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**POLICY TITLE: FORWARD TO PERSONNEL POLICIES**  
**POLICY NUMBER: 2000**

**2000.10** The City of Nevada City's governing body is its City Council. Members of the City Council are elected by the voters living within the City. The City Council meets to consider and render decisions on a wide variety of polices and matters that arise as a result of the City's involvement in services to the community.

**2000.20** The City Council has delegated the day-to-day administration of the City to the City Manager.

**2000.30** As an employee of the City of Nevada City (the "City"), you will find that the City values the services of every employee in each job position. The City also recognizes that an effective organization can only be maintained through the willing cooperation of its employees. It is our intent to foster a working environment that supports this goal.

**2000.40** The City is small enough so that its employees will become well acquainted and familiar with all City operations. It is also large enough to provide some opportunity for advancement into more responsible positions as ability, training, experience, education and conditions permit.

**POLICY TITLE: STATEMENT OF PURPOSE-PERSONNEL**  
**POLICY NUMBER: 2005**

**2005.10** This Personnel Policy Guide has been prepared to give employees a better understanding of the City. It is designed to be a working guide for both employees and supervisors in the day-to-day operations of the City's personnel program. The text of the manual is not intended to be a legal contract with the employee, but rather is an attempt to describe generally the way the organization works. There will be circumstances from time to time that will require changes to the described policies, practices and benefits. Accordingly, the City Council will make amendments; as changes occur, updated pages will be distributed to employees.

**2005.20** This manual should increase understanding, eliminate the need for personal decisions on matters of organizational policy, and help assure uniformity throughout the organization. It affirms that the City retains sole discretion over determination and execution of its goals, objectives and policies.

**POLICY TITLE: GENERAL PERSONNEL**  
**POLICY NUMBER: 2008**

**2008.10** This Manual shall be known as the "Personnel Policy Guide," and may be cited as such.

**2008.20** The purpose of the Personnel Policy Guide is to provide guidance for the development and application of personnel management policy for the City.

**2008.30** The Human Resources Director shall maintain a current copy of the Personnel Policy Guide, with its legislative history attached, at the City offices.

**2008.40** This ordinance is effective as of the date of its enactment, and, together with any amendments enacted by the Council, is intended to be the governing policy of the City on any matters pertaining to City personnel. City Council enacted amendments and revisions shall be marked as such in the text of this document and the dates of revisions listed below.

**POLICY TITLE: EMPLOYEE CODE OF ETHICS/CONFLICT OF INTEREST**  
**POLICY NUMBER: 2009**

**2009.10** This section is enacted to establish guidelines for ethical standards of conduct which shall govern the performance of city employees in the conduct of public project work and other city business, and to prevent potential conflicts of interest and to comply with the requirements of California law established by AB 1234.

**2009.20** Definitions, as used in this chapter, unless additional meaning clearly appears from the content, shall have the meaning subscribed:

(1) "Employee" means any person holding a regularly compensated position of employment with the city, but does not include members of the city council and persons who serve without compensation on city boards and commissions.

(2) "Interest" means direct or indirect monetary or material benefit accruing to a city employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which confer similar benefits to all other persons and/or property similarly situated. For the purpose of this chapter, an employee shall have an interest in the affairs of:

(A) Any person of the employee's family or any person with whom the employee has a close or ongoing business or social relationship;

(B) Any business entity in which the city employee is an officer, director or employee;

(C) Any business entity in which the stock, or legal or beneficial ownership, in excess of five percent of the total stock, legal or beneficial ownership, is controlled or owned directly or indirectly by the employee;

(D) Any person or business entity with whom a contractual relationship exists with the employee, provided that a contractual obligation of less than five hundred dollars, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale shall not create an interest in violation of this chapter.

**2009.30** No city employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

(1) Receives or has any financial interest in any sale to the city of any service or property when such financial interest was received with prior knowledge that the city intended to purchase such property or obtain such service;

(2) Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the city; provided that the prohibition against gifts or favors shall not apply to:

(A) Attendance of an employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the employee as a staff representative is appropriate.

(B) An award publicly presented in recognition of public service; or

(C) Any gift which would have been offered or given to the employee if he or she were not a city employee;

(3) Participates in his or her capacity as a city employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the city;

(4) Influences the city's selection of, or its conduct of business with, a corporation, person or firm having business with the city if the employee has financial interest in or with the corporation, person or firm;

(5) Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;

(6) Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the city or a city officer in an official capacity is a party, or accepts a retainer or compensation that is contingent upon a specific action by the city;

(7) Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the city to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the city;

(8) Has a financial or personal interest in any legislation coming before the city council, participates in discussion with or gives an official opinion to the city council, unless the employee discloses on the record of the council, the nature and extent of such interest;

(9) Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the city, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the city in regard to the regulation of land use or development; provided, that this prohibition shall not apply to:

(A) Real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or

(B) Any other interest in real property held by the employee on the date of enactment of this chapter.

**POLICY TITLE: NON-DISCRIMINATION**

**POLICY NUMBER: 2010**

**2010.10** Employment practices of the City shall fully comply with federal and state equal employment opportunity laws. The City shall not unlawfully discriminate for or against any person based upon race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, age or political opinion or political affiliation.

**POLICY TITLE: HARASSMENT-FREE WORK ENVIRONMENT**  
**POLICY NUMBER: 2020**

**2020.10** It is City policy to maintain a work environment free from discriminatory insult, intimidation or harassment due to race, color, religion, sex, age, physical handicap or national origin. Any incident of discriminatory insult, intimidation, or harassment in any form should be promptly reported to the City Manager or the Mayor of the City for investigation and appropriate action.

**2020.20** Spoken or written comments which are vulgar or profane, or which disparage or insult another person's religion, sex, age, physical handicap, ethnic origin, race, or culture constitute unacceptable conduct and will not be tolerated. Any employee who engages in this type of conduct will be disciplined. Disciplinary actions may range from verbal reprimand to discharge from employment, depending on the specific circumstances.

**2020.30** Sexual harassment of City employees in the work place by any person in any form is prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by someone in or from the City when submission to such conduct is made, either expressly or by implication, a term or condition of an individual's employment; when submission to or rejection of such conduct is the basis for employment decisions affecting that individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment or adversely affecting the employee's performance, evaluation, advancement, assigned duties, or any other condition of employment or career development. Sexual harassment also includes any act of retaliation against an employee for reporting violations of this policy. Other examples of sexual harassment, whether committed by a City Councilmember, a supervisor or non-supervisory personnel are:

- A. Unwelcome sexual flirtations or propositions;
- B. Verbal abuse of a sexual nature;
- C. Graphic verbal comments about an individual's body;
- D. Sexually degrading words used to describe an individual;
- E. The display in the work place of sexually suggestive objects or pictures.

**2020.40** Each department head and each supervisor has the responsibility of maintaining an environment free of sexual harassment in his or her work place. This responsibility includes discussing this policy with his or her employees and assuring them that they are not required to endure sexually insulting, degrading or exploitive treatment or any other form of sexual harassment.

**2020.50** An employee who feels that he or she has been or is being sexually harassed, or who is aware of or suspects the occurrence of sexual harassment, or who desires counseling on coping with sexual harassment should immediately contact the Mayor or the City

Manager. Each complaint will be investigated quickly and confidentially to determine if sexual harassment has occurred.

**2020.60** If, as a result of investigation, a determination is made that an employee has sexually harassed another employee, appropriate disciplinary action will be implemented. An employee will be disciplined according to the nature and severity of the offense. The range of disciplinary actions is from verbal reprimand to discharge from employment, depending on the specific circumstances.



**POLICY TITLE**                      **WORKPLACE VIOLENCE**  
**POLICY NUMBER**                 **2021**

**2021.10**         Safe Workplace - The City of Nevada City is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Therefore in an effort to help prevent or reduce the possibility of violence here in the City workplace, the City of Nevada City implements this policy on workplace violence for our employees.

**2021.20**         Workplace Violence Prohibition - The City of Nevada City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment.

- A) Threatening injury or damage against a person or property.
- B) Fighting or threatening to fight another person.
- C) Threatening to use a weapon on City of Nevada City premises.
- D) Abusing or injuring another person.
- E) Abusing or damaging property
- F) Using obscene or abusive language or gestures in a threatening manner.
- G) Raising ones voice in a threatening manner.
- H) Because of the potential for misunderstanding of the above items A through G, joking about any of the above will be considered misconduct and is also prohibited.

**2021.30**         City Premises - The term “premises” means all areas within the ownership and/or control of the City of Nevada City, including but not limited to, buildings, offices, work areas, lounges, kitchens, parking lots, desks, cabinets, lockers, storage areas, and any other City of Nevada City owned property on which employees may work. The City of Nevada City reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for workplace safety.

**2021.40**         Reporting Violent Conduct - Workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the supervisor and/or department head as soon as possible. Incident reports are to be completed, as appropriate. If the City of Nevada City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge. The Human Resource Director shall and Department Head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.

**2021.50**         Imminent Danger/Violence Incident Procedure - An employee who reasonably believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g.; any person who uses obscene language or gesture, makes threats or acts in a violent or threatening manner) may immediately become violent putting an employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an

emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate supervisor.

**2021.60**      Security Precautions - All City of Nevada City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times.

**POLICY TITLE: CITY RIGHTS**  
**POLICY NUMBER: 2030**

**2030.10** The City has the exclusive right, in accordance with applicable laws and regulations, to take certain actions including, but not limited to, the following:

- A. To manage the City generally and to determine the issues of policy;
- B. To determine the existence or non-existence of facts which are the basis of the Management decision;
- C. To determine the necessity and organization of any service or activity conducted by the City and to expand or diminish services;
- D. To determine the nature, manner, means, technology and extent of services to be provided to the public;
- E. To require performance of other public safety services not specifically stated herein in the event of emergency or disaster, as deemed necessary by the City.
- F. To determine methods of financing;
- G. To determine types of equipment or technology to be used;
- H. To determine and/or change the facilities, methods, technology, means and size of the work force by which the City operation is to be conducted;
- I. To determine and change the number of locations, relocations and types of operations, processes, and materials to be used in carrying out all City functions including, but not limited to, the right to contract for or subcontract any work or operation of the City.
- J. To assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments;
- K. To relieve employees from duties for lack of work or similar non-disciplinary reasons;
- L. To establish and modify productivity and performance programs and standards;

M. To discharge, suspend, demote or otherwise discipline employees for proper cause;

N. To determine job classifications and to reclassify employees; and

O. To hire, transfer, promote and demote employees for non-disciplinary reasons in accordance with this Agreement and applicable Resolutions and Codes of the City.

