in accordance with the provisions of this manual.
5. **Appointing Authority** shall mean the City Manager.
6. **Candidate** shall mean an applicant who is participating in an examination.
7. **City** shall mean the City of Del Rey Oaks to include the Redevelopment Agency of the City of Del Rey Oaks.
8. **City Service** shall mean all positions and employees in the service of the City of Del Rey Oaks.
9. **City Council** shall mean the City Council of the City of Del Rey Oaks.
10. **Classification Plan** shall mean the classes of positions in the classified service defined by class specifications, including the title.
11. **Compensation** shall mean the salary, wage, allowances and all other forms of valuable consideration earned by and paid to any employee in remuneration for services in any position.
12. **Compensatory Time** shall mean time off granted to an employee in lieu of monetary payment for overtime worked.
13. **Competitive Examination** shall mean an examination, either assembled or unassembled, in which one or more candidates are in competition for employment, either with each other or against an established minimum standard which candidates must possess in order to competently perform the duties of the position.

14. **Complaint** shall mean a dissatisfaction or misunderstanding on the part of a City employee which arises from the application and/or interpretation of administrative regulations, working conditions, or these rules.
15. **Demotion** shall mean a change in status of an employee from a position in one class to a position in a different class having lesser duties and responsibilities, lower qualifications, and lower maximum rate of pay.
16. **Department Head** shall mean the employed professional who administers the operation of a City Department and who is directly responsible to the City Manager.
17. **Department Rules and Regulations** shall mean rules and regulations promulgated by the Department Head and approved by the City Manager, designed for specific types of activities and department operations.
18. **Discharge** shall mean disciplinary termination.
19. **Disciplinary Action** shall mean an action taken against an employee for cause and shall include discharge, demotion, reduction in salary, verbal and written reprimand, suspension and disciplinary probation.
20. **Disciplinary Probation** shall mean a form of disciplinary action for a period of time not to exceed six (6) months.
21. **Domestic Partner** shall mean a relationship as defined by California Family Code section 297.
22. **Employee or Incumbent** shall mean a person legally occupying a position in the City and includes, but is not limited to, any of the following:
 - a. **Regular Employee** shall mean a person employed by the City in a full-time capacity, who has successfully completed the probationary period, and has been retained according to the provisions of these rules. Reserve Officers are not *regular employees*.
 - b. **Probationary Employee** shall mean an employee working a test period during which he or she is evaluated on the basis of fitness to perform the duties of the class or position to which he or she is appointed by actual performance of those duties.
 - c. **Part-time Employee** shall mean a person employed in a regularly budgeted class or position to which a regular employee may be appointed, and whose normal work schedule is less than the standard hours of work. Part-time employees shall be paid at the rate of the hourly equivalent of the range and step at which they are appointed.
 - d. **Temporary Employee** shall mean any person appointed to a temporary position or temporarily appointed to a regular position. Temporary position means an authorized

- position budgeted or established for a designated period of time or on an hourly, daily, weekly, or seasonal basis.
- e. **Funding Dependent** shall mean a person employed by the City in a position where funding may be terminated due to no funds forthcoming. The position may be regular or part-time and will receive pay and benefits established by the budget.
23. **Employee Performance Rating** shall mean an evaluation of the quality and quantity of work performed, and other characteristics which shall be considered in rating and reporting the ability, performance and efficiency of the respective employee and the value of the employee to the City Service.
24. **Final Earned Rating** shall mean the final percentage score attained by a candidate in an examination as computed from the percentage earned in each part of such examination.
25. **Gender and Number Pronouns**, whenever used herein, shall mean both the gender described therein and the opposite gender, *i.e.*, the masculine pronoun shall include the female pronoun and the singular shall include the plural, except where the content requires otherwise.
26. **Grievance Procedure** shall mean the process by which a regular employee may appeal any decision affecting continued employment, transfer, or promotion.
27. **Immediate Family of an Employee** shall include his or her spouse, domestic partner and the following relatives: children of either spouse, either's parents, brothers or sisters, either's grandparents, and grandchildren.
28. **Layoff** shall mean the separation of a regular employee from City service without fault or delinquencies on the employee's part and by reason of lack of work or funds, resulting in the placement of his or her name on a layoff list.
29. **Layoff (Reinstatement) List** shall mean an eligible list of names of persons arranged in the order of layoff who have had regular employment, who have been separated from City service, and who are entitled to have their names certified to an appointing authority under the provisions of these rules.
30. **Official Reprimand** shall mean a written notice to an employee, signed by the employee with a copy for the personnel file, informing the employee of an action on his or her part which is cause for disciplinary action.
31. **Open Competitive Examination** shall mean an examination open to all qualified persons, including City employees.
32. **Oral Board** shall mean an interviewing board which may be composed of a Department Head, the Personnel Officer, and a person or persons experienced in the field of work being examined for in the selection process.

33. **Personnel** shall mean all persons employed in the operation of the city.
34. **Personnel Officer** shall mean the City Manager or his or her appointed delegate.
35. **Personnel Selection** shall mean the steps taken to secure qualified personnel for City positions.
36. **Probationary Period** shall mean a working test period during which an employee is required to demonstrate fitness for the duties of the position to which he or she is appointed by actual performance of those duties.
37. **Procedure** shall mean the method to be used; and when and by whom it is to be used, in carrying out a policy.
38. **Promotion** shall mean a change in employment status to a position in a higher class with a higher rate of pay and more responsible duties.
39. **Reclassification or Reallocation** shall mean the reassignment or change in allocation of an individual position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of duties and responsibilities in such a position.
40. **Re-designation** shall mean the designation of the incumbent in a position without affecting the employee's status in the event of a title change.
41. **Rejection** shall mean the separation of an employee from employment during the probationary period.
42. **Resignation** shall mean the separation of an employee from City service which is voluntary.
43. **Salary and Wage Plan** shall mean a set of basic salary rates assigned to specific classes of positions in the City and the rules for relating each individual to a proper rate according to the length and quality of service.
44. **Salary Range** shall mean a schedule of salaries within specified minimum and maximum amounts.
45. **Shall and May** as used in this manual shall have the following meanings: SHALL is mandatory and MAY is permissive.
46. **Suspension** shall mean the temporary separation of an employee from his or her position with loss of pay for reason of pending disciplinary action, for disciplinary reasons, or for other just cause and for a definite period specified in writing.

47. **Sworn Police Employees or Sworn Personnel** shall mean those employees of the Police Department who are defined as Peace Officers, pursuant to the provisions of Section 830.1 of the California Penal Code.
48. **Termination** shall mean the separation of an employee from City service. Termination may be by death, discharge, layoff, resignation, retirement, work completion, and/or lack of work or funds.
49. **Y -Rate** shall mean the status of "freezing" the salary of an employee when such salary reaches the maximum rate authorized in the Salary and Wage Plan for the classification of said employee.

Section 3

Employment Policies and Working Conditions

3.01 Equal Employment Opportunity

- A. It shall be the policy of the City that all persons are entitled to equal employment opportunity and does not discriminate against its employees or applicants because of race, color, religion, sex, sexual orientation, pregnancy, national origin, ancestry, age, marital status, physical handicap or medical condition. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall and termination.
- B. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social/recreational programs.
- C. It shall also be the policy of the City to comply with all provisions of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the California Fair Employment Practice Act as amended in 1974 and any other federal and state statutory provisions that apply. Additionally, all due consideration shall be given to the guidelines set forth by the Fair Employment Practice Commission of the State of California and the Office of Federal Contract Compliance Programs.
- D. No provisions of this policy shall be construed to preclude any Affirmative Action Plan or amendment thereof which may be adopted by the City.
- E. Any incident of discrimination or harassment, including work-related harassment by City employees or any other person, should be reported to the employee's Department Head or to the Personnel Officer, who will investigate the matter.

3.02 City's Responsibility to Employees

Employees of the City of Del Rey Oaks have the right to expect that they will be fully informed of their duties and responsibilities; that they will be provided with adequate administrative and supervisory direction; that they will be informed of how well they are performing their duties and their level of performance; that promotion will be made on the basis of merit and ability; that progressively improved work performance over an extended period will be recognized and rewarded and that incompetence will not be tolerated; and that they will not be subject to suspension, demotion, or dismissal without justification.

3.03 Americans with Disabilities

- A. It is the policy of the City to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.
- B. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social/recreational programs.
- C. Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of the City Manager.

3.04 Affirmative Action

- A. Affirmative action is not a matter of passive non-discrimination or a neutral merit hiring policy. It is an intended result-oriented program aimed at the identification, recruitment, employment, and training of minorities, disabled persons, and women. It is intended to be a positive action that will equalize employment opportunities and fully utilize the greater pool of human resources and skills that exist among minorities, the disabled, and women. In adopting such a program, the City recognizes the potential of all individuals who wish to participate in or seek entrance to the work force.
- B. In undertaking affirmative action, the City will not practice reverse discrimination by giving undue preferential treatment to minorities, the physically disabled, or women by using quotas or other unequal opportunity devices. Rather, the Affirmative Action Plan has been developed to reinforce and enhance merit employment concepts by insuring that all segments of the community have an opportunity to enter employment on the basis of open competition, and to advance according to their relative ability and fitness.
- C. The City maintains a comprehensive affirmative action philosophy covering all elements of personnel policy and practice to remove discriminatory employment barriers when and where they are found to exist, and to enable all individuals to compete for employment opportunities on an equal basis, regardless of race, color, religion, sex, national origin, ancestry, age, medical condition, disability, veteran status, marital status or any other status protected by law, unless there exists a bona fide occupational qualification.

3.05 Policy Against Harassment

- A. **Purpose.** It is the purpose of this Policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in this Policy. This Policy prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual).

It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy. The protection from discrimination includes the protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the complaint and may result in appropriate disciplinary action.

- B. **Policy.** Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline, up to and including termination, or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor and/or manager.

C. **Definitions**

1. Policy Coverage. This Policy prohibits officers, officials, employees and contractors from harassing or discriminating against applicants, officers, officials, employees and contractors because: (1) of an individual's protected classification, (2) of the perception of an individual protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.
2. Discrimination. This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.
3. Harassment. Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual's protected classification:
 - a. Verbal harassment, such as epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.
 - b. Visual forms of harassment, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.

- c. Physical harassment, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement.
 - d. Sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when:
 - i. Submission to such conduct is either an expressed or implied term or condition of an individual's employment, or
 - ii. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment.
4. Retaliation. Any act of reprisal against a person who reports or provides information about harassment or discrimination such as real or implied threats or intimidation.

D. Reporting Harassment, Discrimination or Retaliation. Any person who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately to his or her supervisor or the City Manager so that the complaint can be resolved quickly and fairly. Supervisors shall immediately report any incidents of sexual harassment, including any reports involving contractors or vendors, to the City Manager who will investigate all such claims. Any claims against the City Manager and any claims against a person not subordinate to the City Manager should be reported to the City Attorney. Any claims against the City Attorney or a person not subordinate to the City Manager will be investigated by the City Council or its designee.

E. Response to Complaint of Harassment, Discrimination or Retaliation

1. Investigation. Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the City Manager will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint). The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made.

The City takes a proactive approach to potential Policy violations and will conduct an investigation if its supervisors or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

2. Remedial and Disciplinary Action. If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the City Manager will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this Policy will

be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any supervisor or manager who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Any official or contractor found to have violated this Policy will be subject to appropriate sanctions.

3. *Confidentiality.* Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by City Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

F. Responsibilities of Employees, Management and Supervisory Employees

1. *Employees.* In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:
 - Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy.
 - Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
 - Maintain confidentiality as required by this Policy.
 - Fully cooperate with the City's investigation of complaints made under this Policy.
2. *Managers and Supervisors.* In addition to the responsibilities listed above, managers and supervisors are responsible for the following:
 - Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy.
 - Directing all complaints to the City Manager.
 - Monitoring the work environment and taking appropriate and prompt action to stop potential Policy violations.
 - Following up with those who have complained to ensure the behavior complained of has ceased.
 - Making sure no employee retaliates through any action of intimidation, restraint, coercion or discrimination.

G. Confidentiality The letter of complaint, investigatory process, and the disposition of the complaint shall be confidential.

H. Freedom from Retaliation An employee opposing the practices prohibited by this policy, filing a complaint under this policy or participating in an investigation, preceding or hearing regarding possible violation of this policy shall have freedom

from retaliation.

I. State Enforcement Procedure

Harassment and retaliation for opposing harassment or participating in harassment investigations are illegal. Complaints of harassment also may be directed to the California Department of Fair Employment and Housing ("DFEH") which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission ("FEHC") or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees may contact the nearest DFEH office or the FEHC at the locations listed on our DFEH poster or by checking the state government listings in the local telephone directory.

