RESOLUTION NO. 12880

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING THE COMPENSATION AND WORKING CONDITIONS FOR UNREPRESENTED CONFIDENTIAL EMPLOYEES AS DEFINED IN RESOLUTION 10016 AND AS DESIGNATED IN RESOLUTION 8553, EFFECTIVE JULY 2022

WHEREAS, the City Council of the City of Campbell desires to establish certain salaries and benefits for unrepresented Confidential personnel not covered by a Memorandum of Understanding, and

WHEREAS, the provisions of Title 4, Section 36506 of the Government Code of the State of California provide that the salaries of employees of General Law cities may be fixed or increased by resolution; and

WHEREAS, Title 2, Section 2.16.020 of the Campbell Municipal Code provides that the City Council may, from time to time, by resolution, change the compensation of employees of said City, and may, by resolution, adopt salary and wage scales; and

WHEREAS, Title 2, Section 2.12.030(7) of the Campbell Municipal Code requires the City Manager to prepare and submit an annual salary plan to the City Council for its approval; and

WHEREAS, the City Council of the City of Campbell desires to establish certain salaries and benefits for unrepresented Confidential personnel not covered by a Memorandum of Understanding consistent with Resolution No. 8553:

NOW, THEREFORE, BE IT RESOLVED that effective the first full pay period including July 1, 2022, the salaries, hours, employee benefits, definitions and other terms and conditions of employment for the City's Confidential employees will be consistent with the annual salary plan, attached hereto and made a part hereof, and subject to the following:

SECTION 1. GENERAL CONDITIONS

A. Personnel Rules and Regulations

This resolution does not modify or change the provisions of the Personnel Rules and Regulations of the City unless a specific reference is made herein to modify or add to the existing Personnel Rules and Regulations. Because some terms and conditions of employment are set forth in the Personnel Rules and Regulations, a copy of the Personnel Rules and Regulations (current as of August 8, 2022) is attached to this resolution for convenience.

B. Confidential Employees

The City's Confidential employees include the following positions:

- Accounting Technician
- Executive Assistant to the City Manager
- Human Resources Analyst
- Human Resources Representative

C. Definitions

1. Confidential employee: "Confidential employee" shall mean an employee who, in the course of his or her duties, has access to confidential information relating to the City's administration of employer-employee relations.

2. Appointing Authority/Power: The City Manager and/or Department Head who has the authority to make appointment to the position to be filled.

3. PERS: PERS shall mean Public Employees' Retirement System.

SECTION 2. COMPENSATION

A. Salary

1. Effective the first full pay period in July 2022, the salaries of all Confidential employees shall be increased by four percent (4%).

2. Effective the first full pay period in July 2023, the salaries of all Confidential employees shall be increased by four percent (4%).

3. Effective the first full pay period in July 2024, the salaries of all Confidential employees shall be increased by three percent (3%).

SECTION 3. HEALTH & WELFARE BENEFIT PROGRAMS

A. Medical Insurance / Cafeteria Plan Allowance

1. Medical Insurance Benefit Program

The City's maximum monthly contribution for each Confidential employee for the purchase of medical insurance will be equal to the minimum monthly employer contribution required under the Public Employees Medical and Hospital Care Act (PEMHCA). The City's contribution will come out of the amount the City currently contributes to employees as part of the Cafeteria Plan Allowance, provided below. The cost of the City's participation in CalPERS will not require the City to expend additional funds toward health insurance beyond what is already provided through the Cafeteria Plan Allowance. Any cost increase to the minimum monthly employer contribution required under PEMCHA will be borne by employees.

2. Cafeteria Plan Allowance

Confidential employees electing medical coverage in the City's plans will receive a health flex allowance and shall purchase such coverage through the City's Cafeteria Plan.

Effective January 1, 2023, the monthly Cafeteria Plan Allowance will be based on selected level of coverage as follows:

- Employee Only Coverage: $913.74
- Employee Plus One Coverage: $1,827.48
- Employee Plus Family Coverage: $2,375.72

Effective January 1, 2024, the monthly Cafeteria Plan Allowance will be set at the Kaiser Permanente Region 1 rates for 2024 at the employee's selected level of coverage unless the rate increase from plan year 2023 exceeds eight percent (8%). If the year-over-year rate increase exceeds 8%, the City's Cafeteria Plan Allowance shall be eight percent (8%) higher than the 2023 rates. Employees who select a plan with rates higher than the City's Allowance will be required to make up the difference through salary redirection.