The City's exercise of a City right listed herein shall not be subject to the Grievance Procedure unless it is alleged that such exercise raises an issue involving the interpretation of Personnel Policy Guide or a Memorandum of Understanding. In that case, the grievance will be limited to the dispute over the interpretation of the Rules or the Memorandum of Understanding.

**2030.20** These City rights shall be exercised by the City Council acting as a body or as delegated to the City Manager.

**POLICY TITLE:** ADMINISTRATION OF RULE  
**POLICY NUMBER:** 2040

**2040.10** The City Manager, subject to the direction of the Council, shall be responsible for the administration of the rules set forth in this Manual.

**2040.20** The City Manager, in his or her discretion, may delegate any of his or her authority set forth in these rules, as he or she may deem appropriate and necessary.

**2040.30** All provisions of this Personnel Policy Guide shall apply from the date of its adoption to all City employees without regard to the date of their original employment. This Guide nullifies, replaces and supersedes all previous personnel policies.

**POLICY TITLE:                   APPLICABILITY OF DEFINITIONS**  
**POLICY NUMBER:               2050**

**2050.10**       The definitions in this chapter apply to the provisions of the Personnel Policy Guide only, as originally enacted or as later amended, and do not affect any other ordinances or resolutions of the Council. Terms used in this Guide shall, unless the context clearly indicates a contrary intent, have the meaning accorded them by the definitions in this Section.

**POLICY TITLE:                   DEFINITIONS**  
**POLICY NUMBER:               2060**

**2060.10**       Authorized Position - A specific work position, within a job classification, which is or may be held by an employee.

**2060.20**       City Council- The City Council of the City of Nevada City.

**2060.30**       Continuous Employment - City employment which is uninterrupted except by authorized absences.

**2060.40**       Contracted Services - Contracted Services refers to work performed for the City by independent contractors who retain the right to control the manner and means by which the work is to be performed while the City controls the result. Independent contractors are not employees of the City.

**2060.50**       Demotion - A change in job classification to a lower job, salary or salary range.

**2060.60**       Department - A major administrative branch of the City, involving a general line of work, with one or more employees under the charge of one or more individuals, known as supervisors.

**2060.70**       Dismissal - Involuntary termination of employment with the City.

**2060.80**       City - The City of Nevada City.

**2060.90**       Employee - A person who has been employed to serve in a City job position or who is on an authorized leave of absence from such position.

**2060.100**      Exempt Employees - Exempt employees are persons who are exempt from the minimum wage and overtime provision of the Fair Labor Standards Act and do not receive overtime pay, e.g. executive, administrative and professional employees.

**2060.110**     Good Standing - Any currently employed full or part-time employee not under disciplinary action by the City.

**2060.120**     Grievance - A dispute between the City and one or more employees concerning the application of City employment policies articulated in this Guide to the terms or conditions of his or her employment.

**2060.130**     Guide - Guide means the Personnel Policy Guide.

**2060.140**     Immediate Family - An employee's father, mother, stepparents, spouse, child, stepchild, foster child, brother, sister, grandparent, grandchild, or those of the employee's spouse.

**2060.150**     Job Classification - Descriptive title of a certain type of job performed by a City employee. Inherent in each classification are certain duties, responsibilities and degrees of authority.

**2060.160**     Leave of Absence - When authorized, an absence from duty for a specified period of time. An employee on authorized leave may return to the same or a similar position at the end of the authorized leave period.

**2060.170**     Non-Exempt Employees - Non-exempt employees are persons who are not exempt from minimum and overtime provisions of the Fair Labor Standards Act. At the option of the City these employees will receive either overtime pay or compensatory time off for work performed in excess of eight (8) in a workday or forty (40) hours per workweek.

**2060.180**     Pay Period - The pay period shall be every 14 days.

**2060.190**     Performance Evaluation - A review and evaluation of an employee's performance and demonstrated capabilities in his or her authorized position by his or her supervisor.

**2060.200**     PERS - Public Employees Retirement System. All regular full time employees are required to join PERS. Regular part time employees, after working 1,000 hours in a calendar year are required to join PERS. (Note: Working hours do not include sick leave or vacation hours used.)

Personnel Policy Guide/Rules - This group of rules and procedures concerning City employment.

**2060.220**     Probationary Period - The probationary period is a step in the City's hiring process. It allows the probationary employee and the City an opportunity to determine if this is the right job for this person and the right person for the job. The City will use the probationary period to continue its assessment of an applicant for regular employment. During the probationary period an employee serves at the will or the pleasure of the City and may be discharged without prior notice and without cause. While normally the first twelve (12) months of employment, the probationary period may be extended by the City Manager. The probationary employee does not have the Grievance Procedure rights described in Section 2320 of this manual.

**2060.230**     Regular Full-Time Employee - A City employee who is regularly assigned to work forty (40) hours per week in an authorized position and has successfully completed the probationary period.

**2060.240**     Regular Part-Time Employee An employee of the City who is regularly scheduled to work fewer than forty (40) hours each week in an authorized position and has successfully completed the probationary period.

**2060.250**     Salary Range - Categories that determine the minimum and maximum salary payable for each employment classification.

**2060.260**     Salary Step - Level of salary payable in each salary range.

**2060.270**     Seasonal Employee - A full-time or part-time employee who works during a specific part of each work year. Unlike a temporary employee who has no reasonable expectation of re-employment, a seasonal employee who performs satisfactorily may be offered re-employment the following year. A seasonal employee is not eligible for paid vacation, holiday or sick leave benefits, and is not a "regular full-time" or "regular part-time" employee regardless of the hours the seasonal employee is scheduled to work.

**2060.280**     Sick Leave - An excused, paid absence from duty by an employee due to illness as described in Policy Numbers 2240 of this Personnel Policy Guide entitled Sick Leave.

**2060.290**     Supervisor - A person who has day-to-day direction and responsibility over the work of one or more specific employees.

**2060.300**     Suspension - A City-mandated temporary leave of absence which may be either paid or unpaid and may be either for disciplinary or investigative purposes.

**2060.310**     Temporary/Employee - An employee hired for a specific purpose for a limited period of time or an employee who works on an on-call or as-needed basis. A temporary employee has no reasonable expectation that he or she will be called or re-employed by the City in the future. A temporary employee shall receive no City-paid benefits, and is not a "regular full-time" or "regular part-time" employee regardless of the hours the temporary is scheduled to work.



**2060.320**     Termination - The conclusion or cessation of employment with the City, whether initiated by the City or the employee.

**2060.330**     Vacancy - An unfilled authorized position in the City.

**2060.340**     Work Week - For purposes of computing overtime, the City's work week will run from 12:01 a.m. Saturday through midnight the following Friday.

**POLICY TITLE: EMPLOYEE SELECTION**  
**POLICY NUMBER: 2070**

**2070.10** Employees are selected on the basis of merit, ability, appropriate education, competence, experience and employment references. No employee of the City nor any person seeking employment with the City, shall be unlawfully favored or discriminated against because of political opinion or affiliation, or because of race, color, creed, national origin, sex, age, religious belief or physical or mental handicap. Any technique or procedure used in the selection or promotion of employees shall be designed to measure only the job-related qualifications of the applicants. Hiring shall be done by the City Manager. Hiring at or above the department head level shall be subject to City Council approval.

**POLICY TITLE: PROBATIONARY APPOINTMENT**  
**POLICY NUMBER: 2080**

**2080.10** Before employing a person as a full-time or part-time regular employee, the City shall employ that person as a probationary employee for a period of at least twelve (12) months. The City Manager may extend the probation period beyond twelve (12) months. Any extension of the probationary period shall also extend the probationary status of the employee.

**2080.20** The probationary period is a step in the City's hiring process. It allows the probationary employee and the City an opportunity to determine if this is the right job for this person and the right person for the job. The City will use the probationary period to continue its assessment of an applicant for regular employment.

**2080.30** At any time during the probationary period, the probationary employee or the City may terminate the employment relationship without cause and without recourse to the Grievance Procedure set forth in Section 2320 of this Personnel Policy Guide.

**2080.40** If interrupted by an authorized leave or absence, the probation period will be extended accordingly.

**POLICY TITLE: REGULAR APPOINTMENT**  
**POLICY NUMBER: 2090**

**2090.10** Prior to the completion of the probationary period, the probationary employee shall be evaluated by his or her supervisor. If the probationary employee's performance has been satisfactory, the supervisor shall recommend the probationary employee for a regular appointment. The City Manager shall review the recommendation and if he or she concurs, the probationary employee shall become a regular employee effective the first day of the month following completion of the probationary period.

**POLICY TITLE: EMERGENCY HELP**  
**POLICY NUMBER: 2100**

**2100.10** In cases of great emergency, when necessary to protect lives or property from imminent danger, the City Manager may employ a person or persons on behalf of the City as a temporary employee(s) for a period which shall not extend beyond the duration of the emergency or the adjournment of the next regular meeting of the Council, whichever is earlier.

**2100.20** Additionally, the City Manager may employ a person or persons on behalf of the City as a temporary employee(s) for a period which shall not extend beyond the adjournment of the next regular meeting of the Council, when circumstances are found to exist as would cause unreasonable damage to or deterioration of City property or the curtailment or impairment of important City operations without such additional employment.

**2100.30** Temporary help employed pursuant to this Section shall be at the salary for the appropriate classification, unless changed by subsequent action of the Council. Any such appointment shall be reviewed by the City Council at the first regular meeting following the appointment.

**POLICY TITLE: PHYSICAL EXAMINATION**  
**POLICY NUMBER: 2110**

**2110.10** Prior to making an appointment of any employee, the City may require the potential appointee to pass a physical examination. The physician's report shall be submitted to the City before the new employee begins his or her employment. At any time during an individual's employment with the City, if concerns arise about the employee's ability or fitness to perform his or her job, the City may require the employee to have a physical examination. The cost of required examinations will be borne by the City.