3.06 Alcohol and Drug Free Workplace

A. Policy

1. It shall be the policy of the City to maintain an alcohol and drug free work environment. To succeed in maintaining a high level of productivity and a safe work environment, the City expects all employees to report for work in a condition to properly fulfill their assigned responsibilities. The City recognizes that both off-the-job and on-the-job involvement with alcohol or drugs by an employee can have an adverse impact on the ability of the City to comply with its policy of a drug-free environment. Such activity jeopardizes not only the productivity and health of the individual employees, but also places the safety of coworkers and the public at risk.
2. Example of items considered to be controlled substances and illegal under federal, state and/or local laws are marijuana, heroin, hashish, cocaine, hallucinogens, certain depressants, stimulants and medications not prescribed for current personal treatment by an accredited physician.
3. Employees who request assistance in dealing with a personal alcohol or drug problem may seek help without jeopardizing their continued employment with the City, provided they cease all involvement with drugs/alcohol, and enroll and continue to participate in a rehabilitation and maintenance program. Such a request by an employee will not subject the employee to disciplinary action and every effort will be made to assist the employee. However, where more than prior personal drug use is involved, for example, "dealing" in drugs, making drugs available to coworkers or where violation of City rules occur, the City specifically reserves the right to impose disciplinary action, up to and including termination.

B. Standards

1. The unlawful manufacturing, distribution, dispensation, possession or use of drugs/controlled substances/alcohol while on the job or while on City property is prohibited. Depending upon the circumstances, offenders may be suspended during an investigation with or without pay, pending final disciplinary action, which could include termination. Any substances suspected to be illegal shall be turned over to the appropriate law enforcement agency and may result in criminal prosecution.
 2. Off-the-job alcohol or illegal drug/substance use which adversely affects an employee's job performance or which jeopardizes the safety of other employees, the public, or City equipment shall be proper cause for disciplinary action up to and including termination of employment.
 3. Employees who are arrested for drug activity may be considered to be in violation of this City policy. In deciding its course of action, management will take into consideration the nature of the charge, the employee's assignment, the record of the employee with the City and other factors relative to the impact that the employee's arrest has upon the City.
- C. For the purpose of enforcing this policy and maintaining a drug and controlled substance free workplace, the City reserves the right to search, with or without prior notice to the employee, all work areas and property in which the City maintains full or joint control with the employee, including but not limited to City vehicles, desks, lockers, file cabinets, and bookshelves.
- D. If the City has reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while in the workplace or subject to duty, the employee may be required to submit to a drug and alcohol analysis provided at the City's expense.
- E. Performance of normal job duties and responsibilities as directed by assignment or detail shall not result in an employee being in violation of this policy.
- F. Failure to abide by the provisions of this policy shall be grounds for disciplinary action, up to and including termination.

3.07 Conflict of Interest

- A. An employee shall not engage in any activities outside City employment which are inconsistent, incompatible or in conflict with his or her duties as a City Officer or employee. The appointing authority shall determine and prescribe those activities which, for employees under his or her jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as City employees. In making this determination, the appointing authority shall give consideration to outside activity or

enterprise, which:

1. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of one's City office or employment.
 2. Involves the soliciting or the acceptance by the employee of any money, gift, gratuity, or other consideration from anyone other than the City for the performance of an act which the employee ordinarily would be required or expected to render in the regular course of hours of one's duties as a City officer or employee. An employee may accept occasional, non-cash gifts of an incidental nature, such as, for example, a working lunch or a seasonal gift offered to an entire work group.
 3. Involves the performance of an act other than in one's capacity as a City employee, which act may later be subject to direct or indirect control, inspection, review, audit or enforcement by such employee or the agency by which he or she is employed.
 4. Discloses confidential information acquired by or made available to them in the course of their employment with the City, or uses such information for any purpose other than performance of their official duties.
- B. Employees of the City are prohibited from:
- a. Engaging in or having any interest in any business or transaction, or incurring any obligation that conflicts with or impairs their independent judgment in the discharge of their official duties.
 - b. Accepting money, favors or other considerations, except as paid them by the City, for work they would be required or expected to perform in the regular course of their duties. Awards or recognition bestowed upon an employee by community or professional organizations may be accepted.
 - c. Accepting, directly or indirectly, any gift, rebate, money, or anything else of value whatsoever from any person or entity if the gift, rebate, money or item of value is intended as a reward or inducement for conducting business, placing orders with, or otherwise using the employee's position to favor the contributor. Awards and promotional items of nominal value, such as calendars, pens, balloons, etc., shall not constitute a gift if received as a non-personal item by the exempt or classified employee, and is distributed to customers or potential customers routinely by the contributor. The intent of this section is not to prohibit gifts or awards that are given to an exempt or classified employee where no business relationship exists. A business relationship is defined as a relationship where the employee, by their actions or position, can affect or be perceived as affecting, the conduct of business in favor of the gift giver.

- C. All City employees shall, during their hours of duty as City employees and subject to such rules and regulations as pertain thereto, devote their full time, attention and efforts to their City Offices or employment. It is the employee's responsibility to disclose and report all potential conflict of interest situations to their Department Head.

3.08 **Outside Employment**

- A. A condition of employment with the City is that all regular full-time appointments are to be the principal employment of employees filling such positions. Outside or secondary jobs may be permitted if such job neither violates the conflict of interest principle nor is detrimental to the City by virtue of association, untoward effects on employee efficiency, or through the introduction of greater exposure to injury or sickness.
- B. Each employee who is working for the City in a permanent full-time position and is working or desires to take an additional job with another employer shall file a notification of outside employment with the City Manager indicating:
 - 1. The nature of the job.
 - 2. The name-and address of the firm.
 - 3. The number of hours worked each week.
 - 4. The work schedule.
- C. After review and approval by the City Manager, if applicable, a copy of the notice shall be placed in the employee's personnel file. Re-submission of such notices shall be required yearly for as long as the employee retains the additional job.
- D. Outside employment may be denied if inconsistent with the Conflict of Interest policy or for any of the conditions outlined as follows:
 - 1. An employee's secondary employment is adversely affecting performance or is in any other way interfering with his or her City work.
 - 2. The employee is associated with an enterprise which provides or performs a service to the City over which the employee has any regulatory responsibility or influence in his or her capacity as a City employee.
 - 3. The employee solicited in behalf of the enterprise he or she represents in secondary employment during working hours for the City.
- E. The City Manager has the authority to grant or deny approval for outside work and may impose terms and conditions, as he/she finds necessary.

3.09 Employment of Relatives

The following policies shall govern the employment of members of the immediate family of any official or employee of the City:

- A. Members of the immediate family of City Council members are not eligible for employment by the City in any paid position that is directly supervised by the Council. This provision does not prohibit a family member from performing unpaid volunteer duties for the City.
- B. Members of the immediate family of regular employees shall not be placed in a position as to supervise or evaluate such a member.
- C. Where a family relationship that is prohibited by this Section is created subsequent to employment, it shall be necessary for one of the employees to transfer to a different department or office, provided an appropriate vacancy exists. In the event that there is no such vacancy and a transfer cannot be affected within 30 days after the relationship in question arose, one of the employees involved must voluntarily resign, and if that does not occur, then the employee with the least seniority shall be terminated from employment with the City.
- D. For purposes of this Section, "member of the immediate family" shall include spouse, domestic partner, former spouse, grandparent, grandchild, parent, child, adopted child, brother, sister, aunt, uncle, first cousin, niece, and nephew, and all of the above include in-law and step relationships; or a person who co-habits with such other employee.

3.10 Political Activity

- A. City employees shall not engage in political activity of any kind during working hours. Prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the City to influence or give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.
- B. The rights of City employees to register and vote as they choose shall not be infringed.
- C. Subject to the foregoing, any City employee may seek appointment or election to any public position, office, or employment for which qualified.

3.11 Employee Safety

- A. It is the policy of the City to maintain a work environment that is safe and does not adversely affect the health of its employees or the public. To accomplish this, the City shall provide the appropriate facilities, safety equipment and training to comply with Federal, State and local safety regulations and will promulgate appropriate policies, standards and procedures for governing the total safety effort.
- B. While the overall responsibility for safety belongs to the City, each individual employee has a personal responsibility to perform the assigned tasks in a safe manner, as set forth in the City's Injury and Illness Prevention Program (IIPP). The strength of any safety program lies with each individual's ability to act responsibly and with concern for others. Accordingly, all employees are to ensure that safe and healthful conditions and procedures are provided and followed in their areas of control and that all members of the City cooperate fully with all aspects of its Health and Safety Program.
- C. The policies, procedures and implementation of the City's Health and Safety Program are described in the City's Injury and Illness Prevention Program. Each City employee shall be issued an IIPP which will become part of the new employee orientation process, and it will be the employee's responsibility for reading any appropriate manuals and complying with all policies and procedures contained therein. It will be the responsibility of each employee's supervisor to ensure employees are complying with all appropriate health and safety policies and procedures. Employees violating safety procedures may be subject to disciplinary action.

3.12 Workplace Violence Policy

A. Policy Statement

The City recognizes that workplace violence is a concern among employers and employees across the country. The City is committed to providing a safe, violence free workplace. Violence and threats of violence in the workplace are unacceptable. In this regard, the City strictly prohibits employees, consultants, customers, visitors, and anyone else on City premises or engaging in a City-related activity from behaving in a violent or threatening manner. Moreover, as part of this policy, the City seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

B. Workplace Violence Defined

Workplace violence includes, but is not limited to, the following:

1. The actual or implied threat of harm to an individual, group of individuals, or

relatives of those individuals. These threats may be made in person, over the telephone, through the mail, or by electronic communication.

2. The possession, on City property (including but not limited to City offices, work locations, City-owned and City-leased vehicles, and parking lots) or while conducting City business a weapon of any kind, unless specifically authorized by the Police Chief, or the brandishing of any object which could reasonably be construed as a weapon.
3. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
4. Blatant or intentional disregard for the safety or well-being of others.
5. Willful destruction of City or personal property.
6. Commission of a violent felony or misdemeanor on City property.
7. Any other act that a reasonable person would perceive as constituting a threat of violence.

C. Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he/she should immediately notify the Police Department. The Police Department will, after taking appropriate action, notify the City Manager upon the receipt of any reported workplace violence.

3.13 Smoking

Pursuant to state law, smoking of tobacco products is prohibited in all enclosed City facilities including but not limited to all buildings, all rooms thereof and all City vehicles.

3.14 Confidential Information – During the course of employment, an employee may come into the possession of information that belongs to the City, including financial information, leases, licenses, agreements, proprietary information and negotiations. This information, whether about the City, its suppliers, employees, consultants or developers, is strictly confidential. This information must not be disclosed to anyone outside the City, including family members, or to any City employee who is not entitled to the information, either during or after the employee's employment. Any doubts about the confidentiality of information should be resolved in favor of confidentiality. Any violation of this policy may lead to discipline up to and including termination

3.15 Inspections of Work Stations and Personal Belongings

A. Employees have no reasonable expectation of privacy, and therefore may not withhold permission for City searches of, City-supplied containers, including desks, lockers, toolboxes, and City vehicles.

B. The City reserves the right to search workstations, lockers, desks, City vehicles, and their contents, for illegal drugs, alcohol, weapons, and stolen property, collectively referred to as "contraband." The City will conduct searches only when there is reasonable cause to believe an employee has contraband in the employee's possession. However, any contraband in plain view may be confiscated. "Reasonable cause" means facts that would lead a person of reasonable prudence and knowledge to believe contraband is located on the person or in the area to be searched.

Section 4

Employment; Selection and Appointment

4.01 **Employment Standards**

The City Council and the citizens of Del Rey Oaks have the right to expect that the City will employ the most qualified persons available, qualifications being otherwise equal; that the tenure of every City employee will be based on a demonstrated need for the work performed, availability of funds, faithful and effective performance, proper personal conduct, and continuing fitness for the position; and that each employee will be encouraged, trained, and developed to assure optimum performance.

4.02 **Applications for Employment**

- A. **Filing Applications** All applications shall be made upon official forms furnished by the City and filed in the Personnel Office on or before the final filing date specified in the job announcement. All applications and examination papers are confidential records of the City and under no circumstances will they be returned to the applicants or displayed publicly. A separate and complete application, for each recruitment, must be filed, unless specified otherwise in the job announcement.
- B. **Acceptance of Applications** Applications for employment with the City shall not be accepted until a recruitment for a specific position(s) has been announced. Applications for temporary and/or seasonal appointments may be accepted as determined by the City Manager or in accordance with the provisions of these rules.
- C. **Verification of Information** The City may require applicants to provide certified and/or official copies of any diploma, license, or any other accreditation or certification required to meet the stated job requirements.
- D. **Disqualification of Applicants** The City may refuse to examine an applicant or may, after examination, disqualify such applicant or remove the applicant's name from an Employment List, or refuse to certify an applicant's name on an Employment List if anyone of the following conditions exist:
1. Lack of any of the requirements established for the examination or position sought;
 2. The applicant has made a false statement of material fact in the application;
 3. The applicant has directly or indirectly obtained information regarding examinations to which, as an applicant, the individual was not entitled;
 4. The applicant has not submitted the application correctly or within the prescribed

time limits;

5. Request by applicant that his or her name be withdrawn from consideration;
6. Failure to reply within a reasonable time, as specified by the appointing authority, to communications concerning availability for employment;
7. Disqualification or unsuitability for employment as specified in any City or pertinent department rule or regulation.