Effective January 1, 2025, the monthly Cafeteria Plan Allowance will be set at the Kaiser Permanente Region 1 rates for 2025 at the employee's selected level of coverage unless the 2025 rates are eight percent (8%) higher than the City's 2024 contribution. If the year-over-year rate increase exceeds 8% of the City's 2024 contribution, the City's Cafeteria Plan Allowance shall be eight percent (8%) higher than the 2024 contribution. Employees who select a plan with rates higher than the City's Allowance will be required to make up the difference through salary redirection.

Employees who elect a medical insurance plan with a lower monthly premium than the amount of the City's medical contribution may apply their unused contribution amount toward other benefit options that are available under the Cafeteria Plan, such as flexible spending accounts for out-of-pocket medical expenses and dependent care, accident insurance, cancer insurance, heart and stroke insurance, and life insurance benefits.

Employees who do not spend all their Cafeteria Plan Allowance on Cafeteria Plan benefits will not receive any cash benefit.

3. Conditional Opt-Out

Employees who at initial enrollment or during the annual open enrollment period, complete an affidavit and provide proof of other minimum essential coverage for themselves under an exchange/marketplace or an individual plan, will be allowed to waive medical coverage for themselves and their qualified dependents (tax family). The monthly conditional opt-out incentive is $750.

The conditional opt-out incentive shall be paid in cash (taxable income) to the employee. The employee must notify the City within 30 days of the loss of other minimum essential coverage. The conditional opt-out payment shall no longer be payable if the employee and family members cease to be enrolled in other minimum essential coverage.

4. Flexible Spending Account

Effective the first full pay period in July 2022, each employee will receive a City contribution to a flexible spending account (FSA) which can be used for IRS eligible medical or dependent care expenses in the amount of $30.76 per pay period.

Effective the first full pay period in July 2023, the City will additionally increase the FSA contribution by $25.00 per pay period for a total of $55.76 per pay period.

Effective the first full pay period in July 2024, the City will additionally increase the additional FSA contribution by $25.00 per pay period for a total of $80.76 per pay period.

B. Benefit Cost Adjustments

1. Dental Insurance

The City shall cover the premium for dental coverage. The annual maximum per patient benefit, not including orthodontia, shall be equal to $2,500. The maximum lifetime per patient benefit for orthodontia coverage shall be equal to two thousand five hundred dollars ($2,500).

2. Vision Care

The City shall cover the premium for vision coverage for employees and their eligible dependents.

3. Life Insurance

The City shall provide fifty thousand dollars ($50,000) in life insurance coverage per employee and shall cover the premium. Employees, depending on pre-qualification, may purchase supplemental life insurance in multiples of ten thousand dollars ($10,000) for up to a maximum of three hundred thousand dollars ($300,000).

4. Accidental Death and Dismemberment Insurance

The City shall pay the premium for fifty thousand dollars ($50,000) accidental death and dismemberment insurance coverage.

5. Long Term Disability Insurance

   The City shall pay the premium for Long Term Disability Insurance. Employees shall receive two-thirds of their monthly base salary, up to a salary maximum of four thousand five hundred dollars ($4,500) per month, with a maximum benefit of three thousand dollars ($3,000) per month.

6. Deferred Compensation Plan

   The City shall pay continue to contribute fifty-five dollars ($55) per pay period.

7. Voluntary Employees Beneficiary Association Plan (VEBA)

   In replacement of the Retiree Award Program for new employees, employees will participate in the established VEBA program. The City will contribute sixty-nine dollars and twenty-four cents ($69.24) per pay period to each employee's VEBA account.

C. Miscellaneous Benefits

1. Tuition Reimbursement

   The City will continue the tuition reimbursement program as specified in Personnel Rules and Regulations Section 18.3.A, with a maximum reimbursement of $3,000 per year.