**POLICY TITLE: HIRING OF RELATIVES**  
**POLICY NUMBER: 2120**

**2120.10** The City's policy is to hire, promote and transfer employees on the basis of individual merit and to avoid discrimination in making such decisions.

**2120.20** City Councilmember's' or current City employees' spouses or other relatives may only be employed within the same department or agency facility when all the following criteria are met:

- A. Such employment does not adversely affect safety, morale, security or supervision, and
- B. Such spouses or relatives neither initiate nor participate in making institutional recommendations or decisions that would directly affect employment status of their spouses or relatives. These recommendations/ decisions include but are not limited to selection, appointment, retention, tenure, work assignments, promotion, demotion or salary.

**2120.30** The City may prohibit assignment or reassign spouses or relatives if, in its sole discretion, it finds that any of the above criteria are not met.

**2120.40** Spouse and relatives refer to persons related by blood or marriage, or any relative residing in the immediate household of the City Councilmember or employee (including, but not limited to: wife, husband, parent, child, grandparent, brother, sister, in-laws, aunt, uncle, step-relatives).

**2120.50** This policy also applies to persons who are not legally married but live together and, in the City's judgment, share the attendant responsibilities and commitments of marriage.

**2120.60** Marriage While Employed - If two persons should marry while both are employed by the City, they may continue their employment in the same job provided that the criteria set forth in Section 2120.20 are met.

**2120.70** If the criteria are not met, one of the spouses must change jobs, change City locations or terminate his or her employment with the City. The couple will make a decision within thirty (30) days of the marriage as to which of them will change positions or employment.

If this decision is not made within thirty (30) days, however, the employee with the least seniority (based upon his or her total time as a City employee) shall be transferred or terminated. If both employees have the same seniority, the City's decision which employee must be transferred or terminated will be based upon the necessity of operating the City in an effective manner. If the City Manager determines that an overriding business necessity requires the transfer or termination of one particular spouse, such overriding necessity shall supersede the foregoing system.

**2120.80** The provisions of this paragraph also apply to employees who establish a relationship described in Sections 2120.10-2120.20 above.

**2120.90** The City Manager may authorize an exception to this policy if it is found that (1) the position to be filled requires a person with specialized training and experience not generally available in the employment market, (2) substantial bona fide efforts have been made to locate and employ such a person who is not a relative of any City Councilmember or employee, and (3) the relationship between the relative and the applicant or employee is unlikely to materially affect his or her employment by the City. Any such exception authorized by the City Manager must be ratified by the Council.

**2120.100** The City Manager has responsibility for the administration of this policy with regard to all hiring and promotional practices. The City Manager will include in his or her annual report to the City Council a review of the implementation of this policy.

**POLICY TITLE: LATERAL TRANSFER**  
**POLICY NUMBER: 2130**

**2130.10** If a new position is established or if a position is or will become vacant, the City Manager may laterally transfer a City employee working at or above that level into the vacant position.

**POLICY TITLE:                   ADVERTISING AND FILLING VACANCIES**  
**POLICY NUMBER:               2140**

**2140.10**       If a new or vacant position is not filled through transfer as described in Personnel Policy Guide 2130.10, the City Manager shall advertise for the position.

**2140.20**       Job advertisements shall be posted in the City office and shall be published in a general circulation newspaper.

**2140.30**       The advertisement shall state:

- A. Position title;
- B. Salary or wage range;
- C. Deadline for filing an application;
- D. Where and how application may be obtained.

**2140.40**       Nothing in this provision shall be interpreted to preclude the City from promoting qualified individuals from within without the necessity of advertising a vacant or newly created position when to do so is in the best interests of the City as determined by the City Manager.

**2140.50**       Applications - All applications must be in writing and must be submitted on the form provided by the City. Letters of recommendation and references may be required where appropriate.

**2140.60**       Interviews - Before an applicant is hired, he or she shall be personally interviewed to ascertain that the candidate can perform in this job classification.

**2140.70**       Applicability of Advertising and Hiring Provisions - Applies to filling regular full-time and regular part-time employee positions, (See Policy 2130.10). These sections do not apply to appointment of seasonal or temporary employees.

**2140.80**       Appointment - The position of City Manager shall be filled by City Council appointment. The City Manager shall appoint successful candidates to fill all other vacant positions.

**POLICY TITLE:                   REGULAR WORK WEEK AND WORK DAY**  
**POLICY NUMBER:               2150**

**2150.10**       The work week shall be forty (40) hours for a seven (7) day period running from 12:00 a.m. Saturday through midnight the following Friday. Management may set other hours of work for specific positions to accommodate City needs.

**2150.15**       The City's public hours shall be Monday through Friday from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m.

**2150.20**       Employees may be scheduled four (4) ten- (10) hour days per week with Friday off; four (4) nine- (9) hour days per week with half (2) days off on each Friday or every other Friday off; or another work schedule as determined by the City Manager. Each work day shall include an unpaid meal period, and one paid fifteen (15) minute work break during each period of four consecutive work hours. Work breaks may be scheduled by supervisors.

**POLICY TITLE:                   SALARIES**  
**POLICY NUMBER:               2160**

**2160.10**       With the exception of the City Manager, whose compensation shall be determined by the City Council. Employees' wages, salaries and benefits will be determined by the City Manager, subject to the wage, salary scale and benefits approved by collective bargaining and ratified by the City Council.

**2160.20**       All employees, with the exception of temporary and seasonal workers on an hourly basis of pay, have their salaries set on the basis of a regular monthly sum. Pay periods will be on a bi-weekly basis. Paydays will be on alternating Fridays, or Thursday if a listed holiday falls on a Friday.

**POLICY TITLE: OVERTIME**  
**POLICY NUMBER: 2170**

**2170.10** Non-exempt employees are eligible for overtime pay. Overtime must be authorized in advance by an immediate supervisor when reasonably feasible. Overtime pay shall be received for the following:

- A. Hours worked in excess of eight (8) hours in a workday or forty-hours (40) in a workweek.
- B. Hours worked on a regularly scheduled holiday by non-exempt regular full-time employees who are required to work on any holiday shall be granted overtime pay or compensatory time off in one-and-one-half times the amount worked on such holiday in addition to holiday pay.
- C. Hours worked when called in on a day off, or called back to work after leaving the job subject to a two (2) hour minimum.

**2170.20** Non-exempt employees shall be paid overtime in the amount of one-and-one-half times the employee's straight time hourly pay rate computed to the nearest one-quarter hour worked.

**2170.30** Exempt classified employees shall receive no additional pay for time worked over forty (40) hours in a week.

**2170.40** Members of the Nevada City Police Officer's Association, the Nevada City Fire Department Employee's Association and the Nevada City Police Supervisor's Association have varying work periods and Overtime policy for these Association members is included in the most recent Memorandum of Understanding for each unit, which are on file with the Human Resources Office in City Hall.



**POLICY TITLE:                   COMPENSATORY TIME OFF (CTO)**  
**POLICY NUMBER:               2180**

**2180.10**       Before working any overtime, an employee shall have been authorized or required to do so by his or her department head or the City Manager. In the case of a bona fide emergency, if it is not reasonably feasible to obtain such prior authorization, the employee who has worked overtime shall request such authorization on the next regular work day.

**2180.20**       Any non-exempt employee may request of his or her department head in writing to take 1½ hours of overtime pay for each hour worked in excess of eight (8) hours in a workday or forty (40) hours in one workweek. For the purposes of computing overtime, use of holidays, vacation or compensatory time off during any given workweek shall not be considered time actually worked for the purpose for computing overtime.

**2180.30**       Compensation - Overtime shall be compensated at 1½ times the employee's basic hourly rate of pay, or at the employee's request and with the department head's approval, Compensating Time Off (CTO) may be taken at the rate of 1½ hours off for each hour worked in lieu of overtime pay.

**2180.40**       Accumulation and Use of CTO - No employee shall accumulate more than 40 hours of CTO. Before using CTO an employee shall have obtained the approval of the employee's department head. Upon termination, any employee with accumulated CTO shall have it paid off. Overtime shall be paid in accordance with these rules and the provision of the Fair Labor Standards Act for non-exempt employment.

**POLICY TITLE:                   EMERGENCY DUTY**  
**POLICY NUMBER:               2190**

**2190.10**       Call-Out: When responding to an emergency call, an employee shall be credited with a minimum of two hours plus any hours worked in excess of two hours in which the employee is continuously engaged in work for which he or she was called back. Providing brief consultation assistance over the phone is not recognized as being continuously engaged in work.

**2190.20**       On-Call: When warranted and in the interest of the City's operations, department heads or their designee may assign employees to "on-call" status.

- A. Employees assigned weekend on-call duty shall be compensated for three (3) hours straight time at the employee's then hourly rate for each twenty-four hour period, or any portion thereof. An employee must remain where he or she can be contacted by telephone and he or she is ready for immediate call back to his or her department to perform an essential service.

**POLICY TITLE: PAY ADVANCES, DEDUCTIONS, FINAL CHECK**  
**POLICY NUMBER: 2200**

**2200.10** Pay advances on earned wages and salaries may be granted on an individual basis if approved by the City Manager. Advances on unearned wages and salaries will not be made.

**2200.20** As required by law, the City makes payroll deductions from each employee's wages and salaries for federal withholding taxes, Social Security taxes (employees share currently paid by the City on behalf of the employee), California State withholding taxes, and State Disability Insurance and wage garnishment. Deductions are also made from employees' salaries for contribution to the Public Employees Retirement System (also employees share is currently paid by the City on behalf of the employee). New employees hired after 7/1/2008 may be required to pay a portion of Employee and their Dependent's insurance benefits.

**2200.30** A final paycheck shall be issued to a dismissed employee or an employee who has been laid off due to lack of work at the time of separation from employment.

**2200.40** A final paycheck shall be issued within 72 hours to an employee who has resigned unless the employee has given 72 hours notice, in which case the check will be issued at the time the resignation becomes effective.