4.03 **Recruitment Process**

A. **Open or Promotional Recruitments** Prior to the distribution of any recruiting announcement, the City Manager shall determine whether the recruitment is to be administered on an open-competitive basis or on a promotional basis.

1. **Open Recruitments:** Open recruitments shall be those competitive examinations in which any person who meets the requirements, as set forth in the recruitment announcement, shall be allowed to compete. Open recruitments shall be scheduled for entry level classes and for such other classes as required to ensure a competitive examination process and the selection of the most qualified person available.
2. **Promotional Recruitments:** Promotional recruitments shall be those competitive examinations in which only current employees of the City, who are appointed to regular positions and who meet the requirements set forth in the examination announcement, shall be allowed to compete. Promotional examinations shall be scheduled when there are sufficient numbers of qualified employees to ensure a competitive examination process.
3. In making a determination concerning the field of applicants, the City Manager and the appropriate Department Head shall consider such relevant factors as: the complexity of the work performed by the classification; the known labor market for such personnel; the utilization or under-utilization of minorities and women in any job category; and the availability within City service of a sufficient number of qualified applicants. Wherever feasible and consistent with the best interests of the City, promotional opportunities shall be provided to career employees in City service.

B. **Recruitment Announcements:** The City Manager shall have a recruitment announcement prepared for each scheduled examination. Such recruitment announcement shall be posted in the City Hall and sufficient numbers of each announcement shall be provided to each department of the City for posting to bulletin boards and such other locations as to be available for employee's information. Further distribution of the announcements shall be determined by the City Manager. The recruitment announcement shall be of sufficient form and content to adequately

inform prospective applicants of the typical duties of the class being examined for, the minimum qualifications, the examination process, final filing date and tentative examination date. Dates specified in any recruitment announcement or any examination may be extended, postponed, or canceled by the City Manager if such action is necessary or expedient to the needs of the City.

- C. **Continuous Recruitments** The City Manager may conduct open recruitments for designated classes on a continuous basis. Conducting recruitments on a continuous basis would permit the acceptance, testing and placement of qualified applicants on open employment lists as they become available. This process may be instituted on an interim or on going basis.

4.04 Examination Process

- A. **Selection Techniques** The City Manager shall establish a list of eligible applicants through the examination process. The City Manager shall adopt selection techniques which are impartial, culturally fair and related to the primary tasks of the job classification. The examination may include, but not be limited to, one or more of the following:
1. A written test measuring the candidate's aptitude and/or job knowledge.
 2. An application evaluation of each candidate's applicable training and experience directly related to the job.
 3. A performance test whereby candidates demonstrate the degree of job knowledge and ability possessed.
 4. A physical fitness test whereby candidates demonstrate their physical capacity to perform tasks directly related to the job.
 5. A personal interview designed to evaluate the candidate's personal characteristics, background and job knowledge.
 6. Such other selection techniques which, in the judgment of the City Manager, are necessary to evaluate the candidate's capacity to perform the job tasks.
- B. **Pre-Appointment Screening** The City Manager may utilize other selection techniques to evaluate a candidate's fitness to perform job duties. These may include, but need not be limited to; a medical examination, psychological evaluation, polygraph examination (as allowed by law), background investigation, special police investigation, reference checks and verification of licenses, registrations, and diplomas. These selection techniques will be conducted after the applicant has successfully completed the examination and certification steps and has been offered employment subject to satisfactorily completing the pre-appointment screening.

- C. **Conducting Examinations** The City Manager shall be responsible for the conduct of examinations for City positions.
- D. **Qualification Standards**
1. All candidates must achieve a qualifying or passing score in each successive component of the selection process.
 2. The City may, at its discretion, invite only those candidates who achieve the highest scores to the next stage of the selection process.
 3. The City may establish any passing score or job related qualifications standard to be met by a candidate for employment consideration.
- E. **Notification of Examination Results** All candidates shall be advised of their satisfactory completion or failure of the exam process. Upon completion of the examination process, each candidate successfully completing all phases shall be placed on the appropriate employment list.
- F. **Veterans' Preference** Any candidate for an entry level position who successfully completes all phases of the exam process may be eligible for veterans' preference of ten percent (10%) if qualified. To be qualified for this preference the candidate must have completed the appropriate City form and provided proof of favorable military service in the form of a DD214. The veterans' preference shall not be used to either displace an otherwise qualified candidate on the final list or to place a non-qualified veteran, i.e., failed one or more of the selection process, on the final list.
- G. **Confidentially of Written Examinations** All examination materials shall remain confidential and no copying of questions or answers from any paper made available for inspection shall be permitted. Any candidate violating this provision is subject to disqualification from the examination, disbarment from future examinations and, on promotional examination, to disciplinary action. Decisions regarding disqualification and disbarment shall reside with the City Manager.
- H. **Retention of Documents** Applications, recruitment and examination documents shall be retained in accordance with applicable State and Federal regulations and the City's Records Retention Policy.

4.05 **Employment Lists**

- A. **Employment Lists Established** Candidates who successfully complete all components of the examination shall be placed on the appropriate employment list. The names of candidates who qualified on the examination shall be arranged in order of final scores from the highest to the lowest. Placement on any open or promotional list does not imply any right to employment. Preparation and maintenance of employment lists shall be the responsibility of the City Manager.

- B. Duration of Lists** All open-competitive and promotional lists shall remain in effect for six (6) months unless exhausted or abolished by the City Manager. The City Manager may extend any such list for additional periods, but in no event shall an employment list remain in effect for more than one (1) year. The effective date of a list shall be that date on which it is approved by the City Manager.
- C. Removal From Lists** The City Manager may remove the names of candidates from promotional and open-competitive employment lists:
1. Upon written request of the candidate.
 2. Upon appointment to a regular position in the class for which the list was established.
 3. Upon failure of the candidate to respond for an employment interview, after reasonable attempts to contact the candidate have been made.
 4. Upon the candidate having been refused an appointment after certification and employment interview.
 5. Upon the candidate having refused an employment interview or appointment.
 6. Upon resignation, or discharge from City service from promotional employment lists.
 7. Upon any of the grounds set forth in Section 4.02 D of these Rules.
 8. For failure of the candidate to continue to meet any of the employment standards established for the class; or for failure to successfully pass any of the pre-appointment phases of the selection process.

4.06 **Certification and Appointment**

- A. Filling Vacancies** The Department Head shall notify the City Manager of an anticipated vacancy in an established regular position. The City Manager and Department Head shall determine the means to be used to fill the vacancy. Upon approval of the City Manager, the vacancy may be filled through a transfer or voluntary demotion of an employee. If appointment is not made in this manner, the vacancy shall be filled by appointment from an existing employment list in the following order:
1. **Re-employment List.** A list established as a result of a reduction in force.
 2. **Promotional List.** A list of qualified employees in City service.

3. **Reinstatement List.** A list of applicants which were previously in City service.
 4. **Open-Competitive List.** A list of qualified applicants outside City service.
- B. Certification of Candidates**
1. When a vacancy is to be filled from either a promotional or an open competitive list, the City Manager shall provide the Department Head with a list containing an appropriate number of candidates.
 2. Following interview and recommendation by the Department Head, the City Manager or his designated representative may appoint from among those candidates certified and interviewed.
- C. Types of Appointments** Employment in the City service is divided into the following classes.
1. **Regular:** Appointment on a full-time basis in an authorized position.
 2. **Part-time:** Appointment on a part-time basis in an authorized position.
 3. **Temporary:** Appointment for a period not exceeding six (6) months or longer if authorized by the City Manager, to a temporary position, or a temporary appointment to an authorized position. Such employees shall be paid at the hourly rate established for their class based on the number of hours actually worked.
 4. **Emergency or Limited Duration:** Appointment on a temporary basis for a short period of time to meet emergencies. Whenever a department requires assistance because of a special project, sick leave, vacation relief, temporary increase in workload, or a regular employee is on leave of absence, appointments of a limited duration may be made for the duration of such work. .
- E. Funding Dependent:** A regular or part-time position that is dependent on continued funding.
- D. Reinstatement** Any regular employee who has resigned from the City service in good standing may upon written request be considered for reappointment to a position in the same or similar class in the classified service within one (1) year of such termination. Such reappointment may be made without benefit of additional examination, but in no way shall it be mandatory for any appointing authority to reappoint a former employee. Reinstatement shall otherwise be made in the manner as for original employment. Upon reinstatement, any employee so reappointed shall be considered a new appointee and shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City.
- E. Minimum Employment Age** All persons who are selected for regular employment

by the City must be at least eighteen (18) years of age. All persons who are selected for temporary and/or seasonal employment by the City must be at least fifteen (15) years of age. Applicants may be asked to provide proof of age at any time. Persons employed under the age of eighteen (18) must provide a valid minor work permit and may not be assigned to "hazardous" duties.

- F. **Legal Authority to Work** All offers of employment and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her legal authority to work in accordance with applicable federal statute by completing and signing the INS Form I -9. All offers for employment will be contingent on receiving this verification, which must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual reports to work.

G. **Employment Medical Examination**

1. Every offer of employment is contingent upon successful completion of a pre-employment medical examination after receiving an offer of employment and before beginning his/her first day of duty. The medical examination shall be conducted by a physician authorized or approved by the City and at City expense.
2. No employment commitment shall be made until a negative drug screen result is obtained as part of the medical examination and a qualified physician has certified the applicant is qualified to do the type of work required by the position.

Section 5

Computer Use, Including Internet and E-mail

5.01 GENERAL POLICY

- A. Internet services and e-mail are unique mediums that are viewed by most users as being different from traditional written correspondence or telephone communication. One of the greatest dangers of the use of Internet services and e-mail is that they are treated far more informally than other forms of business communication. Because of the perceived impermanence of Internet communications and e-mail messages, employees and other users often use them to express sentiments and opinions they would never memorialize in traditional business writing.
- B. In drafting any Internet communication or e-mail message, employees and other users should exercise care and diligence as such communications reflect on the City and the employee's department. As such, employees and other users should always conduct themselves in a professional manner and should never send anything by way of Internet communications or e-mail messages that should not appear in an official memorandum or letter.
- C. The City's computer resources, including Internet and e-mail systems, are provided for the exclusive purpose of conducting City business, enhancing efficiency, and better serving the public interest. Internet services and e-mail are business communication tools that are made available to certain City employees and other users in order to enhance efficiency and effectiveness in the performance of job duties and City-related business and are to be used in accordance with state and federal laws, and this Policy. The e-mail system may not be used to solicit or persuade others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- D. The City's computer resources, regardless of their physical location or the form in which they are maintained, are the exclusive property of the City of Del Rey Oaks. Employees and other users are provided access to the City's computer resources as authorized by the City Manager and Department Heads for City business and *incidental* personal use.
- E. City employees shall have no right or expectation of privacy or confidentiality in any materials, including but not limited to e-mail messages created, sent, received, deleted, or stored using the City's computer resources. Management shall have the right to read and review any such materials, including but not limited to e-mail messages created, sent, received, deleted, or stored by any employee at any time and for any reason. The City reserves the right, for any reason, to access, disclose or delete all materials, messages and other electronic data sent over its electronic mail system or stored in its files.

Employees should be aware that all public records, whether on paper or computerized, are subject to the mandatory public disclosure requirements of the California Public Records Act, unless a specific exception or exemption provided under the Act applies.

- F. Employees who resign, are terminated or laid off have no rights to the contents of their computer files or e-mail messages and are not allowed access to such systems. The City shall have the right to delete or retain any or all e-mail messages or computer files of a City employee who is no longer employed by the City.
- G. The City prohibits sexual, racial, or other forms of harassment and the City's computer resources shall not be used for such purpose. If you are harassed or discriminated against through the use of the City's computer resources, you must report the act of harassment or discrimination to your supervisor or the City Manager.
- H. The dissemination of derogatory, defamatory, obscene, disrespectful, sexually explicit, sexually suggestive, or in any other way inappropriate Internet and/or e-mail communications is prohibited. The display or transmission of sexually explicit images, messages or cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, color, sex, sexual orientation, age, disability, religious or political beliefs, is prohibited.
- I. Passwords may only be placed on computer files with the written permission of the Department Head or City Manager, as applicable. Within five (5) days of receipt of this Personnel Manual, each employee shall provide any password relating to use of a City owned computer, including internet and e-mail passwords, to the City Manager. Upon termination of employment with the City for any reason, the employee shall provide the City Manager with the current password for any access to City owned computer, including internet and e-mail passwords.
- J. Electronic snooping or tampering by any employee is prohibited. "Electronic snooping" is the unauthorized use of or attempt to use another employee's password, or the unauthorized entry to or attempt to enter the computer files and communications of another, or the unauthorized entry or attempt to enter the encrypted storage of e-mail messages.