2. Bilingual Pay

   Confidential Employees who are certified to have a working level of competence in languages other than English and are required to regularly converse with members of the Campbell community, will receive one-hundred dollars ($100) per pay period as Bilingual Pay.

SECTION 4. RETIREMENT BENEFITS AND FORMULAS

Upon submission of enrollment information, the California Public Employees' Retirement System (CalPERS) shall determine whether a new employee is a "classic member" or "new member" in accordance with the Public Employees' Pension Reform Act (PEPRA).

A. Miscellaneous Retirement Benefit Formulas / Benefits

1. Employees Hired prior to March 7, 2011

   For Classic Miscellaneous Members hired prior to March 7, 2011, the City contracts the following PERS options: 2.5% at age 55, highest 36-month salary, military service buy back option, 1959 survivor benefit (Level 3,

One-half continuance), Credit for unused sick leave (Credit for Peace Corps, AmeriCorps VISTA, AmeriCorps Service). Employee contribution 8%.

2. Employees Hired after March 6, 2011

   For Classic Miscellaneous Members hired after March 6, 2011, the City contracts the following PERS options: 2% at age 60, highest 36-month salary, military service buy back option, 1959 survivor benefit (Level 3, One-half continuance), Credit for unused sick leave (Credit for Peace Corps, AmeriCorps VISTA, AmeriCorps Service). Employee contribution 7%.

3. Employees Hired after December 31, 2012

   For New Miscellaneous Members hired after December 31, 2012 (*Classic Miscellaneous Members hired after December 31, 2012, are under the Classic Miscellaneous Members hired after March 6, 2011 plan.*), the City contracts the following PERS options: 2% at age 62, highest 36-month salary, military service buy back option, 1959 survivor benefit (Level 3, One-half continuance), Credit for unused sick leave (Credit for Peace Corps, AmeriCorps VISTA, AmeriCorps Service). Employee contribution 7.75%.

C. Retiree Award Program

For retirees from the City of Campbell who were hired prior to July 1, 2017, have at least 17 years of service, and have reached a minimum age of 50, the City will continue the existing Retiree Award Program as follows:

1. The City will award out-of-pocket costs for retirees to cover medical and dental premiums on a reimbursement basis, as follows:

   - A maximum of $325 per month.
   - Retiree dependents are not eligible for the Retiree Award Program.
   - Employees hired on or after July 1, 2017, will not be eligible for the Retiree Award Program.

SECTION 5. OTHER PROVISIONS APPLICABLE TO ALL CLASSIFIED MANAGEMENT EMPLOYEES

A. Public Employees' Retirement System (PERS)

The City will be responsible for any increase to the PERS employer contribution rate for the PERS plan.

B. Vacation

Confidential employees shall be entitled to vacation with pay in accordance with the following schedule. Vacation accrual shall be as follows:

1. Start of year 1 through completion of year 4, vacation will be accrued at the rate of 3.38 hours per biweekly pay period worked. (11 eight-hour days per year)
   Retainable Hours: 192 hours

2. Start of year 5 through completion of year 10, vacation will be accrued at the rate of 4.92 hours per biweekly pay period worked. (16 eight-hour days per year)
   Retainable Hours: 232 hours

3. Start of year 11 through completion of year 15, vacation will be accrued at the rate of 5.85 hours per biweekly pay period worked. (19 eight-hour days per year)
   Retainable Hours: 272 hours

4. Start of year 16 and thereafter, vacation will be accrued at the rate of 6.46 hours per biweekly pay period worked. (21 eight-hour days per year)
   Retainable Hours: 304 hours

C. Holidays

Confidential employees shall be entitled to take all authorized holidays at full pay, not to exceed eight (8) hours for any one (1) day.

The holidays for the City are:

(1) January 1: New Year's Day
(2) Third Monday in January: Martin Luther King, Jr. Day
(3) Third Monday in February: President's Day
(4) Last Monday in May: Memorial Day
(5) July 4: Independence Day
(6) First Monday in September: Labor Day
(7) Fourth Thursday in November and day after: Thanksgiving Day and Day After
(8) December 24: Christmas Eve (1/2 day)
(9) December 25: Christmas Day

D. Sick Leave

Confidential employees accrue 3.69 hours of sick leave per pay period. Accumulation is unlimited.