**POLICY TITLE:                   COMPENSATION SCHEDULE AND SALARY PLAN  
ADMINISTRATION**

**POLICY NUMBER:           2210**

**2210.10**       With the exception of position of City Manager, all City employees shall receive the compensation provided in the basic salary schedule. The City Council may, at any regular meeting or special meeting duly called for that purpose, adjust the salaries or salary ranges by minute order or resolution. It is the Council's goal to determine annual salary adjustments by July 1 of each year.

**2210.20**       The City has a salary schedule that denotes the steps in the pay ranges of the City salary plan.

**2210.30**       Except as otherwise provided in this manual, employees and candidates shall be employed or appointed at the first step of the salary range for their particular class. Advancement within a salary range shall not be automatic, but shall be given only upon affirmative recommendation of the employee's supervisor and approval of the City Manager. Thereafter, an employee may be considered for increase in salary according to the following schedule:

Step 1 shall be paid upon initial appointment to City service for a period of at least six (6) months, except when another step is indicated as the beginning pay step.

After satisfactory completion of at least six (6) months service in Step 1, employees may be considered for merit increase to Step 2. Employees appointed at other than Step 1 may be considered for increase to the next higher step upon the satisfactory completion of at least six (6) months service.

- A. After satisfactory completion of at least six (6) months at Step 2, employees may be considered for increase to higher steps.
- B. All step increases shall be effective the first day of the next payroll period following the employee's eligibility for such increase.

**2210.40**       Regular part-time employees shall be eligible for step increases when their equivalent length of service meets the provisions of paragraph 2210.30(B) in this section.

**2210.50**       Incentive Awards - A program to pay incentive awards to employees for superior and exceptional performance has been negotiated in each unit's Memorandum of Understanding.

**POLICY TITLE: SPECIAL PAYS**  
**POLICY NUMBER: 2211**

**2211.10**      Special Certification Differential: Regular employees designated by the City Council or the City Manager to acquire and maintain special certification required to meet federal, state or local laws or regulations shall receive compensation as per each bargaining unit's Memorandum of Understanding.

**2211.20**      Out of Classification Pay Differential: When a full-time or part-time employee is required to work in a higher classification for which the compensation is greater than that to which the employee is regularly assigned, and the employee works in such assignment for more than twenty (20) work days, the employee shall receive compensation for such work retroactive to the first day of the assignment at the rate of pay established for the higher classification under the following conditions:

- A. The employee is assigned to a program, service or activity established by the City Council which is reflected in an authorized position which has been classified and assigned to the Salary Schedule and such authorized position has become vacant due to the temporary or permanent absence of the position's incumbent. The City Manager's written approval of this assignment must be obtained at the start of the assignment.
- B. The nature of the departmental assignment is such that the employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.
- C. Notwithstanding (A) above, in an exceptional circumstance when a vacancy does not exist but an employee has been assigned to perform duties which exceed the scope of that employee's classification, and when determined and justified by the City Manager, in his/her sole discretion, employee will be entitled to pay for a higher classification in accordance with other provisions of this section.
- D. Employees selected for the assignment will normally be expected to meet the minimum qualifications for the higher classification.
- E. Pay for work in a higher classification shall not be utilized as a substitute for regular promotional procedures provided in City policy.
- F. Higher pay assignments shall not exceed six (6) months except through re-authorization.

- G. If approval is granted for pay for work in a higher classification and the assignment is terminated and later re-approved for the same employee within thirty (30) working days, no additional waiting period will be required.
- H. Allowable overtime or differential pay will be paid on the basis of the rate of pay for the higher classification.
- I. Employees selected for the assignment will be placed at no less than the first step for the higher classification provided the increase in pay is not less than five percent (5%) above their current pay status.

**POLICY TITLE: PAID HOLIDAYS**  
**POLICY NUMBER: 2220**

**2220.10** Regular full-time employees shall receive holiday pay on the following days:

- New Years' Day.....January 1
- Martin Luther King Jr.'s Birthday..... 3rd Monday in January
- Abraham Lincoln's Birthday..... February 12
- President's Day .....2<sup>nd</sup> Monday in February
- Cesar Chavez' Birthday Day.....March 31
- Memorial Day.....Last Monday in May
- Independence Day .....July 4
- Labor Day..... 1st Monday in September
- Admission Day.....September 9 \*\*
- \*\* Floating Holiday for Admin. Staff & DPW to prepare for Constitution Weekend
- Columbus Day..... 2nd Monday in October
- Veterans Day .....November 11
- Thanksgiving.....4th Thursday in November
- Friday after Thanksgiving..... 4th Friday in November
- Christmas .....December 25

**2220.30** Any of the allowed holidays falling on a Saturday will be observed on the preceding Friday. Those falling on Sunday will be observed on the following Monday.

**2220.40** Part-time and seasonal employees are not eligible for holiday pay.

**2220.50** Overtime for Holiday Work - Non-exempt regular full-time employees who are required to work on any holiday shall be granted overtime pay or compensatory time off in one-and-one-half times the amount worked on such holiday.

**2220.60** Due to 24/7 coverage requirements for Police and Fire, this schedule does not apply. Holidays are covered by their current Memorandum of Understanding.

**POLICY TITLE: PAID VACATIONS**  
**POLICY NUMBER: 2230**

**2230.10** Purpose: - The purpose of this policy is to provide guidance in the implementation of vacation leave.

**2230.11** Accrual: - Vacation benefits shall accrue monthly for all regular full-time employees effective upon his/her initial date of hire. Vacation benefits are earned in accordance with an employee's appropriate memorandum of understanding or management pay plan.

**2230.12** An employee may take vacation ~~only after successful~~ prior to successful completion of his/her probationary period on a situational basis to be approved by the City Manager or designee.

**2230.13** Vacation benefits will not accrue during a leave of absence without pay, but any accrued vacation will not be lost.

**2230.14** No regular full-time employee will accrue more than thirty-two (32) days of allotted vacation time. When the full-time employee has accrued the 32-day allotment, no further vacation will be earned until after some vacation time is taken or unless superseded by a Memorandum of Understanding with any employee bargaining groups.

**2230.15** Vacation schedules will be arranged as early as possible each year. Employees will schedule vacation with the approval of their Department Head.

**2230.16** At termination, an employee will be paid for unused vacation time at the employee's regular salary rate.

**2230.17** An employee who becomes ill while on vacation and desires to claim sick leave rather than vacation will make such a request as soon as possible after he or she desires sick leave compensation to begin. The City requires a medical doctor's certificate for any period of sick leave requested while on vacation.

**2230.18** Vacation leave taken must be verified by the employee on appropriate forms provided by the City or the claim for paid leave will not be allowed.

**2230.19** Where a listed holiday falls during an employee's vacation, he or she is entitled to one (1) day of vacation to compensate for such holiday.

**2230.20** Due to 24/7 coverage requirements, this schedule does not apply to Police and Fire employees. Vacations for Police and Fire employees are covered by their most current Memorandum of Understanding.

**POLICY TITLE: SICK LEAVE**  
**POLICY NUMBER: 2240**

**2240.10** Sick leave is an employee benefit provided by the City to be granted in circumstances of adversity and for the purpose of promoting the health and welfare of the individual employee. It is not an earned right to be used like vacation time. Sick leave is granted to an employee when he or she must be absent from duty because of a bona fide illness or injury.

**2240.20** All regular full-time and probationary employees will accrue sick leave beginning on the employee's first day of work. It will accrue at the rate of one (1) eight-hour day for each full month of service.

**2240.40** Sick leave shall not accrue during a leave of absence without pay, but accrued sick leave shall not be lost.

**2240.50** Accrued sick leave with pay shall be granted for regular benefited employees for the following reasons:

- A. The employee's own illness or injury;
- B. Medical or dental appointments;
- C. Providing care for a member of the immediate family (as described in Policy No. 2060.140) where such member is ill or injured and who requires the care or attendance of the employee; and
- D. Death in the immediate family (See Policy No. 2250.30). A regular employee will be allowed to use up to three (3) days of accumulated sick leave in addition to bereavement leave due to the death of a member of the immediate family. (See policy No 2530). Note: For the purpose of using accrued sick leave, immediate family shall include an employee's father, mother, step-parents, spouse, child, step-child, foster child, brother, sister, grandparent, grandchild or those of the employee's spouse (as described in Policy No. 2060.140).

**2240.60** It shall be the responsibility of each employee absent from duty due to illness or injury to notify his or her supervisor within the first one-half hour of the employee's start time. Employees with sole responsibility for opening a facility or starting a scheduled City activity are responsible for notifying the supervisor of their absence due to illness or injury far enough in advance to allow the supervisor to arrange for a substitute to perform these duties.

**2240.70** A statement from a medical doctor verifying the reason for absence due to illness or injury may be required by the City.



**2240.80** A doctor's statement may also be required stating that the employee is capable of returning to his or her normal duties.

**2240.90** Sick leave with pay will not be authorized or granted for periods in excess of accrued sick leave. Upon retirement unused accrued sick leave will be credited to the employee according to the provisions of the City's contract with PERS.

**2240.100** Sick Leave Donations - Employees may donate part of their accrued sick leave to any other employee of the City who exhausts their sick leave and is still incapacitated from the performance of their duties. Sick leave will be donated on an hour-for-hour basis. Sick leave donations shall be in writing and shall be signed by the employee donating the sick leave and specifying the employee to whom it is donated.

**2240.110** Sick Leave Conversion - Employees may convert any earned sick leave accruals available at time of retirement to additional credits toward the Public Employee's Retirement.

**2240.120** Coordination of Sick Leave, SDI and Workers= Compensation Benefits - A regular employee may coordinate sick leave benefits with his or her workers compensation or state disability insurance benefits. The City will pay the difference between the employee's insurance benefit and his or her full salary until such time as his or her previously accrued sick leave is exhausted. For example: If disability insurance pays 75% of an employee's pay during a one-day absence, the employee may use accrued sick leave for the remaining 25%. The employee's accrued sick leave is therefore reduced by one-fourth of a day.

A 3-day waiting period exists for those employees who are not hospitalized or removed from work for more than 14 days due to a work-related injury before Workers Compensation Benefits are paid. Employees may use their accrued sick leave or, if the employee has no accrued sick leave, vacation during this 3-day waiting period.