5.02 ACCESS TO COMPUTER INFORMATION/CONFIDENTIALITY

- A. An employee's use of the City's computer resources, including, but not limited to, all computer files, internet services, and e-mail, is not confidential. The City provides no assurance of privacy with respect to any employee or other user's use of any City computer resource, and the City expressly reserves the right to access or monitor, with or without notice, any employee or other user's use of the City's computer resources.

- B. The City reserves the right to monitor and record individual employee and other user computer files, as well as Internet and e-mail usage, at any time as allowed by the Electronic Communications Privacy Act of 1986. No employee or other user shall have any expectation of privacy as to his/her computer files, Internet communications, or e-mail messages. The City has access to software and systems that can and will monitor and record all usage for each and every user, including, but not limited to, all internal transmissions, Internet website visits, newsgroups, e-mail messages, computer files, and file transfers into and out of the City's internal network. City representatives may access, audit, and review all activity and analyze usage patterns, and may, for whatever reason, disclose this data to ensure that the City's computer resources are devoted to maintaining the highest level of productivity.

5.02 E-MAIL

- 5.1 General Policy** E-mail should always be used with the assumption that a message will be read by someone other than its intended recipient. When transmitting e-mail messages, employees and other users should consider that the message may later be disclosed to outside parties, members of the public, or in connection with litigation. Because of these concerns, employees and other users are required to maintain the highest standards of courtesy and professionalism when sending e-mail messages.

Section 6

Probationary Period

6.01 Objective of Probationary Period

- A. The probationary period shall be regarded as part of the selection process and shall be utilized for closely observing the employee's performance, for securing the most effective adjustment of a new employee to his or her position, and for rejecting any probationary employee whose performance does not meet acceptable standards for the position to which he or she was appointed.
- B. Probationary employees shall not gain any form of tenure or property interest in their positions and may be released from employment or returned to a former classification during the probationary period without cause.

6.02 Length of Probation

- A. All original and promotional appointments to regular full or part-time positions shall be tentative and subject to a probationary period of six (6) months for miscellaneous employees and eighteen (18) months for police officers. All such periods of employment shall be considered to be in probationary status. The probationary period shall not include any time served in a temporary assignment or any time on a leave of absence, either with or without pay, of two (2) weeks or more.
- B. For purposes of eligibility for fringe benefits, all employees on original appointments shall be eligible after completing six (6) months of service.

6.03 Extension of Probation The probationary period of an individual employee may be extended for a reasonable period not to exceed six (6) months by the City Manager upon recommendation of the Department Head. Approval of such extension by the City Manager shall be in writing with notification to the employee involved prior to the end of the probationary period. Such an extension shall not be subject to further review nor shall it be subject to appeal.

6.04 Probationary Employee Performance Evaluation Non-police probationary employees shall be evaluated at the end of two (2) months employment, four (4) months employment and at least two (2) weeks prior to the end of the 6 month probationary period. Police probationary employees shall be evaluated at three (3) months, and at six (6) months, twelve (12) months and finally at least two (2) weeks prior to the end of the 18 month probationary period.

6.05 Rejection During Probation During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without the right of appeal. The Department Head shall notify the City Manager in writing of the

recommendation to reject an employee during probation. Notification of rejection shall be furnished to the employee in writing and a copy shall be retained in the employee's personnel file together with such other forms as prescribed by the City Manager.

- 6.06 **Rejection Following Promotion** An employee rejected during the probationary period following a promotional appointment shall be reinstated to a position in the former classification from which the employee was promoted. Such reinstatement to former class shall not be subject to appeal. If the cause for not passing probation, however, was sufficient grounds for termination, the employee shall be subject to termination without reinstatement to the lower position. Such termination shall be subject to the City discipline procedures.
- 6.07 **Promotion During Probation** While serving a probationary period an employee may be promoted to a position in a higher class. If an employee is promoted during a probationary period, the employee shall serve a new complete probationary period for the new class beginning with the date of appointment to the new class.
- 6.08 **Leave During Probation** In the event an probationary employee takes an approved leave of absence two weeks or more during his/her probationary period, the probationary period shall be extended for an equivalent period of time. .
- 6.09 **Reclassification and Probation** An employee who is reclassified shall not be required to serve a probationary period if the employee has completed probation in that classification. An employee who is reclassified while serving a probationary period shall be treated in accordance with section 6.06 above
- 6.10 **Reduction in Force and Probation** An employee who either displaces another employee or voluntarily demotes to a vacant position as a result of a reduction in force shall serve the established probationary period for the position to which the employee is assigned unless the employee has previously held the position within the last two (2) years.

Section 7

Position Classification Plan

7.01 Purpose

- A. The purpose of the position classification plan is to provide a complete and continuous inventory of all positions in City service and to provide descriptions and specifications for each classification. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout City service.
- B. The Classification Plan shall consist of those class titles and attendant class specifications for all positions in the City service as approved and listed by the City Council in adopting, amending or revising the Salary and Wage Plan.

7.02 Composition of Classification Plan

- A. The classification plan shall consist of a single position or a grouping of positions which are sufficiently similar in their duties, functions and responsibilities so that they may be identified by the same class title, use the same class specification and be equitably assigned to the same salary range. Classes shall be arranged in series whenever possible.
- B. The classification plan shall be reflected in written class specifications for each class.

7.03 Content of Class Specifications Each class specification shall include the title, description of the duties and responsibilities of work; a statement of the qualifications required for persons within the classes and a statement of the minimum qualifications required for filling vacancies.

7.04 Interpretation and Specification The definitions of the class specifications are descriptive and not restrictive. They are not intended to indicate the kinds of positions that are allocated to several classes, as determined by duties and responsibilities and are not to be construed as to declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of any Department Head to assign, direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude contents not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included. However, changes in organization and work methods which might affect the duties of employees should be reported to the City Manager.

7.05 Use of Class Title Class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position. Any other working title

desired and authorized to be used by the Department Head may be used as a designation of any position for purposes of internal administration or in contacts with the public.

7.06 **Maintenance of the Plan**

- A. The City Manager shall be responsible for the maintenance of the classification plan. It shall be the responsibility of the City Manager to establish new classes, or the combination, alteration or abolishment of existing classes to ensure the efficient and equitable operation of the Classification Plan. The City Manager shall allocate positions as required to a new class or an existing class, however, no new allocated position shall be filled until approved by the City Council and assigned to a salary range. The City Council shall approve the establishment of new classes, the reclassification of existing classes, or the combination, alteration or abolishment of existing classes.
- B. The City Manager shall be responsible for conducting classification studies or having studies conducted by qualified persons or companies outside City service of proposed new or existing positions in the City service when:
 - 1. New positions are being authorized.
 - 2. Notified by a Department Head that the duties and responsibilities of a position or group of positions may be improperly classified or have undergone significant change.
 - 3. Periodically as a need arises to review a certain position or group of positions in the City service.

7.07 **Special Requests for Review** When a Department Head believes a position is not properly classified or when a significant change has been made in the duties, functions and responsibilities of a position, the Department Head may request that a classification study be performed on the positions involved. When an employee believes that his or her position is not properly classified, a request may be made through the Department Head for a classification study on the position. The Department Head shall forward such request to the City Manager within five (5) working days of receipt thereof.

Section 8

Compensation and Salary Administration

8.01 Salary and Compensation

A. General. Salaries for all employees shall be set annually by the City Council by ordinance or resolution.

B. Salary Plan. The basic plan for all City employees except the City Manager and the Chief of Police shall consist of five (5) steps. Step increases as described below, shall not be granted automatically for completion of service, but for attainment of sustained satisfactory performance as evaluated by the employee's supervisor. Progression through the five (5) steps shall be administered as follows:

1. The first step is the minimum hiring rate for a new employee. In cases where it is difficult to secure a qualified individual or if a person of higher qualifications is engaged, the City Manager may hire at a higher step.

2. The second step is the rate to which a qualified, experienced, conscientious employee, who is providing satisfactory overall performance, may expect to advance following the completion of six (6) months' satisfactory service in Step One, and upon written recommendation of the employee's supervisor and approval by the City Manager.

3. The third step is the rate to which a qualified, experienced, conscientious employee, who is providing satisfactory overall performance, may expect to advance following the completion of six (6) months' satisfactory service in Step Two, and upon written recommendation of the employee's supervisor and approval by the City Manager.

4. The fourth step is the rate to which a qualified, experienced, conscientious employee, who is providing satisfactory overall performance, may expect to advance following the completion of one (1) year of satisfactory service in Step Three, and upon written recommendation of the employee's supervisor and approval by the City Manager.

5. The fifth step is the rate to which a fully qualified, experienced, conscientious employee, who is providing satisfactory overall performance, may expect to advance following the completion of one (1) year of satisfactory service in Step Four, and upon written recommendation of the employee's supervisor and approval by the City Manager.

C. Educational Incentives. In addition to the salary set by annual resolution, all employees working a minimum of 40 hours per week shall be eligible to participate in the Tuition Reimbursement Plan. Employees attending classes at an accredited educational institution may apply for partial reimbursement of the cost of tuition and books. The courses taken must be job related and approved by the supervisor and the City Manager. Upon successfully completing a course, meaning the attainment of at least a grade of C on a A-F scale,

the employee must provide proof of course completion and receipts for tuition and books. Based on the pool of available budgeted funds reimbursement shall be made for 50% of costs.

- 8.02 **Anniversary Dates** For the purpose of salary administration, performance evaluations, vacation and sick leave accrual, retirement and any other affected benefits, each employee shall have an Anniversary Date which shall be determined as follows:
- A. Employees appointed, promoted, demoted or reappointed on or between the first and fifteenth day of the month inclusive shall, for the purpose of eligibility for consideration for future salary step increases, have the first day of that same month as their anniversary date.
 - B. Employees appointed, promoted, demoted or reappointed on or between the sixteenth and the last day of the month inclusive, shall for the purpose of eligibility for consideration for future salary step increases, have the 15th day of that same month as their anniversary date.
 - C. Employees who are granted a salary step increase shall have their anniversary date reestablished pursuant to the above sections and based upon the effective date of such salary step increase.
- 8.03 **Anniversary Dates Adjusted** Any person on leave without pay for thirty (30) consecutive calendar days, or major fraction thereof, or more, shall have his or her anniversary date adjusted to reflect the time absent without pay. Upon recommendation of a Department Head and with the approval of the City Manger this provision may be waived.
- 8.04 **Anniversary Date Upon Transfer or Reclassification** Anniversary Dates of employees who are transferred to a job classification designated by the same salary range or whose job classification is reclassified to a new classification with the same salary range shall not be changed. Anniversary Dates of employees whose job classification is reclassified from one salary range to a new salary range shall receive a new Anniversary Date in accordance with section 8.02, above.
- 8.05 **Anniversary Date Postponed** For each employee whose step advancement is postponed by his or her Department Head, the Anniversary Date shall be changed to the date to which the advancement is postponed in accordance with section 8.02, above.
- 8.06 **Salary Range Revisions** When a salary range for a class is revised upward, the incumbents of positions in classes affected shall have their salary adjusted to the same relative step in the new salary range and their Anniversary Date shall not be changed.

Section 9

General Working Conditions

9.01 Attendance and Work Periods

- A. **Attendance** Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department to which they are assigned. An employee who is absent from duty shall report the reason for such absence to the Department Head or immediate supervisor prior to the time of expected absence whenever possible and in no case later than one hour after the beginning of the normal work shift. Unexcused absence or excessive tardiness shall be grounds for discipline, up to and including termination.
- B. **Standard Workweek** The standard work week is a seven consecutive day period from midnight Sunday to midnight the following Sunday. The City Manager may designate any other seven consecutive days as an alternate work week when circumstances within all or any portion of the City operations make such designation desirable.
- C. **Standard Work Periods** The standard work day for employees shall be eight (8) hours and the standard work week shall be forty (40) hours to be worked within five (5) consecutive days.
- D. **Alternate Work Periods** Upon the request of a Department Head or at the City Manager's discretion, the City Manager is hereby authorized to designate other working hours and work periods for employees when, in his or her opinion, the best interest of the City may be served by such readjustment.

9.02 Overtime

- A. It is the general policy of the City that overtime work is to be discouraged. Overtime shall not be worked except in emergency situations or when the overtime is authorized by the Department Head, with concurrence of the City Manager, as necessary to meet essential operating needs of the City.
- B. **Overtime** is defined as working more than 40 hours in a week by non-police personnel or 84 hours in a work period for non-exempt police personnel. Employees working overtime may, at the discretion of the Department Head and/or City Manager, receive **compensatory time off in lieu of payment of overtime** at the rate of one and one-half hours for each hour worked. Compensatory time is limited to a maximum accumulation of eighty hours (80) without the written approval of the City Manager. Upon written approval of the City Manager, an employee may be paid for any compensatory time off in excess of 80 hours. An employee who has accrued compensatory time and requests to use the time off shall be permitted to do so within

a reasonable period if the time off does not unduly disrupt the operations of the Department and with written approval of the Department Head.

- C. **Emergency call out**, defined as an employee being called in for an emergency situation after having ended a regular shift or on a regular day off, shall be paid at the rate of one and one-half times the regular pay rate for a minimum of 2 hours.
- D. **Special Event Pay** shall be one and one-half times the regular pay rate for the greater of 4 hours or actual hours worked. A Special Event is one for which the City is being reimbursed for providing services. Reserve Officers working at Special Events shall receive an hourly rate equal to the first step in the Police Officer Salary Range.
- E. **Coverage assignments**, whereby a Reserve Officer covers the shift of a regular police Officer, shall be paid at the first step of the Police Officer Salary Range.
- F. **Court Appearances** on other than a normal workday shall be compensated at one and one-half times the regular rate of pay for a minimum of 4 hours.

- 9.03 **Meal Periods** Each full-time employee shall be entitled to an uninterrupted, unpaid meal period of a minimum of thirty (30) minutes and a maximum of sixty (60) minutes at or about the mid-point of their work day.

The length of the meal period and the time the meal period is taken, shall be determined by the City. Employees are entirely relieved of responsibilities and restrictions during their -meal period, unless they have been notified, in writing, to work an on-duty meal period which will be treated as paid time.

- 9.06 **Rest Periods** Rest periods not exceeding fifteen minutes, one during each work period of three hours or more (e.g., once in the morning and once in the afternoon) shall be granted employees. These rest periods shall not be taken at the beginning or end of the work period, and time not used for rest periods shall not be accumulated and used at a later date. Rest periods are considered to be time worked.

Private vehicles shall not be utilized during rest periods. Employees leaving the vicinity of their work premises in their private vehicles will be considered on personal time subject to being charged against vacation time, administrative leave or compensatory time off, as appropriate.

- 9.07 **Pay Days and Final Paycheck**

- A. **Regular Pay Days** shall be semi-monthly – on the 15th and the last day of the month - or as designated by the City Manager. The method of distributing payroll checks or warrants shall be established by the City Manager. An employee may request alternate distribution arrangements by notifying the City Manager in writing.

B. **Payroll Deductions** Deductions from employees' wages are made in accordance with prevailing laws, contracts, rules and regulations:

1. Deductions required by law and contracts: for example, federal withholding tax, City retirement premium.
2. Deductions made on the written authorization from each employee: for example, Group Medical and Dental premiums, credit union, United Way, and such other deductions as approved by the City Manager.

C. **Resignation and Final Paycheck**

1. **Resignation in Good Standing** Any regular employee, in order to be considered as having resigned in good standing, shall be required to submit a written notice of resignation to his or her Department Head at least ten (10) working days prior to be effective date of said resignation. Such written notice shall include the reason for and the effective date of the resignation. The City Manager may authorize a resignation in good standing when, in his or her opinion, there are sufficient reasons to waive the requirements of this section.
 2. **Voluntary Resignation** An employee absent from duty without authorization for more than two (2) consecutive working days without an explanation satisfactory to the Department Head shall be deemed to have voluntarily resigned without notice and the Department Head shall notify the City Manager and initiate the process to terminate the individual's employment with the City.
 3. **Employee Property Clearance** Employees will certify that all City property in their custody has been returned to the City prior to receiving their final check. The value of all unaccounted for City property shall be withheld from the employee's final check or collected by other appropriate action.
 5. **Final Paycheck** Employees, including employees who are released during their initial probationary period or dismissed for disciplinary reasons, will receive their final paycheck on the regular pay day for the pay period in which they resign or are released/dismissed. The final paycheck will include payment for all earned salary due and not previously paid, and accrued but unused leave balances which are subject to pay-off.
- 9.08 **Performance Evaluations** After the initial probation period, each regular employee shall have his or her performance evaluated annually by the department or at more frequent intervals as deemed necessary by the City Manager. Such evaluations shall be reported on a Performance Evaluation Form as prescribed by the City Manager. The original evaluation shall be placed in the employee's personnel file and a copy given to the employee.
- 9.09 **Acting Appointments**

- A. An employee may be temporarily assigned an acting appointment to serve in a class with a higher salary range than that of the class normally assigned. The acting appointment must be to a position in a higher class occupied by a permanent employee on suspension or on an authorized leave of absence, or to a position for which a vacancy exists. An employee serving an acting appointment shall receive the entry salary step of the higher salary range, or a minimum of five percent (5%) higher than the rate normally received, whichever is greater.
- B. The acting appointment shall be made in writing in advance and shall be approved by the City Manager.
- C. An employee assigned to an acting appointment shall serve a minimum of forty (40) hours in the higher classification at the employee's normal rate of pay prior to being compensated at a higher rate.

9.10 **Holidays**

- A. **Regular Holidays for Pay Purposes** The following holidays are recognized as municipal holidays for pay purposes as well as being regarded as holidays for the transaction of public business:
 - 1. The First day of January (New Years Day)
 - 2. The Third Monday in January (Martin Luther King, Jr. Birthday)
 - 3. The Third Monday in February (Presidents' Day)
 - 4. The Thirty-first day of March (Caesar Chavez Day)
 - 5. The Last Monday in May (Memorial Day)
 - 6. The Fourth of July (Independence Day)
 - 7. The First Monday in September (Labor Day)
 - 8. The Eleventh Day of November (Veterans Day)
 - 9. The Fourth Thursday of November (Thanksgiving Day)
 - 10. The Day following Thanksgiving Day
 - 11. The Last Working Day before Christmas
 - 12. The Twenty-fifth Day of December (Christmas Day)

13. One Floating Holiday

The Mayor may, by official proclamation, authorize additional time off to coincide with special holidays declared by the President of the United States, the Governor of the State of California, or when, in the opinion of the Mayor, a significantly important local event merits such action.

- B. **Holidays Falling on Weekend** When any day recognized as a holiday by the City falls on a Sunday, the following Monday shall be considered the holiday. When any day recognized as a holiday by the City falls on a Saturday, the preceding Friday shall be considered the holiday.
- C. **Employees Required to Work on Holidays** Any employee eligible for holiday pay who is required to work on a day designated as a holiday under the provisions of this section or such other day as authorized by the City shall be paid at the straight time rate for the first eight (8) hours of work on said day and in addition, shall receive pay equal to and in lieu of time off for said holiday. Hours worked in excess of eight (8) on such days shall be considered as overtime and shall be compensated for under the appropriate overtime pay provisions. When a day designated as a holiday under the provisions of this section and or such other day as authorized by the City falls on a normally assigned day off of an employee who is eligible for holiday pay, said employee shall receive additional pay equal to and in lieu of time off for said holiday.

9.11 Medical Examinations

- A. The City may require a medical examination of an employee at any time for any reasonable cause. The medical examination shall be conducted by a physician selected by the City at its sole expense. The scope of the medical examination shall be determined by the attending physician, with the approval of the City, to assess if the employee is medically fit to effectively perform his/her job and can effectively perform without endangering the health and safety of the employee, other City employees or the public.
- B. The results of all medical examinations will be kept confidential and maintained separately from the employee personnel file.
- C. An employee who is disqualified from employment or who otherwise fails the examination may submit an independent medical opinion which the employee obtains at his/her own expense.

9.12 Mileage Allowance and Use of Privately-Owned Vehicles

- A. **General Policy:** It is the policy of the City to ensure that all employees requiring transportation for the satisfactory completion of their assigned duties will either (1) have a City vehicle available for their use as required by the nature of their work or (2) be reimbursed for the use of their own private vehicle when such use is

authorized.

- B. **Authorization for Use of Privately-Owned Vehicles:** Use of privately owned vehicles in connection with official City work hours shall only be permitted when such use is authorized prior to such use by the City Manager.
- C. **Mileage Allowance:** Employees who use their own vehicle for approved official City travel or City business, shall be reimbursed for the actual mileage traveled at the Internal Revenue Service (IRS) approved rate per mile. Under no circumstances shall the travel reimbursement exceed the cost of air fare, economy class.
- D. **Administrative Regulations:** Administrative regulations covering conditions for use, financial responsibility, procedures for requesting travel authorization and reimbursement procedures shall be as established by the City Manager.

9.13. **Personnel Files and Records**

- A. An employment history for each City employee will be maintained by the City. The information in the personnel file is the permanent property of the City and shall be maintained in a confidential manner. The personnel file shall include dates of service, positions held, salary history, and other information as may be deemed appropriate and/or required by law.
- B. The official repository of personnel file and record for each City employee shall be maintained by the City Manager.
- C. Personnel files of an employee will be open for inspection by the employee or his/her authorized representative at his/her request during business hours by appointment. The employee or his/her authorized representative, as designated in writing on a case-by-case basis, shall have access to review his/her personnel file in the presence of the City Manager or designee. The employee will have access to all contents of the file except those materials which are a part of the employment/selection process (including letters of reference) and any records relating to investigations of possible criminal offenses. A copy of the material in the personnel file to which the employee has access will be provided to the employee upon request.
- D. The employee's personnel file shall be accessible to the employee's departmental management and the City Manager or designee.

Section 10

Leave of Absence Provisions

10.01 **Vacation** The purpose of vacation is to ensure the employee's continued efficiency by allowing periods for rest and revitalization which will enable the employee to return to work physically and mentally refreshed. All regular employees shall be entitled to accrue vacation except temporary employees, or employees in less than half-time positions and employees on leave of absence without pay or suspension without pay.

A. **Vacation Accrual**

1. **Full-Time Employees** Employees entitled to vacation shall accrue based on years of continuous service at the following rate:

First through Fourth Years of Service: Ten (10) working days per year.

Fifth through Tenth Years of Service: Fifteen (15) working days per year.

Eleventh through Twentieth Years of Service: Twenty (20) working days per year.

Twenty-first and subsequent Years of Service: Twenty-five (25) working days per year.

2. **Part-Time Employees** An employee having a probationary, regular or acting appointment that is less than full time but half time or more shall accrue vacation in the same proportion 'as their scheduled and worked hours per week relate to the standard work week.
3. **Limit on Accumulation** Vacation time may not be accumulated to more than 160 hours at any time without written approval of the City Manager.
4. **Method of Use** Vacation may not be taken in excess of that actually accrued and in no case may it be taken prior to the completion of six (6) months of service. The Department Head shall schedule and approve all vacation leaves for employees taking into consideration seniority, the wishes of the employee, and departmental work loads. Authorization for vacation shall first be approved by the Department Head, before submission to the City Manager for approval.

- B. **Vacation Scheduling** Vacation shall be taken in units of one (1) week or more except that a Department Head may allow an employee to take vacation in units of less than one (1) week when it is deemed to be in the best interests of the City. Vacation shall be allowed only in increments of one (1) or more whole days.

C. **Vacation Pay upon Resignation** Upon termination of employment for any reason, *i.e.*, resignation, retirement, dismissal, etc., an employee shall be compensated for vacation accrued but not taken to a maximum of 160 hours unless previous written approval has been given as provided above. Compensation for such accrued vacation is based on the hourly equivalent of the salary received at the time of termination.

D. **Holidays During Vacation** In the event one or more holidays observed by the City falls within the period an employee is on vacation, such day or days shall not be charged against the vacation accrual.

10.02 **Sick Leave** Sick leave shall be leave with pay and may be used as needed and approved to the point of depletion, at which time the employee will no longer receive pay and will be placed on a medical leave of absence or other non-paid leave of absence. Negative balances may be approved on specific authorization by the City Manager but may not exceed number of hours available to the employee through accrued vacation, holiday, or other paid leave of absence.

1. Sick leave means the necessary absence from duty of an employee because of:

- a. Injury or illness of employee or immediate family members.
- b. Medical or dental examination or treatment by a licensed practitioner when such absence during working hours is authorized by the Department Head.
- c. Exposure to a contagious disease when quarantine is imposed by health authorities or when it is determined by a physician designated by the City Manager that the presence of the employee on duty would endanger the health of others.
- d. A physical condition which, in the opinion of the Department Head, might place the employee in the position of further endangering his or her well-being if returned to work.
- e. Pregnancy, delivery, and recovery therefrom.

2. Sick leave will not be granted for any of the following causes:

- a. Disability arising from any sickness or injury purposely self-inflicted or caused by the employee's own willful misconduct.
- b. Disability arising from any sickness or injury related to employment other than with the City of Del Rey Oaks.

3. An employee who is absent from work on sick leave or who is absent after requesting such leave shall not engage in work or other activities at any time which would be in conflict with the inability to report for work and to perform

required duties. In no case shall an employee engage in any activity which would be detrimental to the ability to return to work.