**POLICY TITLE: PARENTAL, MILITARY, AND BEREAVEMENT LEAVE**  
**POLICY NUMBER: 2250**

**2250.10** Parental Leave - The Family and Medical Leave Act of 1993 (Public Law 103-3) allows eligible employees to take reasonable unpaid leave (up to 12 full weeks each year) for the birth or adoption of a child, the new placement of a foster child, or the serious illness of the employee or close family member. This law was intended to extend job protection to employees for specified family and medical reasons, as well as benefiting employers by stabilizing their employee's home life, thus making employees more productive and less distracted at work.

Although all public agencies (including local governments) are covered by the FMLA, not all public employees are covered. To be eligible, employees have to work for the City for at least 12 months (they need not be consecutive) and must have worked at least 1,250 hours within the prior 12-months.

The Act was recently amended "to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." See: The Family and Medical Leave Act and National Defense Authorization Act for FY 2008

Accrued vacation and sick leave may, if the employee chooses, be used during the disability leave period. Upon returning from parental leave the employee shall be allowed to resume his or her previous job, or one that is designated by the City as substantially similar. An employee returning from parental leave shall furnish certification, by her physician, attesting to the employee's physical condition and ability to return to duty and resume his or her regular work duties. If this leave occurs prior to the employee completing his or her probationary period, the probationary period will be extended by the time period he or she is off on leave.

**2250.20** Military Leave - Military leaves of absence shall be granted in accordance with the provisions of the applicable Federal and State statutory requirements.

**2250.30** Bereavement Leave - In the event of the death of an employee's immediate family member, up to a maximum 24 hours time off with pay for employee's regular scheduled workday will be granted to regular full time employees to attend the funeral or memorial service. The phrase "immediate family" for the purposed of the bereavement policy includes the employee's spouse (or domestic partner) brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law and son-in-law.

**2250.40** Court Leave - Payment of salary while on jury duty, or for court appearances solely in the capacity of a witness and when not a party to the action, is subject to the following conditions:

- A. An amount equal to the total compensation, except expenses and mileage, received from the courts will be deducted from the employee's salary; or, if preferred, the employee may turn in to the City all such compensation received and draw full pay during jury duty.

B. Employees must furnish a copy of the official summons to the City before a court leave will be granted. Evidence of attendance in court, which is available and furnished by the courts, must be furnished to the City before payment of salary will be authorized.

**2250.50** Voting Leave: - If an employee's work schedule does not give the employee two free hours during the time the polls are open, not including meal or rest breaks, the City shall permit the employee to take a reasonable time up to two hours from the employee's work schedule for voting purposes. In such case, the City shall add this time to the time for which the employee is paid. The provisions of this section apply only if, during the period between the time an employee is informed of the work schedule for a Primary election or Election Day and the date of the primary or election, there is insufficient time for an absentee ballot to be secured for that primary or election.

**POLICY TITLE: EXCEPTIONAL LEAVES OF ABSENCE**  
**POLICY NUMBER: 2260**

**2260.10** Any employee may request a leave of absence for any reason. The request must be in writing and state the reasons for and the duration of the requested leave. Such leaves of absence must be approved by the City Manager. The City Manager will take into consideration the best interests of the City and the employee when granting or denying a request for a general leave of absence, and when determining whether an approved leave of absence will be with or without pay.

**2260.20** On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time, as determined by the City Manager or his/her designee to be used in the best interests of the City pending an investigation or other administrative proceedings.

**POLICY TITLE: DISABILITY LEAVE WITHOUT PAY**  
**POLICY NUMBER: 2270**

**2270.10** A leave of absence without pay may be granted on an individual basis for any legitimate medical or psychiatric disability and for other purposes in the best interest of the City, and only when an employee has exhausted vacation and/or sick leave.

**2270.20** A leave of absence must be requested in advance in writing and may be authorized only by the City Manager. The written request must contain the anticipated length of absence, with dates, and explain the circumstances that prompt the request. A request for a leave of absence for medical or psychiatric disability shall be accompanied by a physician's written report verifying the disability, explaining its extent and the anticipated date the employee can return to work. An approved leave of absence will not be extended beyond the date stated in the initial written request without a further written request and approval. The employee's failure to comply may result in termination of employment.

**2270.30** No benefits will accrue during any leave of absence without pay, but accrued benefits will not be lost except as otherwise provided.

**2270.40** During a leave of absence without pay, the employee's City-paid health benefits will end.

**POLICY TITLE: UNAUTHORIZED ABSENCE**  
**POLICY NUMBER: 2280**

**2280.10** Any employee who is absent for five (5) consecutive working days who is not on authorized vacation, sick leave, bereavement leave, military leave, court leave or authorized leave of absence shall automatically have resigned his or her employment with the City as of the last day on which the employee worked. An unauthorized absence during part of a day constitutes an unauthorized absence for an entire day.

**2280.20** An employee terminating employment in the manner described in this section will be considered to have voluntarily resigned his or her City employment.

**2280.30** Nothing in this section shall limit the City Manager's authority to retain, discipline, or dismiss an employee due to an unauthorized absence.

**POLICY TITLE: ANNUAL PERFORMANCE EVALUATION**  
**POLICY NUMBER: 2290**

**2290.10** Each supervisor should prepare a written annual performance evaluation for each employee he or she directly supervises and give the employee a copy. The purpose of the evaluation is to provide an opportunity for City supervisors to meet with their employees to discuss their job performance and future development. Written evaluations shall become a permanent part of the employees personnel file.

**2290.20** The employee's performance evaluation is confidential. During the evaluation process and any subsequent use of the evaluation materials, all verbal discussion and documentation shall be protected from unauthorized persons.

**2290.30** The supervisor conducting the performance evaluation shall discuss the employee's job performance and provide the employee an opportunity to comment on any aspect of the evaluation.

**2290.40** The employee shall sign the evaluation acknowledging that it has been read, and the performance has been discussed with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation.

**2290.50** The employee shall be given the opportunity to make written response to the evaluation. An employee's written response must be received within five (5) working days, after the evaluation is signed by the employee.

**POLICY TITLE: SEPARATION FROM EMPLOYMENT**  
**POLICY NUMBER: 2300**

**2300.10** Discharge - The City may dismiss anyone in its service at any time pursuant to Policy Number 2310 of this Personnel Policy Guide.

**2300.20** Layoffs - Furlough - The City may lay off or implement a furlough program for any employees at any time for lack of work, budget shortfall or other changes that have taken place. The City will attempt to give at least one week notice before such a layoff or furlough is to take place, but notice is not required.

**2300.30** Resignation - An employee planning to leave the City service in good standing shall file with the City a written statement as to the reasons for leaving and the effective date at least two weeks before leaving.

**2300.40** Exit Interview - An exit interview and final written report should be prepared by the City Manager, and filed, on every employee at the time of termination. At the employee request, this report shall remain confidential and be shared only with the City Council and others with legitimate access to the employee's personnel file.

**POLICY TITLE: DISCIPLINARY ACTION**  
**POLICY NUMBER: 2310**

**2310.10** Purpose: - It is the City's intent to openly communicate its standards of conduct to all employees as a means of avoiding undesirable conduct. The discipline and counseling procedures set forth in this Guide represent guidelines that the City believes are generally appropriate to govern employee conduct. The City retains discretion to determine what constitutes proper disciplinary action and procedure in each individual situation. These guidelines do not grant any employee a specific guarantee that any particular procedure will be used or that any particular disciplinary action will be taken. Appropriate discipline will be determined on a case-by-case basis.

**2310.20** Definition - Every employee shall retain his/her employment so long as it exists under the same or different title, during good behavior and shall not be suspended, fined, demoted, removed, or otherwise penalized, except as provided in the below paragraphs.

**2310.30** Statutory Compliance: - This article is subject, however, to every provision of the constitution and applicable State Statutes designated as a general ground for forfeiture of employment or imposing a criminal liability.

**2310.31** Principle Objective of Disciplinary Action: The principle objective of any disciplinary action shall be to improve the performance, efficiency, and morale of City service. Any action by an employee, which reflects discredit on the City, or is in direct hindrance to effective performance of City government functions; or improper employee conduct, shall be considered good cause for disciplinary action. Disciplinary action up to and including dismissal may be initiated by the City Manager on his or her own initiative, or upon written recommendation to the City Manager by the employee's Department Head.

**2310.40** Causes for Disciplinary Action: - The City reserves the right to discipline or dismiss an employee for just cause. The illustrations of unacceptable conduct cited below are to alert employees to some commonplace types of employment conduct violations. However, because conditions of human conduct are unpredictable, no attempt has been made to establish a complete list. Employees may be disciplined up to and including dismissal for any unacceptable conduct or poor job performance, including but not limited to the following:

- Incompetence
- Unsatisfactory work performance
- Inefficiency
- Excessive or unauthorized absences or tardiness
- Neglect of Duty
- Insubordination
- Dishonesty
- Unexcused absence without leave

- Willful disobedience
- Willful violation of safety rules
- Willful violation of City or departmental policy, rule, or regulation
- Misuses or theft of City property, funds, materials, equipment, or supplies
- Discourteous, rude, or offensive treatment of the public or other employees
- Violation of discriminatory harassment policy, including sexual harassment
- Knowing failure to report suspected child abuse by mandated reporters
- Disclosing confidential information to unauthorized parties
- Falsifying any City record, including, but not limited to, employment applications, time cards, leave requests and benefit enrollment applications
- Misuse or theft of City funds
- Misuse of paid leave, including sick leave
- Misuse of City cell phones and City credit cards
- Failing or refusing to complete work assignments
- Disorderly conduct on City property or while on duty including, but not limited to, fighting, threatening, and/or attempting to inflict bodily harm on another person
- Possession of an unauthorized weapon, firearm, or explosive on City property while on duty
- Distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Operating City-owned vehicles, equipment or private vehicles on City business without proper license, or operating any vehicle on City business in an unsafe or improper manner.
- Computer abuse, including but not limited to, plagiarism of programs, misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related use of computer software or hardware.
- Refusal to work required overtime.
- Failure to meet the requirements of stand-by duty when assigned stand-by duty.