- A. **Sick Leave Accrual** Each full-time employee shall accrue sick leave at the rate of 8 hours per month. There shall be no limitation on the number of days which may be accumulated, however, upon termination of employment, all accumulated sick leave shall be forfeited except that upon retirement accumulated sick leave may be converted to service employment as permitted by the Public employees Retirement System (“PERS”).
1. **Part-Time Employees** An employee having a probationary, regular or acting appointment that is less than full time but is half time or more shall accrue sick leave in the same proportion as their scheduled and worked hours per week relate to the standard work week.
 2. **Method of Use** The employee requesting sick leave shall notify the supervisor or Department Head prior to or within one (1) hour after the time set for reporting to work. Sick leave with pay shall not be allowed unless the employee has met and complied with these provisions and the Department Head or the City Manager has approved such payment. *Sick leave may be granted only on a whole hour basis.*
- B. **Sick Leave During Vacation** An employee who is admitted to a hospital or confined to bed under medical orders while on vacation may have the period of illness charged to accumulated sick leave instead of vacation under the following conditions:
1. Immediately upon return to duty the employee submits to the Department Head a request for sick leave and a written statement signed by his or her physician describing the nature and dates of illness and the period of disablement.
 2. The Department Head recommends and the City Manager approves the granting of such sick leave.
- C. **Sick Leave During Holidays** Sick leave shall not be applied to absences which occur on a day designated as a City Holiday.
- D. **Sick Leave Without Pay** On written request of the employee and recommendation of the Department Head, the City Manager may authorize a leave of absence without pay for the purpose of recovering from an illness or injury provided:
1. The employee has used all accumulated sick leave.
 2. The employee furnishes to the Department Head a certification from the attending physician stating the nature of the illness and an estimate of time needed for full recovery.
- E. **Abuse of Sick Leave** Sick leave is a privilege granted to employees and abuse of this

privilege will neither be tolerated nor condoned. Department Heads and the City Manager will be responsible for controlling the use of sick leave by employees, and may require physician's certifications or other evidence of illness, injury, appointments, etc. If the Department Head does not consider the evidence adequate, he or she shall disapprove the request for sick leave, and indicate on the proper forms that such absences shall be absence without leave and shall be uncompensated. An employee fraudulently obtaining or using sick leave or abusing the sick leave may be subject to disciplinary action up to and including termination.

- G. Coordination with Worker's Compensation** An employee receiving temporary disability payments under the Worker's Compensation Laws, may use accumulated sick leave in order to continue to maintain his or her regular income. Under such circumstances, the employee shall be paid the difference between his or her full salary and the disability payments received. Accumulated sick leave shall be charged in proportion to the amount of the full salary paid to the employee by the City during such period of disability.

Payments for permanent disability are to be retained by the employee, Part-time and temporary employees are covered by and shall receive the benefits provided by the Workmen's Compensation Insurance Plan of the City but shall not be eligible for any other benefits as may be provided by this section.

- H. Medical Leave Bank** The purpose is a City-wide plan for use by City employees who suffer "medical emergencies". The Plan establishes a Medical Leave Bank designed to prevent financial hardship for employees suffering medical emergencies.

Employees may donate Vacation Leave, Sick Leave, Compensatory Time Off, or Administrative Leave to a Sick Leave Bank. Employees who are about to exhaust all available leave may request a transfer from the Bank so they will not need to go without a paycheck during an extended absence.

The Internal Revenue Service, by its Revenue Ruling Number 90-29, has determined that amounts paid by an employer pursuant to a leave-sharing plan are includable in the gross income of the recipient as compensation, but are not considered taxable income to the donating employee.

1. Definitions:

- a. The term "medical emergency" as used herein shall be defined as a medical condition of the employee or an immediate family member of the employee which will require the prolonged absence of the employee from duty resulting in a financial hardship because the employee's available leaves are exhausted.
- b. The term "immediate family" as used herein shall be defined as the City employee's spouse, domestic partner, child, parent, sibling, grandparent, or grandchild.

- c. The term "medical condition" as used herein shall be defined as a severe illness or injury which is foreseeably expected to incapacitate the City employee, either for an extended, medically-indicated period of time, or in order to provide care for the immediate family member for an extended, medically-indicated period of time.
2. Procedures for Donation of Leave
 - a. Any City employee may donate accrued Vacation Leave, Sick Leave, Compensatory Leave, or Administrative Leave in full hour increments by completing a Donor Authorization Form. To be able to donate, the employee must have at least 40 hours of leave available after the donation.
 - b. The Department Head of the donating employee may then approve the leave donation, verifying that the employee has the leave available to donate.
 - c. The donated leave shall be changed to its dollar value at the donor's basic hourly rate of pay at the time of donation.
 - d. City Manager will notify the employee the donation has been made. At that point, the donation is irretrievable and irreversible.
 - e. All records relating to the donations to the Bank will be maintained by the City Manager and are confidential.
3. Procedures for Requesting Transfers from the Bank
 - a. Any non-probationary employee who suffers a "medical emergency" as defined herein may request a transfer from the Bank.
 - b. The requesting employee must complete a Request for Leave Donation Form. If the employee is unable, a family member may complete the form for the employee.
 - c. Upon receipt and review of the completed Request for Leave Donation Form, the City Manager may approve the request. If the medical emergency involves a family member, documentation may be required to confirm that the employee is needed to care for the family member. The City Manager may require documentation confirming the medical condition.
 - d. The City Manager will notify the requesting employee of the approval or denial of the request as expeditiously as possible.
 - e. The City Manager or designee will add the number of hours approved by the City Manager to the requesting employee's available Sick Leave. The

employee may then use the sick leave as usual.

- f. The maximum donation of leave from the Bank is 200 hours or 25 work days of donated leave for anyone medical emergency in any fiscal year.

10.03 **Bereavement Leave** The necessary absence from duty by an employee having a regular or probationary appointment because of the death of a member of the immediate family or because the employee's attendance is needed to attend to the critical illness of a member of the immediate family where death appears imminent. For the purposes of this Section, the immediate family of an employee shall include his or her spouse and the following relatives: children of either spouse, either's parents; brothers and sisters, grandparents and grandchildren.

A. **Maximum Leave Allowed** Such leave shall be limited to five (5) working days per calendar year. Bereavement Leave shall be at full pay and shall not be charged against the employee's accrued vacation or sick leave.

B. **Additional Time Off** Additional time off in excess of five (5) days may be taken by an employee with prior approval of the Department Head and the City Manager. Such additional time off is to be charged in the following order:

1. Accumulated sick leave.
2. Accumulated compensatory time (if any).
3. Accumulated vacation time.
4. Leave of absence without pay.

10.04 **Jury Duty and Subpoenaed Witnesses** No deduction shall be made in the salary of an employee who serves on a jury or is subpoenaed to testify in a judicial or quasi-judicial proceeding as a material or expert witness if he or she remits to the City any fee received. If the employee chooses to retain the fees, he or she will be charged compensatory time off, vacation time, or be placed on a leave without pay status, accordingly, for the time spent serving. If the employee incurs personal mileage expenses while serving, said employee may retain that portion of the fee attributable to mileage and remit the difference to the City. Employees subpoenaed to appear pursuant to an official subpoena shall immediately notify the Department Head in writing whether or not they shall remit any witness fee to the City and if not, their status while serving. In addition, employees served with subpoenas shall notify the City Attorney's Office immediately upon being served.

10.05 **Leave of Absence Without Pay** Upon recommendation of the Department Head, the City Manager may grant an employee a leave of absence without pay in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right but a privilege. No such leave shall be granted except upon

written request of the employee, setting forth the reason for the request, and approval must be in writing.

1. A leave of absence under this Section shall be a leave without pay - regular salary and entitlement to all benefits are discontinued.
2. The length of the leave shall depend on the merit of the individual case, but such leave shall not exceed twelve (12) months' duration.
3. Other than for the purpose of extending sick leave or maternity leave, no leave of absence without pay will be granted unless the employee has first used all accrued vacation leave and compensatory time off. Should an employee terminate while on leave of absence without pay, any compensation due the employee will be computed on the base rate of pay received at the time the employee began the leave of absence.
4. An employee must give two (2) weeks notice prior to the date on which he or she will return to work. If the employee does not give two (2) weeks notice, the Department Head shall not be required to return the employee to duty until two (2) weeks after the employee has given such notice.

10.06 Military Leave

- A. Military leaves of absence will be authorized in accordance with and pursuant to state and federal law. If any provision of this policy is inconsistent with the state and federal laws and their enabling regulations the acts and regulations shall supersede this policy. For the purpose of this policy, recognized military service shall mean full-time service by a person in the armed services during a national emergency or state militia emergency. In order to be eligible, employees must submit written verification from the appropriate military authority. Whenever possible, the employee shall notify the Department Head of such leave request at least ten (10) working days in advance of the beginning date of such leave.
- B. While in a non-pay status on military leave, the employee shall not accrue vacation, sick leave, holidays or any other benefits during the leave. Insurance benefits, such as, but not limited to, health, dental, life and disability insurance for the employee and his/her dependents will not be maintained by the City during the leave while in a non-pay status. The employee may elect to pay the premiums and maintain the insurance during the leave. The premiums must be paid in advance to the City.
- C. The City will reinstate employees returning from military leave to their same position or one of comparable seniority, status and pay if they:
 1. Have a certificate of satisfactory completion of service;
 2. Apply within 90 days after release from active duty or within such extended

- period, if any, as their rights are protected by law; and
3. Are qualified or are, with reasonable effort, able to re-qualify to fill their former position.
- D. Exceptions to this policy shall be made whenever necessary to comply with applicable state and federal laws.
 - E. An employee who has more than twelve months service with the City and who is on temporary military duty (TAD) ordered for the purposes of active military training, encampment, naval cruises, special exercises, or like activity shall be on leave with pay for the first thirty (30) days of such leave provided the temporary military duty does not exceed 180 calendar days including time spent going to and returning from the duty. Inactive duty, such as scheduled reserve drill periods, is not to be considered as active military duty and does not qualify. Leave with pay shall not exceed thirty (30) calendar days in a fiscal year.

10.07 **Medical Leave - Non-Occupational**

- A. Employees who are temporarily disabled and unable to work due to a personal illness, non-occupational injury, pregnancy, child birth, or related medical condition, will be granted a medical leave of absence.
- B. Medical leaves will be authorized on the basis of a physician's written statement that the employee is temporarily unable to work due to a medical disability.
- C. An employee who is granted a medical leave of absence must utilize all accrued sick leave during the initial period of the leave. Vacation, and any other accrued compensatory time off may be used, at the discretion of the employee and with the approval of the City Manager, during the initial period of the leave. Any portion of a leave that occurs after all sick leave, vacation and compensatory time off have been exhausted shall be without pay.
- D. A medical leave of absence for pregnancy, child birth, or related medical condition shall not exceed a total of four (4) months. Paid and unpaid portions of a leave shall be added together for purposes of the four (4) month leave period. The total period of all absences related to pregnancy, child birth, or related medical condition, shall be considered part of the same leave when calculating available leave time.
- E. An employee who plans to take a medical leave must provide the City with reasonable notice of the date the leave will commence, the estimated duration of the leave, and the expected date of return to work. When an unplanned medical condition or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify the City of the situation at the earliest possible time. The City may require periodic confirmation of the need for continued leave.

- F. Employees returning to work after a medical leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties. Subject to any exceptions permitted by law, an employee shall be restored to his/her former position and will resume accrual of benefits in effect before the medical leave provided he/she returns to work on or before the end of the authorized leave period. If the period of leave is not established or if it differs from the originally agreed period, the employee's reinstatement date shall be not less than thirty (30) days after the City has received notice of the employee's availability to return to work.
- G. While on medical leave of absence, an employee shall not accrue vacation, sick leave or holidays. Insurance benefits, such as, but not limited to, health, dental, life and disability insurance for the employee and his/her dependents will be maintained by the City during the leave while in a non-pay status.

10.08 Medical Leave - Work Related

- A. A leave of absence will be granted upon written request to any regular employee who sustains a work-related disability. A leave of absence for a work-related disability will be extended to the employee for the duration of the work-related disability. Employees returning from a leave will be given credit for any portion of a probationary period completed prior to the commencement of the leave of absence. Benefits paid during a leave of absence for a work-related disability will be coordinated with workers' compensation benefits. Notification requirements for a medical leave of absence for occupational disabilities are the same as those for medical leaves for non-occupational disabilities. The City will retain employees on an extended leave of absence for work-related disabilities until one of the following situations occurs.
 - 1. The employee is released by a physician for full duty.
 - 2. The City receives medical evidence satisfactory to it that the employee will be permanently unable to return to work.
 - 3. The employee directly or indirectly informs the City (i.e., by accepting other employment, moving out of the state, etc.) that he/she does not intend to return to the City's employ.
- B. An employee who returns to work at the end of his/her leave of absence will be returned to his/her former position, if possible, or will be offered the first available opening in a comparable position for which he/she is qualified. The employee must provide a physician's statement that indicates that he/she is fit to return to the position designated for the employee.

10.09 Family Care and Medical Leave

- A. The purpose of this policy is to implement the provisions of the California Family Rights Act of 1991 (“CFRA”), as amended, and the Family and Medical Leave Act of 1993, as amended, (“FMLA”). Where there are differences between the state and federal acts the more generous requirements of the two have been extended to City employees. If any provisions of this policy are inconsistent with the state and federal acts and their enabling regulations the acts and regulations shall supersede this policy.
- B. Employees with more than one (1) year of continuous service with the City, who have worked at least 1,250 hours during the previous year, may take up to twelve (12) workweeks of leave in a 12- month period due to:
1. The birth of a child or to care for a newborn of an employee;
 2. The placement of a child with an employee in connection with the adoption or foster care of a child;
 3. The employee is needed to care for a family member (child, spouse, or parent) with a serious health condition;
 4. The employee's own serious health condition makes the employee unable to do his/her job.
 5. Qualifying exigency because of the employee's or spouse's active military duty or to care for ill or injured service member as described in the FMLA.

Entitlement to leave for the birth or placement of a child for adoption or foster care expires twelve (12) months after the birth or placement.

- C. A leave granted under this provision will normally be leave without pay except that an employee must exhaust accrued sick leave, vacation or other accrued time off prior to leave without pay. With advance notification to the City, at the request of an employee, an employee may retain and not use accrued sick leave in connection with a leave for the care of a newborn, adopted or foster care child or to care for a family member with a serious health condition.
- D. Leave may be used in one or more increments, but shall not exceed a total of twelve (12) work weeks of leave in a 12-month period, except as otherwise allowed by law, measured backward from the date leave is taken and continues with each additional leave day taken. A leave for the care of a newborn, adopted or foster care child shall be taken on a continuous basis in increments of not less than two (2) weeks. An employee may request intermittent leave in one-day increments for the care of a seriously ill family member; or for the treatment of a serious health condition of the employee. A reduced leave schedule (i.e. a work schedule that reduces the number of hours per workweek or workday) may be established where medically necessary for an employee to care for a seriously ill family member; or for the treatment of a serious health condition of the employee.

- E. Unless the need for leave arises out of an unforeseen emergency, employees requesting leave will be expected to provide reasonable advance notice of the need for leave and, at a minimum, written notice of thirty (30) days. Failure to provide advance notice may be cause for delaying the effective date of the leave to ensure adequate coverage of the position. The City shall require employees requesting family care leave for the care of a seriously ill family member, or medical leave for the treatment of a serious health condition of the employee to provide medical certification of the illness.
- F. Where both a husband and wife are employed by the City and both are eligible for family leave the aggregate leave to which both are entitled is limited to twelve (12) workweeks of leave in a 12- month period if leave is for the birth or placement for adoption or foster care of the employees' child, or to care for a seriously ill parent.
- G. Employees on leave will be eligible to continue medical and dental insurance coverage and other group coverage as if the employee were in a regular pay status. The City will pay the premiums necessary to maintain coverage as if the employee remained in a paid status. If an employee elects to maintain insurance coverage while on family care leave and there is normally a payroll deduction, the employee may authorize a payroll deduction or pay the premiums in advance in accordance with the requirements necessary to maintain coverage. Failure to pay premiums which are the employee's responsibility may result in cancellation or loss of benefit coverage. For the period of family care leave in a paid status, if any, the employee will continue to accrue vacation, sick leave and holidays.
- H. Leave shall not constitute a break in service for seniority or any employee benefits. The anniversary date of an employee on leave without pay for thirty (30) consecutive calendar days, or major fraction thereof, or more, shall be adjusted to reflect the time absent without pay. An employee on probation will have the probationary period extended by the length of time on leave.
- I. The employee shall cooperate with the City in scheduling his/her date to return to work, and, whenever possible, shall give the City at least thirty (30) days advanced notice of availability. Upon return from leave, the employee shall be restored to the same or a comparable position held prior to the leave provided the employee gives the City thirty (30) days advanced notice. Where the medical leave was for the treatment of a serious health condition of the employee the City shall require the employee to provide medical verification of fitness to return to duty.
- J. Employees are required to complete such forms as are deemed necessary and as developed by the City Manager including but not limited to the following forms in connection with leave under this policy:
 - 1. Request for Family Care or Medical Leave to be eligible for leave.

2. Medical certification for the employee's own serious health condition or for the serious health condition of a family member.
 3. Authorization for payroll deductions of insurance benefit premiums not paid for by the City.
 4. Verification of fitness to return to duty.
- 10.10 **Time Off to Vote** Employees who are registered voters may request time off to vote at an election if the employee does not have sufficient time outside of his/her regular working hours to vote. The employee may, without loss of pay, take up to two (2) hours of time off to vote. The time off for voting shall be only at the beginning or the end of the regular work shift, whichever allows the most free time to vote and the least time off from work. The employee shall give his/her supervisor at least two (2) working days notice of the need for time off to vote.

Section 11

Reduction In Staffing

11.01 **General** When the City Manager and subsequently the City Council, determines that a reduction in staffing is or may be warranted, the following procedures will be followed. Before any reduction in staffing is implemented, the City Manager will evaluate alternatives by which it may attempt to avoid layoffs and present such alternatives to the City Council. The alternatives will include methods that are designed to achieve a reduction in personnel costs in a manner that will enable the City to avoid or limit layoffs while still meeting its needs. The City retains full authority and discretion to determine what measures are most appropriate under the circumstances. Depending upon the circumstances that give rise to such a situation, the City may respond in several ways, including but not limited to offering a voluntary reduction of hours or days of work, reducing employee's hours or days of work, considering pay reductions for certain classifications, or implementing a reduction in staff, *i.e.*, layoffs.

A. Voluntary Reduction of Hours When the City deems it necessary to reduce the number of work hours for a particular classification or department, herein called "the affected area," the following guidelines will apply:

1. All recruitment and hiring in and transfers to the affected area will be frozen.
2. Employees in the affected area may be invited and permitted to request a voluntary reduction of their hours or days of work.
3. The City will consider any request for time off without pay.
4. An employee who desires to take extended time off without pay and without loss of seniority may apply through the appropriate Department Head to the City Manager. Accrual of benefits during any such period shall be as agreed to by the City and the employee.

B. Involuntary Reduction of Hours If a voluntary reduction in employees' hours is not sufficient to meet the City's needs and objectives, the City may implement an involuntary reduction in hours or days of work, under the following guidelines:

1. Such reductions will be administered to maximize productivity and efficiency as determined at the discretion of the City Manager and approved for implementation by the City Council and can be made on a temporary, indefinite or permanent basis.
2. In making its determination, the positions of all City employees shall be considered except those required by law to be staffed to a specific standard or those required by the public health, safety or welfare.

3. If at all possible, reduction of not more than twenty percent (20%) from the regular hours of any employee may be made, unless the position is reclassified as part-time.
4. Any reduction shall be made only after a minimum of fourteen (14) calendar days notice to an affected employee.
5. Those benefits which are directly based on salary or hours worked, such as vacation, sick leave, PERS and Long-Term Disability insurance, shall be reduced proportionately for an employee whose hours have been reduced, during such period of time as the involuntary reduction is in effect.
6. Any employee affected by such a reduction may appeal the decision to the City Manager through the appeal procedure, set forth herein.

11.02 **Layoff Procedures** If the City determines that these or other options are insufficient or inappropriate to meet its needs and objectives, it may decide to implement a layoff. A layoff involves discharging or terminating certain employees for non-disciplinary reasons.

- A. **Layoff Policy** If layoffs are determined to be necessary, employees will be selected carefully to insure fairness. All personnel policies, except those in conflict with this section, including the policy prohibiting discrimination, shall be followed. When selecting employees for layoff in a classification, department, work group, or job classification, the City Manager, in coordination with Department Heads, will choose employees based on a combination of factors, except as otherwise required by law, including (but not limited to) qualifications, productivity, and general performance. Any individual selected for layoff may elect to retire, if eligible.
- B. **Vacancy and Demotion** Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with section e. is qualified. All persons so demoted shall have their names placed on the re-employment list.
- C. **Employment Status** Wherever possible, in each class or position, employees shall be laid off according to employment status in the following order: temporary, probationary and regular, according to the following guidelines:
 1. Temporary and probationary employees shall be laid off according to the needs of the City as determined by the City Manager.
 2. If there are two or more regular employees in a class from which the layoff is to

be made, such employees shall be laid off in inverse order of seniority of total paid City service.

- D. **Re-Employment List** The names of persons laid off or demoted in accordance with these rules shall be entered upon a re-employment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by the appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list
- E. **Duration of Re-Employment List** Names of persons laid off shall be carried on a re-employment list for one (1) year, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such appointment, be dropped from the list. A person so appointed shall have any unused sick leave or vacation time accrued prior to the layoff but not paid at the time of layoff re-credited to that person's record. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the balance of the one (1) year period. Persons who refuse re-employment shall be dropped from the list.
- F. **Official Notice of Layoff** Official Notice of Layoff shall be issued by the City Manager and shall:
1. Specify the date on which the employee is due to be laid off, such date to be a minimum of fourteen (14) working days following the date the notice is issued.
 2. Cite the employee's right to re-employment, if any, and indicate the date on which the right expires.
 3. Advise the employee of the right to appeal the layoff to the City Manager through the procedure specified herein below but note that the effective date of the layoff shall not be stayed pending resolution of the appeal.
 4. Advise the employee that requests for paid time off to participate in employment interviews with other employers will be considered by the appropriate supervisor, subject to the needs of the City.
 5. Advise the employee regarding the right, if any, to displace another employee and to which department, classification and salary rate the employee would be assigned if the right is used.
 6. Specify the date and time by which the City Manager must receive the employee's written response as to whether or not the employee shall exercise the rights under the displacement procedure, such date not to exceed five (5) working days following the date the Official Notice of Layoff is issued.
 7. Advise the employee that if a clear response indicating a desire to exercise

displacement rights is not received within five (5) working days, the employee will be designated for layoff, and that any rights under the displacement procedure shall be deemed to have been forfeited.

G. Benefits

1. Employees who are laid off shall be paid for all benefits, including vacation benefits, that would be payable in the event of any termination of employment, as of the date of layoff.
2. An employee who is laid off and his or her dependents shall be eligible to continue the City's group health coverage at the individual's expense pursuant to the Consolidated Omnibus Reconciliation Act of 1984 (COBRA). Details of this continuation coverage shall be provided to the employees by official notice from the City.
3. While on layoff, an employee shall not accrue any seniority or benefits.

11.03 **Appeal Procedure** An employee directly affected by the operation of this policy may, within five (5) working days after notice of layoff is received, request a meeting with his or her Department Head to review the application of this policy as it affects the employee's status..

If the employee is not satisfied with the review provided by his or her Department Head, a further review of the application of the layoff policy may be requested by the employee with the City Manager. Review by the City Manager must be requested within three (3) working days of a determination by the Department Head. The determination of the City Manager shall be final.

Appeals regarding the layoff policy shall be limited solely to alleged misapplications of the policy relating to the following:

1. Determinations of seniority.
2. Determinations of an employee's current or prior service in a classification.
3. Determinations as to whether a classification is in a series.
4. Other decisions directly affecting an employee's layoff status under this policy.

The determination of the City Manager shall be final, and except as provided herein, there shall be no other appeal rights under this policy.

Section 12

Grievance Procedure

12.01 **Purpose** – The purpose of the grievance procedure is to promote improved employee-employer relations by establishing a procedure for the prompt settlement of certain disputes, hereinafter defined as grievances.

A grievance shall be defined as a claim by an employee or a group of employees of a violation, misinterpretation, or improper application of written regulations, resolutions, ordinances, or a memorandum of understanding, or policies applicable to the grievant.

12.02 **Applicability** – Notwithstanding the foregoing, the grievance procedure is not applicable and shall not be used with the following:

- A. The exercising of any management rights by the City;
- B. Any matter for which a statutory appeal procedure exists; or
- C. The imposition of disciplinary action.

12.03 **Grievance Procedure Steps**

A. Informal Discussion

1. The grievance shall first be discussed on an informal basis by the aggrieved with the individual's immediate supervisor within five (5) working days from the date of the action causing the grievance.
2. Every effort shall be made to resolve the grievance at this level. If the grievant concern is not resolved, the grievant has the right to submit a formal written grievance.

B. Formal Written Grievance

1. In the event the grievant believes the grievance has not been satisfactorily resolved, the grievant should submit the grievance in writing to the next level of supervision within ten (10) working days of the above informal discussion.
 - a) The grievance must explicitly specify the policy or the particular section of the agreement, rule, resolution or ordinance the violation of which is being alleged as the basis for the grievance, and the remedy requested.
 - b) The grievant is entitled to individual representation at grievant expense at any of the remaining steps of the grievance procedure.

c) Within ten (10) working days of receipt of the grievance, the supervisor shall schedule a meeting with the grievant to discuss the grievance. Within ten (10) working days of the grievance meeting, the supervisor shall deliver a written decision to the grievant. (In the event this supervisor is not the Department Head, the procedure described in paragraphs a. and b. shall be repeated until the Department Head delivers a written decision.)

d) In the event that the grievance has not been resolved at this level of supervision, the grievant may within ten (10) working days submit the grievance, in writing, to the City Manager.

e) If the grievance involves a member of the City Council, the grievance shall be submitted directly to the Mayor, by-passing the above steps.

f) Within ten (10) working days of receipt of the grievance the City Manager shall schedule a meeting with the grievant to discuss the grievance. If the grievance involves a claim or dispute against the City Manager, a hearing officer with experience and knowledge of public sector employment practices and procedures shall be appointed by the Mayor to hear the appeal and the hearing shall be scheduled. (For the purposes of this policy only, the term 'City Manager' shall include a hearing officer if one has been appointed.) The grievant, at grievant expense, and the supervisor, may be represented by counsel and may call witnesses. The hearing shall be tape recorded unless either the employee or the City requests and makes arrangements for a stenographic reporter. If a stenographic reporter is used, each party shall pay one-half of the fees for such reporter. Any party requesting transcripts shall pay for them. Within ten (10) working days of that meeting the City Manager shall deliver a written decision to the grievant.