**2310.50**      Pre-Discipline Procedures: Oral Warning or Letter of Reprimand: In most instances, Supervisors or Department Heads should initially orally communicate to the employee the deficiency or problems observed with a notation to the employees personnel file. If the warning is issued as a letter of reprimand, a copy shall be filed in the employee's personnel file. The affected employee may respond by placing a letter of rebuttal in his/her file within thirty (30) calendar days of the date that the employee receives the letter of reprimand. A copy of the response will be forwarded to the department. A regular employee shall be entitled to an appeal to the Department Head concerning an oral warning or a letter of reprimand. If it is the Department Head who gives the oral warning or letter of reprimand, then the appeal would be to the City Manager. In the situation that the City Manager is giving the oral warning or letter of reprimand, the appeal would be to the Human Resources Director. Appeals must be requested within five (5) working days of the date the oral warning or a letter of reprimand was issued. No further appeals shall be permitted. The employee may request a letter of reprimand be removed from the employee's

personnel file after one year provided there have been no further infractions. The request for removal of a letter of reprimand must be made in writing to the Human Resources Director. Removal of the letter is at the discretion of the Department Head and City Manager or Human Resources Director.

**2310.60**      Discipline Procedures: Prior to taking the action of suspension, leave reduction, demotion, or dismissal of a regular employee, the Department Head shall obtain approval from the Human Resources Director or the City Manager and comply with the following procedures:

- Procedures (Skelly) applicable to all regular employees (applies only to demotions, suspensions, and dismissals):
- When the decision has been made by the Department Head that disciplinary action might be taken against an employee, the Human Resources Director, or in his/her absence, the City Manager, shall be contacted so that all disciplinary procedures are followed.
- The Department Head will then prepare a Notice of Intended Disciplinary Action to be given to the employee, which shall include as attachments:
  - A written copy of the charges being made;
  - The grounds for such charges;
  - All documents which support such action;
  - The type of disciplinary action intended;
  - Copies of Personnel Rules violated.

Notice shall also include a statement advising the employee that they may respond to the charges either verbally or in writing within a reasonable, specified time period, which will not exceed ten (10) calendar days starting from the date of receipt of the notice.

**2310.70**      The City Manager will select a Department Head, other than the disciplined employee's Department Head, to act as the Skelly Officer. The Skelly Officer will make themselves available to hear verbal responses or answers to the proposed disciplinary actions, and/or consider any written responses submitted by the employee. All information supplied by the employee in response to the proposed action will be considered by the Skelly Officer prior to making a final decision on what disciplinary action is appropriate.

During the Skelly hearing, employees may be represented by a representative of their choice. However, the employee shall only have the right to show cause, if any, why the proposed disciplinary action should not be taken. The employee shall be allowed to see all documents and materials, which are being considered to support the proposed disciplinary action. Upon completing the Skelly procedures, the Skelly Officer will make their recommendation known to the employee's Department Head and the Department Head may resolve the matter without taking disciplinary action, or take the proposed action, or modify the action as seems appropriate.



If the disciplinary action is taken, the employee shall be advised in writing and given a Final Notice of Disciplinary Action including a copy of the appeal procedures containing his/her right of appeal and all documents on which the discipline is based.

**2310.80**      Appeal: Any regular employee who has completed their initial probationary period shall have the right to appeal a suspension, leave reduction, demotion or dismissal. A regular employee shall file a written notice within ten (10) calendar days, starting from the date of receipt of the notice of disciplinary action. The appeal shall be addressed to the Human Resources Director.

Notice of Hearing: When an appeal has been filed, a date shall be set for a hearing on the appeal. The City Council shall, within fourteen (14) days after the receipt of the request, set a date for the hearing. The date for the hearing shall not be less than ten (10) calendar days or more than thirty (30) calendar days from the date of filing of the appeal. The Human Resources Director shall notify all interested parties of the date, time, and place of the hearing.

Hearing:

When an appeal has been filed, a Hearing Officer may be appointed by the City Council or the Council may itself hear the appeal. The detailed instructions for the hearing are contained in rules and regulations adopted by the Council.

If the City Council hears the appeal they must provide a written response within thirty (30) days of the hearing . If the Council appoints a Hearing Officer, the Hearing Officer shall, within fifteen (15) calendar days after said hearing make a written recommendation to the City Council as the appropriate disposition of the case.

The City Council shall, schedule consideration of the proposed decision no later than fourteen (14) days thereafter. Notice of the date and copies of the proposed decision shall be given to the parties prior to the date set for consideration. The parties shall be allowed to briefly argue for or against adoption of the proposed decision.

Final Appeal: The decision of the City Council may be appealed to the Superior Court under the applicable Sections of the Code of Civil Procedure in accordance with the procedures set forth in the said Code within 90 days after the filing of the written decision.

**2310.90**      Definitions:

Oral Warning: In most instances, Supervisors or Department Heads should initially orally communicate to the employee the deficiency or problems observed within a notation to the employee file.

Letter of Reprimand: Any regular employee may be reprimanded by the Department Head by an order in writing, a copy of which may be entered into his/her personnel file.

Suspension: The Department Head may suspend without pay a subordinate employee after consultation with the Human Resources Director and approval of the City Manager. Fringe benefits will not accrue during a period of suspension without pay.

Leave Reduction: As an alternative to suspension without pay, a Department Head may recommend a reduction to an employee's vacation or compensatory time balances as a method of disciplinary action. Such reductions must be with joint approval of the employee. The Department Head may choose another form of discipline to substitute for, or to supplement, the leave reduction.

Demotion: A Department Head, after consultation with the Human Resources Director and approval of the City Manager, may demote an employee in pay or to a lower classification.

Dismissal: The Department Head may dismiss an employee, after consultation with the Human Resources Director and approval of the City Manager, from his/her position with the City in accordance with Subsection (D).

Reference to Days: For purposes of this section, any reference to days shall mean calendar days. If the last calendar day is on a weekend day or holiday, the last day shall be the following City Hall business day.

**POLICY TITLE: GRIEVANCE PROCEDURE**  
**POLICY NUMBER: 2320**

**2320.10** Purpose - The purpose of the grievance procedure is to allow all employees to voice job-related complaints and to have them considered fairly by the City. The procedures outlined are intended to meet that objective.

**2320.20** Definition: - A grievance is an allegation by an employee or group of employees that he/she has been adversely affected by misinterpretation or misapplication of an existing City policy, written rule or regulation governing personnel practices or working conditions, including applicable Memorandum of Understanding (MOU).

**2320.30** Procedures: - All grievances shall be processed only in accordance with the procedures and general conditions set forth below: It is the intent of these procedures to encourage resolution of complaints and grievances informally, at the nearest practical organizational level from which it emanates, and as promptly and fairly as possible to all concerned.

**2320.40** Informal Grievance: - Within ten (10) working days/shifts following an occurrence – giving rise to a grievance, the employee shall orally present the grievance situation to his/her immediate supervisor. (Exception: where the grievance directly involves the working relationship with the supervisor, the grievance shall be presented to the next higher level of supervision, where the grievance directly involves the working relationship with the Department Head, the grievance shall be presented to the City Manager, or if the grievance involves the City Manager, then to the Human Resources Director). The employee and supervisor have a mutual responsibility to have the grievance resolved at their level whenever possible.

The oral decision resulting from the informal grievance shall be communicated to the employee within five (5) business days after oral receipt of the employee's grievance. If the response isn't delivered within the time limits, the employee may move forward with a formal grievance.

**2320.50** Formal Grievance: - If a mutually satisfactory solution of the grievance was not resolved informally, the employee may file a written grievance with his/her Department Head (or designated representative) within five (5) working days/shifts after the employee received the response regarding the informal grievance. The written grievance shall include a clear, concise statement of the grievance, including relevant facts, the city rule, policy or regulation at issue, the decision given for the informal grievance, the specific remedy sought by the employee, and any other relevant information.

If an employee is concerned about going to the Department Head, he/she may go to the Human Resource Director who will assist in bringing the appeal forward with the employee to the Department Head. Within ten (10) working days/shifts after the formal grievance is

received, the Department Head shall investigate the facts and issues at the earliest date consistent with the nature of the grievance and the normal conduct of the department's business. Within (5) days/shifts after concluding the investigation, the Department Head shall render a decision in writing to the employee.

Unless the decision of the Department Head is appealed by the employee to Step Two, within the time limits provided, the grievance shall be deemed resolved, final and binding.

**2320.60** If the employee finds that the grievance has not been resolved in Step One, he/she may, within five (5) working days/shifts after the Department Head's decision is rendered, request in writing that the City Manager consider the grievance and decision rendered by the Department Head. In the event that the grievance involves the City Manager, the request in writing would be made to the Human Resources Director. Within ten (10) working days/shifts after the grievance is received, the City Manager (or designated representative) shall review the facts, issues and make such further investigation as is necessary at the earliest date consistent with the nature of the grievance and normal conduct of City business. Within five (5) working days/shifts after concluding the review, the City Manager shall render a decision in writing to the employee and Department Head. Unless the decision of the City Manager is appealed by the employee in the time provided, the grievance shall be deemed resolved, final and binding.

**2320.70** If the employee finds that the grievance has not been resolved he/she may, within five (5) working days/shifts after the City Manager's decision has been rendered, request in writing to the City Council that they review and consider the grievance and decision rendered by the City Manager. Within fifteen (15) working days/shifts after the grievance is received, the City Council shall commence conducting the review. The City Council shall determine the best means to conduct the review of the facts, issues and such further investigation as is necessary at the earliest date consistent with the nature of the grievance and normal conduct of City business. Within five (5) working days/shifts after concluding the review, the City Council shall render a decision in writing to the employee, City Manager, Human Resources Director and Department Head.

The decision rendered by the City Council shall be final and binding on all parties.

**2320.80** General Conditions: - The review and determination of a grievance is subject to certain interpretations and applications as set forth under Definitions and, as such, cannot change any City adopted salary schedules/ranges or such other benefits subject to the meet and confer process. Oral or written evaluations or other corrective directives and merit step determinations, for example, are not grievable matters.