2. Appeal to City Council – If either the grievant or the person against whom the claim or dispute was filed believes the grievance has not been satisfactorily resolved, the grievant may request, within ten (10) working days, that the City Manager schedule an appeal hearing before the City Council. In order to coincide with the next scheduled Council meeting up to 40 (forty) days are needed to place the appeal on the agenda. The following procedures shall apply to the hearings:

a) The hearing shall be in closed session, unless the grievant requests a public hearing except that if the grievance is from a group of employees the hearing shall be public.

c) Counsel may represent the grievant at grievant expense, or the City Manager.

d) City Council review shall be based on the record of the proceedings before the City Manager and the final determination of the City Manager, with no new testimony taken.

- e) Each party may submit written argument to the Council. The written argument shall not exceed seven 8-1/2 by 11 inch typewritten pages and shall be submitted at least 7 (seven) calendar days before the hearing for inclusion in Council agenda materials. If such written argument is not received within this time frame it shall be deemed waived.
- f) Each party shall be allotted fifteen minutes for presentation of oral argument to the council.
- g) The hearing shall be tape recorded unless either the grievant or the City requests and makes arrangements for a stenographic reporter. If a stenographic reporter is used, each party shall pay one-half of the fees for such reporter. The party requesting any transcripts requested shall pay for them.
- h) The Council may affirm, reverse or modify the decision of the City Manager.
- i) The decision of the Council shall be made within 10 (ten) working days and shall be final at that time.
- j) No action shall be brought in Superior Court to challenge the Council's decision more than 90 (ninety) days after that decision becomes final.

12.04 **City Time** – Necessary and reasonable City time for the processing of a grievance shall be authorized for the employee who has filed a grievance.

12.05 **Employee Rights** Any employee shall have the right to exercise the grievance procedure regarding a violation, misinterpretation and misapplication, or improper application of written regulations, resolutions, ordinances, or policies applicable to the employee.

12.06 **Written Records of Grievances** All documents, communications, and records dealing with the processing of a grievance shall be kept in a separate grievance file in the office of the Personnel Officer and shall not be kept in the personal history file of any of the participants.

12.07 **Freedom from Reprisal** An employee filing a grievance in conformity with this policy shall have freedom from reprisal.

12.08 **Failure to Act** If the finding or resolution of a grievance at any step of the procedure is not appealed within the prescribed time, said grievance shall be considered settled on the basis of the last answer provided, and there shall be no further appeal or review. Should management not respond within the prescribed time, that action shall be considered to be a denial and the grievance shall proceed to the next step.

Section 13

Disciplinary Procedure

13.01 **General Policy** – Rules outlining acceptable conduct of employees are necessary for the orderly operation of the City and for the benefit and protection of the rights and safety of all employees. To promote the understanding of what is considered unacceptable conduct and to encourage consistent action by the City in the event of violations, examples of impermissible conduct that may lead to disciplinary action are identified below. However, it is impossible to provide an exhaustive list of types of conduct that may result in disciplinary action. The following list therefore contains some examples of conduct that may lead to the imposition of discipline up to and including termination:

- A. Misconduct
- B. Failure to meet job standards as described in the job description.
- C. Unexcused absence
- D. Excessive absenteeism or abuse of sick leave.
- E. Theft.
- F. Failure to comply with any provision of the Municipal Code, Personnel Manual, the ordinances, resolutions or any rules, regulations or policies which may be prescribed by the Department or City
- G. Insubordination.
- H. Bringing or possessing firearms, weapons, or other hazardous or dangerous devices or substances on the City property without proper authorization
- I. Using, possessing, or being under the influence of alcoholic beverages or illegal drugs on City property or while conducting City business, or reporting for work or working under the influence of alcohol or illegal drugs.
- J. Unlawful harassment, including sexual harassment.
- K. Altercations, including threats of violence or acts of violence.

13.02 **Progressive Discipline** – The City maintains a progressive discipline procedure to ensure a fair method of disciplining employees. The progressive discipline system is intended to give employees advance notice of problems with their conduct or performance in order to provide them an opportunity to correct any problems. Normally, progressive discipline involves verbal counseling, and one or more written warnings, before an employee is terminated. The written warning may place the employee on “Disciplinary Probation” and inform the employee of the possible consequences should additional violations or performance problems occur, however, exceptions or deviations from the normal procedure may occur whenever the City deems that circumstances warrant that one or more steps in the process be skipped. Accordingly, circumstances and severity of conduct violations may sometimes warrant immediate termination.

13.03 **Types of Disciplinary Action** As used in this section, "disciplinary action" shall mean any of the following and may be taken singly or in-combination:

- A. **Oral Reprimand** A verbal/oral reprimand is not made a part of the employee's permanent personnel file.

- B. **Written Reprimand** A written reprimand shall be recorded, signed by the employee and Department Head, forwarded to the City Manager's Office, and placed in the employee's personnel file. For public safety classifications of the Police Department written reprimands shall be served on the employee prior to being placed in his/her personnel file and the officer's rights pursuant to Government Code §§ 3000 et seq., the Public Safety Officers Procedural Bill of Rights Act (POBR). In accordance with POBR, a public safety officer in the Police Department may appeal a written reprimand to the City Manager. The decision of the City Manager shall be final.

- C. **Disciplinary Probation** An employee placed on disciplinary probation shall accrue vacation and sick leave time. However, the employee shall not accrue earned time for salary review or promotion while on such probation, nor shall said employee be allowed to compete in promotional examinations while on disciplinary probation. Disciplinary probation shall not be less than three (3) months nor for more than one (1) year.

- D. **Reduction in Salary** Upon recommendation of the Department Head and approval of the City Manager, an employee's salary may be reduced one or more steps for disciplinary reasons. The employee shall be given written notice which shall include notification of all conditions which must be met in order to receive his or her normal salary.

- E. **Demotion** Upon recommendation of the Department Head and approval of the City Manager, an employee may be demoted from one classification to another for disciplinary reasons. The salary upon demotion shall be established in accordance with Section 8.11.

- F. **Suspension** with or without pay. Fringe benefits such as vacation and sick leave shall not accrue during a period of suspension without pay. However, health, dental and life insurance shall remain in effect during a period of suspension without pay. For suspensions of three (3) working days or less, the Department Head may initiate disciplinary action without prior approval of the City Manager. For suspension in excess of three working days, the Department Head shall recommend an appropriate action for approval by the City Manager. The maximum period of suspension shall be twenty (20) working days.

- G. **Discharge or Dismissal** The Department Head shall recommend an appropriate action for approval by the City Manager. An employee who has been discharged from the City service shall be paid salary accumulated, and accrued vacation time.

13.04 Notice of Intended Disciplinary Action

- A. In cases of proposed disciplinary action, except an oral, or written reprimand, the proposed disciplinary action shall be served on the employee personally or by mail. The written notice of intended disciplinary action shall include:
1. The reasons for the disciplinary action, those facts alleged to be the basis for the intended action and copies of any documents or materials upon which the disciplinary action is based;
 2. The specific action proposed to be taken, including any time period or other conditions associated with the discipline;
 3. The proposed effective date of the intended disciplinary action; and
 4. The right of the employee to respond to the proposed disciplinary action either in writing or orally, at the option of the employee. The employee shall be advised that he/she has five (5) working days within which to file a written response or request, in writing, an informal pre-disciplinary conference before the disciplining authority or his/her designee.
- B. A copy of the notice of intended disciplinary action shall be placed in the employee's personnel file.

13.05 Pre-Disciplinary Hearing

A. Regular Employees. Each regular, non-probationary employee has a right to a pre-disciplinary hearing concerning a proposed termination, demotion, reduction in salary or suspension (Skelly rights). If the employee chooses to exercise his or her Skelly rights, said hearing shall be requested within ten (10) days of receipt of the Notice of Intended Disciplinary Action and shall be heard by the City Manager. Exercise of Skelly rights shall not preclude the employee from exercising his or her right to appeal.

B. Members of the Police Reserve. A member of the Police Reserve has a right to a pre-disciplinary hearing to refute the charges and clear his or her name when the charges are such that they impugn the member's good name (Lubey rights). If the member chooses to exercise his or her Lubey rights, said hearing shall be requested within ten (10) days of receipt of the Notice of Intended Disciplinary Action and shall be heard by the Chief of Police. Exercise of Lubey rights shall not preclude the member from exercising his or her right to appeal the Chief of Police's action for the purpose of ensuring that the member has had a meaningful opportunity to refute the charges and clear his or her name.

C. Pre-Disciplinary Hearing. Where an employee has requested an opportunity to respond orally, the disciplining authority shall cause an informal pre-disciplinary hearing to be held to review the statement of charges and to provide the opportunity for the employee or his/her representative to answer the charges. The disciplining authority shall allow the parties to

present any relevant evidence tending to prove or disprove the facts upon which the action is based or upon the nature and severity of the proposed disciplinary action. Failure of the employee to appear at the pre-disciplinary hearing, if one has been requested, shall forfeit all the employee's appeal rights.

13.06 Appeal to City Manager

A regular employee suspended, demoted or dismissed after the above-described pre-disciplinary hearing may appeal said decision and a member of the Police Reserve may appeal the Chief of Police's decision for the purpose of ensuring that member has had a meaningful opportunity to refute the charges and clear his or her name to the City Manager. Any such appeal must be made within ten (10) days of receipt of the Notice of Disciplinary Action and shall be made in writing. Within ten (10) working days of receipt of an appeal, the City Manager shall schedule an appeal. If the discipline was imposed by the City Manager, a hearing officer with experience and knowledge of public sector employment practices and procedures shall be appointed by the Mayor to hear the appeal and the hearing shall be scheduled. (For the purposes of this policy only, the term "City Manager" shall include a hearing officer if one has been appointed.). The employee, at the individual's expense, and the Department Head may be represented by counsel and may call witnesses. The hearing shall be tape recorded unless either the employee or the city requests and makes arrangements for a stenographic reporter. If a stenographic reported is used, each party shall pay one-half of the fee for such reporter. Any transcripts requested shall be paid for by the party requesting the same. Within ten (10) working days of that hearing, the City Manager shall deliver a written decision to the employee.

13.07. Appeal to the City Council.

A. A regular employee suspended, demoted or dismissed may appeal the City Manager's decision to the City Council. Any such appeal must be made within fourteen (14) days of receipt of the Notice of Disciplinary Action and shall be made in writing. Appeal can be made only upon the following grounds:

1. That the procedures set forth in these policies have not been followed;
2. That the action was taken solely because of discriminatory practices;
3. That the action taken was not in accord with the facts;
4. That the grounds for the action taken are without merit or unfounded.

B. The appeal shall be conducted as follows:

1. The appellant, at the individual's expense, and the City Manager may be represented by counsel. The decision of the Council shall be final.
2. The hearing shall be in closed session unless the employee requests a public hearing.

3. Council review shall be based on the record of the proceedings, with no new testimony taken, and the final determination of the City Manager.
4. Each party may submit written argument to the Council. The written argument shall not exceed seven 8-1/2 by 11 inch typewritten pages, and shall be submitted at least seven (7) calendar days before the hearing. If such written argument is not received within this time frame it shall be deemed waived.
5. Each party shall be allotted fifteen minutes for presentation of the oral argument to the Council.
6. The hearing shall be tape recorded unless either the employee or the City requests and makes arrangements for a stenographic reporter. If a stenographic reporter is used, each party shall pay one-half of the fee for such reporter. Any transcripts requested shall be paid for by the party requesting the same.
7. The Council may affirm, reverse or modify the decision of the City Manager.
8. The decision of the Council shall be final.
9. No action shall be brought in Superior Court to challenge the Council's decision more than ninety (90) days after the Council's decision becomes final.

**ACKNOWLEDGMENT OF RECEIPT OF
PERSONNEL MANUAL**

This is to acknowledge that I have received a copy of the personnel manual and understand that it contains important information on the City's personnel policies and on my obligations and responsibilities as an employee. I acknowledge that I am expected to read, understand, and adhere to City policies and will familiarize myself with the provisions in the manual. I understand that I am governed by the provisions in the manual; and that the City may change, rescind or add to any policies, benefits or practices declared in the manual from time to time in its sole and absolute discretion with or without prior notice. The City will advise employees of substantive changes within a reasonable time.

Employee's Signature

Date

This document shall be signed by the employee and placed in the employee's personnel file.