Grievances may be made on behalf of an employee who has successfully completed a probationary period and attained regular status.

**2320.90** An employee may choose to represent himself/herself or select a representative of his/her choice. The employee shall be personally present at any meeting which may be

held, unless he/she specifically waives that right in writing. In the event that more than one employee is directly involved in a grievance, they shall select a representative of his/her choice. The employee shall be personally present at any meeting which may be held, unless he/she specifically waives that right in writing. Any time limit of these procedures may be extended by mutual consent of the parties in writing or by action of the City Council in writing to all parties. During the grievance process, there shall be no interruption of scheduled work of the City.

**2320.91**        Time Limits For Processing Grievances - Failure to process a grievance within the time limits set forth in Policy Sections 2320.40, 2320.50, 2320.60, 2320.70, 2320.80 and 2320.90 shall cause the grievance to be deemed settled in accordance with the last answer. However, a time limit may be extended in writing by the City Manager for either or both parties, if it seems necessary to obtain additional or new facts.

**POLICY TITLE:                   GROUP EMPLOYEE BENEFITS**  
**POLICY NUMBER:               2330**

**2330.10**        Benefit Package - All regular, full-time employees will receive a benefit contribution from the City. The City provides health, dental, vision term life insurance and long-term disability insurance benefits.

**2330.20**        For all regular full-time employees, refer to the current Memorandum of Understanding which delineates the City's contribution share for these plans.

**2330.30**        Part time, temporary and seasonal employees will not receive a benefit contribution from the City.

**2330.40**        Pension Plan - The City will participate with each regular employee in the Public Employees Retirement System. The City will pay all of the employee contribution, on behalf of the employee. New hires after 7/1/08 may pay a part or the entire employee share of the contribution to PERS.

**2330.50**        Workers Compensation Insurance - Any employee who is injured in the performance of assigned duties shall receive medical care, compensation and other benefits as allowed under the workers compensation laws of California.

**POLICY TITLE: CITY EQUIPMENT AND VEHICLES**  
**POLICY NUMBER: 2340**

**2340.10** Use of City Equipment and Facilities - The City provides keys, equipment, tools, supplies and facilities for the exclusive use of employees in the performance of their work duties. Use of City keys, equipment, tools, supplies and facilities by employees for personal reasons, personal benefits or convenience is strictly prohibited. Violation of this policy is sufficient reason for disciplinary action.

**2340.20** Return of City Equipment - The employee and City agree that upon separation from employment, the employee will return all City property on his or her last day of work. Failure to do so shall constitute authorization for the City to deduct the cost of any damaged or unreturned items from the employee's final check.

**2340.30** Use of City Vehicles - The City provides vehicles for the use of employees in the performance of their work duties. All City vehicles will remain on City premises after normal working hours unless they are being used for standby or emergency purposes or use authorized by the City Manager.

**2340.40** The City Manager shall have the authority to make temporary assignments of vehicles on a 24-hour or other temporary basis, when it is necessary for the operation of the City.

**2340.50** No employee shall utilize City vehicles for any use other than City business. No one except employees and authorized persons shall be in a City vehicle at any time. No city employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit. Use is to be restricted to such services as are available to the public generally or for the authorized conduct of official business, and for such purposes and under such conditions as directed by the city manager.

**2340.60** Employees must operate City vehicles in a courteous and safe manner. Before operating a City vehicle, the employee must possess a valid California Driver's License; the employee shall adhere to the California Vehicle Code. The City will review the driving record of each employee authorized to use the City vehicles annually or more often as necessary. An employee's unfavorable driving record or any unfavorable insurance rating can result in termination of employment if driving is one of the employee's job duties.

**2340.70** Employees operating City vehicles and equipment are responsible for preventive maintenance and for requesting required maintenance. City vehicles are to be used on City business whenever possible. When City vehicles are not available, private vehicles may be used, if authorized, with reimbursement at the current rate per mile.

**POLICY TITLE: MISCELLANEOUS**  
**POLICY NUMBER: 2350**

**2350.10** Attendance - Punctuality and regular attendance are required. In case of absence, the City shall be notified within the first one-half hour of the employee's starting time. If an employee must leave early during work hours, the supervisor's approval should be sought as far in advance as possible.

**2350.20** Conflicts of Interest - No council member, planning commissioner or employee of the City shall be interested, directly or indirectly, in any contract or transaction with the City, nor become personal surety for the performance of any contract made with or for the City. No director or employee of the City shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the City by himself or others, except his lawful compensation as such director or employee.

**2350.30** All fees or other remuneration or compensation of any kind or character, except a regular City salary or wage, reimbursement for expenses incurred on behalf of the City, or per diem employment, received by any director or employee of the City in his capacity as director or employee of the City shall be paid to the City as revenues of the City. Each director or employee responsible for the collection of fees in the regular course of his duties for the City shall file a monthly report to the City Secretary for the preceding calendar month showing the source and amount of all fees collected during such period.

**2350.40** No employee shall engage in any employment, activity or enterprise that is clearly inconsistent, incompatible, or in conflict with his or her duties as a City employee, or the duties, functions or responsibility of the City.

**2350.50** Incurred Expenses and Reimbursements - The City will pay actual and reasonable business-related expenses incurred by employees in the performance of their job responsibilities. Such expenses should be pre-approved by the employee's supervisor or the City Manager.

**2350.60** Expense reports are to be submitted and supported by evidence of proof of purchase or expense.

**2350.70.1** Media Contacts - The City Manager or designee and/or City Council shall handle all contacts with the media. Unless otherwise instructed, employees shall channel any media requests through the City Manager for approval before granting interviews or disseminating information.

**2350.80** Mileage Reimbursement - With approval of the City Manager, employees may use their personal vehicles for City purposes only if there is no City vehicle available to the



employee. Employees using their own vehicles shall be reimbursed at the current per mile rate authorized by the United States Internal Revenue Service. All employees assume liability for the use of their personal vehicles in work-related travel to the extent of the coverage under their respective insurance policies. The employees must possess a valid California driver's license, a good driving record and must provide proof of insurance.

**2350.90**      Off-Duty Employment - No employee shall accept employment during off-duty hours which may result in a conflict of time or interest, including employment with a party who has a current or pending relationship with the City involving a contract, permit, license, or similar matter.

**2350.100**      Personnel Files - Employees will have access to their personnel file upon written request in accordance with procedures established by the Human Resources Manager. All information contained therein is City property and may not be removed by the employee. It is each employee's responsibility to ensure that all information in the file regarding the employee's name, address, telephone number, marital status, and dependents is correct. Any change must be reported to the supervisor immediately.

**2350.110**      Personal Use of Office Equipment and Supplies/Personal Business - The City's supplies, copy services, and postage meter are for the City's business only.

**2350.120**      Employees are to conduct personal business on their own time. Personal telephone calls during business hours, both incoming and outgoing, should be confined to those that are absolutely necessary and should be kept short. Employees are expected to pay for any personal toll or long distance telephone calls.

**2350.130**      Political Activity - As an employee of the City you should not take an active part in any political campaign during working hours or use your title or position in connection with any political activity at any time including the election of City officials. This provision does not in any way deny you the right and privilege to express your private opinions, seek a public office or cast your vote as you see fit.

**2350.140**      Serving the Public - All employees shall conduct themselves in a professional manner that will reflect well on the City. During the performance of your duties with the City you will meet some people who, for one reason or another, will show very little respect for you or the manner in which the City is operated. These people, however, constitute a very small part of the City and you will be expected to be helpful, maintain good manners and be courteous in all dealings with the public and fellow employees.

**2350.150**      As a City employee, you are expected to conduct City business during your working hours and conduct personal business when off duty.

**2350.160**      Smoking - Smoking is prohibited during work hours inside any City building or other enclosed area. For the purpose of this policy, "enclosed area" means an area closed in by a roof and walls with appropriate openings for ingress and egress; this includes City vehicles.

**POLICY TITLE: EMPLOYEE USE OF CITY SERVICES**  
**POLICY NUMBER: 2355.00**

The City of Nevada City places a high importance on the health and wellness of its employees and highly encourages all employees to seek recreation opportunities for themselves and their families in order to maintain and improve their physical, emotional and mental well being. For the purposes of this policy, the term “employee” shall include elected members of the City Council, regular part time, and full time employees. Immediate family shall include an employee's child, spouse, parent or person for whom the employee has been designated a legal guardian.

**2355.10** The City and its constituents will directly benefit through the employment of staff who maintain a well rounded recreational lifestyle, maintain a positive attitude and understanding of the value of the services provided by the City to the community.

**2355.11** A healthy employee is less likely to experience health related absences and is more likely to maintain a positive and productive relationship with other employees.

**2355.12** In order to foster health and wellness related activity by its staff, the City will establish an incentive program by encouraging regular employees and their families to participate in City sponsored recreation programs.

**2355.13** The City Manager is authorized to review City recreation services which could provide improved morale, harmony in the workplace, better efficiency, and generally greater health and wellness of employees in compliance with Section 2355.17 and is further authorized to establish opportunities through fee discounts, scheduling, and when not a deterrent to work requirements, time off to participate in City events and activities.

**2355.14** Employees are encouraged to provide constructive feed back to the City on opportunities to improve the quality and efficiency of City services.

**2355.15** Program services are to be promoted to all employees to assure full awareness of its availability.

**2355.16** At no time shall an employee receive priority over a resident who is paying for full cost of service nor should the City subsidize the direct costs of an employee’s participation.

**2355.17** The City Manager shall develop written rules and procedures for the purpose of implementing this policy.

**POLICY TITLE: TUITION REIMBURSEMENT**  
**POLICY NUMBER: 2360**

**2360.10**      Employee Requested Courses: This Section will apply only to courses requested by the employee in accordance with the criteria set forth below and submitted in writing with a fee schedule from the institution.

**2360.20**      Requirements for Reimbursement of Tuition: The requesting employee must be and have been in an allocated full-time or part-time position in the City for at least two (2) years prior to the start of the course in question.

- A. The subject matter of the course must be directly related to the employee's present position or an allocated position within the City.
- B. The Employee's attendance at the course will not interfere with the employee's normal duties, responsibilities or work hours.
- C. The Employee agrees in writing to repay the City upon termination any tuition reimbursement received from the City within a twelve (12) month period prior to the employee's termination. The City will have the right to deduct the tuition reimbursement amounts less than twelve (12) months old from an employee's paycheck.
- D. Requests for reimbursement must be submitted to the City and approved prior to the commencement of the course in question.
- E. Applications received by April 30 of each year will be considered for next Fiscal Year funding and will be reviewed and approved by a committee of Department heads.
- F. Approval for one (1) year does not guarantee approval for additional years.

**2360.30**      Tuition Reimbursement: In order for requests to be granted, funds for tuition reimbursement must be designated and available for that purpose in the City budget.

- A. Effective the first pay period that begins after July 1, 2008, employees who thereafter incur expenses for tuition, books and educational fees at an accredited college or university shall be entitled to reimbursement up to \$500 per fiscal year. Classes taken should be relevant to the employee's job classification. The City may limit its reimbursement to the actual amount not funded by some other source (e.g., scholarships, grants, waivers, etc.). To be eligible for reimbursement, the employee must present satisfactory proof of a minimum final GPA of 2.0 or equivalent passing grade for the approved course and of the amount of tuition paid by the employee.

**2360.40**      City Required Training: Education or training required by the City as a condition of continued employment in the employee's present position shall be reimbursable at One Hundred Percent (100%) or paid directly by the City and shall take place on City time if possible.

**POLICY TITLE: INTERNET ACCEPTABLE USE POLICY AND GUIDELINES**  
**POLICY NUMBER: 2370**

The City of Nevada City is providing most employees with access to the vast resources available on the Internet. This document includes guidelines that identify employee responsibilities. All personnel must adhere to generally accepted standards of courtesy and etiquette; obey any and all laws regarding access and use of City computers and the Internet. Use of City computers and through them, the Internet, is a privilege and failure to adhere to this Policy may result in the termination of access to City computers and through them, the Internet. Employees may also be subject to other disciplinary action by the City.

**A. Acceptable Use**

The purpose of providing access to the Network and through it, the Internet, is to help increase productivity by helping employees to do their jobs faster and smarter, provide better communication with customers, suppliers, and colleagues, to research relevant topics and obtain useful business information. Use of City computers and through them, the Internet, must be in support of the objectives of the City.

Transmission of or access to materials that violate federal or state laws are prohibited. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes. Use for commercial advertising and political lobbying is also prohibited.

Employees are prohibited from using obscenities, vulgarities, racist, sexist or inflammatory speech when communicating with others using City computers and through them, the Internet.

Employees are prohibited from introducing a computer virus to City computers. If an employee imports a file from another computer onto a City computer by any means, he or she is responsible to assure that he or she is not introducing a computer virus into other City computers.

Any messages sent or actions taken by an employee on City computers must be done under his or her private user account secured by his or her private password. Employees are prohibited from using another's private account or from allowing another to use his or her private account. Employees are prohibited from sharing his or her private passwords with anyone else or from using another's private password to access their account.

**B. Privileges**

The use of the Network and access to City computers is a privilege, not a right. If an employee uses City computers inappropriately, or if it is suspected that an employee has done so, his or her access privileges may be suspended or revoked at any time. Reinstatement of his or her access privileges shall be at the discretion of the City. Employee use of City computers

should not be regarded as private. City staff may monitor employee communications and use of the computers, and may inspect files in the network file systems at any time.

### **INTERNET RULES**

1. Employee use of City computers and through them, the Internet, must be in support of the objectives of the City. Use of City computers and through them, the Internet, for private purposes is expressly prohibited;
2. Employees are prohibited from lending their Internet account number and/or password to others;
3. Employees are prohibited from using others' Internet account numbers and/or passwords;
4. Employees are forbidden to access any Internet site, news group or other areas of cyberspace that would be offensive;
5. Employees are prohibited from using any forms of obscene, harassing, or abusive language on-line;
6. Employees must add a disclaimer to the end of every message sent which reads "Any opinions are my own and do not represent those of the City of Nevada CityCity";
7. Employees are prohibited from sending or intentionally receiving messages that are racist,
8. Employees are prohibited from sending or intentionally receiving messages that use inflammatory language or fighting words [i.e., words directed to a person which would have a tendency to cause acts of violence by the person to whom, individually, the remark is addressed].
9. Employees are prohibited from placing a computer virus on City computers. If a staff member imports a file from another computer onto a City computer by any means, the staff member is responsible to ensure that he/she is not introducing a computer virus into other City computers.
10. Employees are prohibited from sending or intentionally receiving messages with someone else's name on it;
11. Employees are prohibited from sending or intentionally receiving messages that are inconsistent with the City's code of conduct,
12. Employees are prohibited from sending or intentionally receiving messages that are sexist and/or contain obscenities;

13. Employees are prohibited from transmitting or accessing materials that violate federal or state laws. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes;
14. Employees are prohibited from using the City Network for commercial advertising or political lobbying; and
15. Employees should be aware that use of City computers should not be regarded as private. City staff may monitor communications on and use of the Network, and may inspect files in staffs' network file systems at any time.
16. Electronic communications are not private or confidential. All e-mail communications are the property of the City of Nevada City. There are no rights to individual privacy in any e-mail communications, whether through the local area network or the City's Internet capabilities. No person shall use e-mail for any matter which he or she considers private or personal.

### **Enforcement/Discipline**

Failure of any staff member to adhere to this Policy may result in revocation of that staff member's access to City computers, and through them the Internet, and which may not be reinstated as determined solely by the City. In addition, to the revocation of access to City computers, City may, in its sole discretion, impose any other disciplinary action consistent with City rules, regulations, policies, collective bargaining agreements and state or federal law.

**POLICY TITLE**                      **CELLULAR PHONES**  
**POLICY NUMBER**                **2380**

**2380.10**        Cellular Phones - The use of cellular telephones for personal use is secondary to the use for work-related situations. Employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the City's operation.

**2380. 20**        Reimbursing the City - Employees are responsible for reimbursing the City for all personal phone charges. There is no free period for personal calls. Each personal call must be reimbursed to the City at the current rate of reimbursement. This requirement applies to both incoming and outgoing personal telephone calls. Employees are responsible for identifying personal calls on the monthly bills and reimbursing the City by check, money order or the exact amount of cash. Payments are due within five (5) working days after the employee receives the invoice copy. The employee invoice must have all personal calls checked, initialed, and submitted with payment. Whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account.

Computing payment due the City:

Minutes and seconds should be rounded up to the next full minute.

Formula: Minutes X current rate = Reimbursement amount

Example: 4 minutes X \$0.15 = \$0.60

**POLICY TITLE: EMPLOYEE SAFETY AND SAFETY COMMITTEE**  
**POLICY NUMBER 2390**

**2390.10**      Employee Safety - The City of Nevada City complies with all applicable federal, state and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Nevada City or by federal, state and local ordinances, resolutions or regulations.

**2390.20**      Safety Committee - Under the supervisor and direction of the Human Resources Director, the City of Nevada City will establish, no later than October 15, 2008, and appoint members to a Safety Committee to oversee the City's safety policies and procedures. Employees are responsible for ensuring that they understand and comply with all City of Nevada City safety rules, regulation and procedures. Employees are responsible for:

- A) Being familiar with all safety and health procedures relevant to the operations under their assigned work responsibilities.
- B) Inspecting their work areas regularly to correct unsafe conditions.
- C) Reporting unsafe conditions, accidents and injuries to the immediate supervisor, department head and Human Resources Director immediately and ensuring that any injured employee is referred to appropriate medical care.

**2390.30**      Safety Orientation - Department Heads are responsible in completing Safety Orientation Checklist for the new employee before the new employee begins work. This is to assure that the employee understands the safety requirement and regulations within their department. The completed and signed checklist should be included in the employee's personnel file. Employees are expected to report to their supervisor or to the Safety Committee all observed safety and health violations and potentially unsafe conditions. Violations of the City of Nevada City safety rules, regulations or procedures may result in disciplinary action, up to and including termination.

**POLICY TITLE; CPR, FIRST AID AND BBP TRAINING**  
**POLICY NUMBER 2400**

**2400.10.1**      CPR and First Aid - Employees are offered CPR and First Aid training and, depending on the employee's job position, the training may be mandatory.

**2400.20**      Blood Borne Pathogen Training - Employees who job warrant them to take Blood Borne Pathogen training should be scheduled to attend training as soon as possible after starting work with the City. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current. Employees who may be exposed to Hepatitis A or Hepatitis B will be given the opportunity to accept or decline to receive vaccinations paid for by the City of Nevada City.



**POLICY TITLE**                      **EMPLOYEE USE OF CITY CREDIT CARDS**  
**POLICY NUMBER**                **2410**

**2410.10**        Employee Use of Credit Cards - Employee use of City credit cards will be with Department Head authorization, and will be in accordance with policies set by the Director of Finance. Bank credit cards will only be issued to Department Heads who may carry them permanently. Fuel credit cards may be assigned to employees for specific vehicles. For financial control purposes, all other credit cards are to be signed out from the Director of Finance when needed, and returned after each use. The loss or misuse of a City credit card is to be immediately reported to the Director of Finance.

**POLICY TITLE                      POLITICAL ACTIVITIES**

**POLICY NUMBER                  2420**

**2420.10**        Political Activities - City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

Except as noted in this policy, City employees are otherwise free to fully exercise their Constitutional First Amendment rights.

*This entire Personnel Policy Guide Series 2000 – update as of September 4, 2008.*

**ACKNOWLEDGMENT OF RECEIPT  
PERSONNEL POLICY GUIDE**

I, \_\_\_\_\_, the undersigned, hereby acknowledge receipt of a copy of the Personnel Policy Guide for the City of Nevada City and that I have read and understand the contents therein.

Dated: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE SIGNATURE

**ACKNOWLEDGMENT OF RECEIPT  
PERSONNEL POLICY #XXXX**

I, \_\_\_\_\_, the undersigned, hereby acknowledge receipt of a copy of the Injury and Illness Prevention Program, for the City of Nevada City and that I have read and understand the contents therein.

Dated: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE SIGNATURE

Adopted by City Council on 9-10-2008