E. Floating Holidays

Five and a half (5.5) Floating Holidays (44 hours) shall be incorporated into the Employee Leave Bank. Employees receive the appropriate prorated portion of this entitlement upon hire and termination. Floating Holidays must be used during the calendar year in which they are granted. Unused Floating Holiday time may not be carried over to the next calendar year. Floating Holiday time shall have no monetary value upon termination of employment.

F. Probationary Period

The Probationary Period of Confidential employees will be administered in accordance with section 9.1 of the City's Rules and Regulations. Confidential employees shall serve a probationary period of not less than six months of service.

BE IT FURTHER RESOLVED that the City Council of the City of Campbell hereby rescinds Resolution Nos. 11437 and 12771 and replaces them with this resolution establishing the above compensation, benefits and working conditions for unrepresented Confidential employees not covered by a Memorandum of Understanding agreement.

BE IT FUTHER RESOLVED that it is not the intent of this City Council in approving the resolution to change, modify, or repeal in any way any of the existing provisions of the City of Campbell Personnel Rules and Regulations; and

FINALLY, BE IT FURTHER RESOLVED that the City Appointing Power and the Human Resources Manager have the authority to take any necessary administrative actions to implement the provisions of this resolution.

PASSED AND ADOPTED this 16th day of August 2022 by the following roll call vote:

AYES: Councilmembers: Gibbons, Lopez, Landry, Bybee, Resnikoff
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:

Paul Resnikoff, Mayor

ATTEST:

Andrea Sanders, City Clerk

CITY OF CAMPBELL

POSITION CLASSIFICATION - CONFIDENTIAL

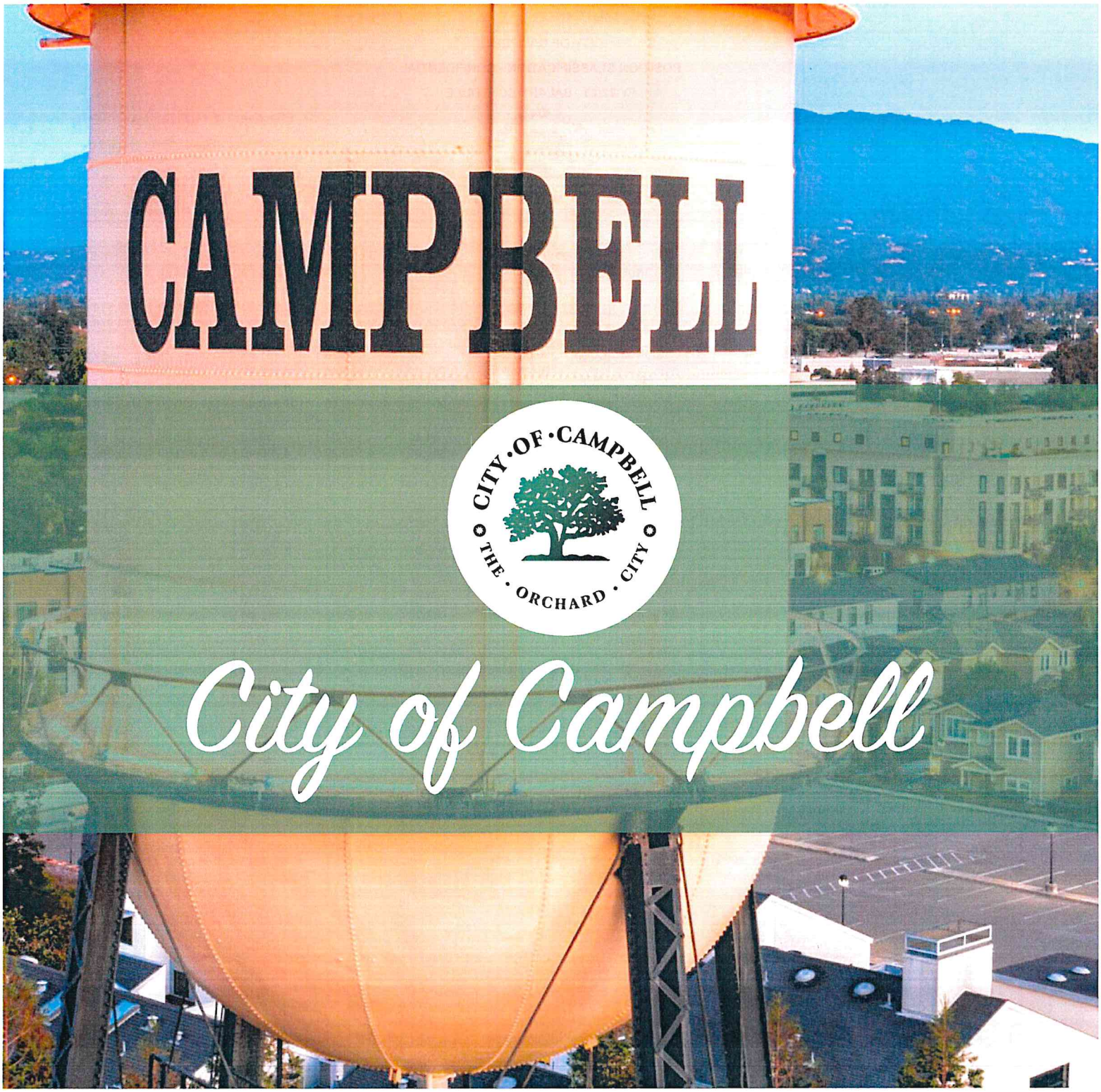
FY 22/23 - SALARY SCHEDULE

Effective: 7/11/2022

CLASS CD	JOB TITLE	STEP RANGES							
		Range			Step 1	Step 2	Step 3	Step 4	Step 5
2321	EXEC ASSIST TO CM (CONF) (PPT)	CON05	CONF	Hourly	47.07	49.38	51.88	54.49	57.20
				Bi-Weekly	3,765.60	3,950.40	4,150.40	4,359.20	4,576.00
				Monthly	8,158.80	8,559.20	8,992.53	9,444.93	9,914.67
				Annual	97,905.60	102,710.40	107,910.40	113,339.20	118,976.00
2320	EXEC ASST TO CM (CONF)	CON02	CONF	Hourly	47.07	49.38	51.88	54.49	57.20
				Bi-Weekly	3,765.60	3,950.40	4,150.40	4,359.20	4,576.00
				Monthly	8,158.80	8,559.20	8,992.53	9,444.93	9,914.67
				Annual	97,905.60	102,710.40	107,910.40	113,339.20	118,976.00
2932	HR ANALYST	CON06	CONF	Hourly	54.30	57.04	59.88	62.87	66.03
				Bi-Weekly	4,344.00	4,563.20	4,790.40	5,029.60	5,282.40
				Monthly	9,412.00	9,886.93	10,379.20	10,897.47	11,445.20
				Annual	112,944.00	118,643.20	124,550.40	130,769.60	137,342.40
2931	HR REPRESENTATIVE (CONF) FULL-TIME	CON04	CONF	Hourly	43.54	45.70	48.00	50.40	52.89
				Bi-Weekly	3,483.20	3,656.00	3,840.00	4,032.00	4,231.20
				Monthly	7,546.93	7,921.33	8,320.00	8,736.00	9,167.60
				Annual	90,563.20	95,056.00	99,840.00	104,832.00	110,011.20
2930	HR REPRESENTATIVE (CONF)*	CON04	CONF	Hourly	43.54	45.70	48.00	50.40	52.89
				Bi-Weekly	3,483.20	3,656.00	3,840.00	4,032.00	4,231.20
				Monthly	7,546.93	7,921.33	8,320.00	8,736.00	9,167.60
				Annual	90,563.20	95,056.00	99,840.00	104,832.00	110,011.20
2375	OFFICE SPEC (CONF)	CON03	CONF	Hourly	36.67	38.53	40.47	42.46	44.60
				Bi-Weekly	2,933.60	3,082.40	3,237.60	3,396.80	3,568.00
				Monthly	6,356.13	6,678.53	7,014.80	7,359.73	7,730.67
				Annual	76,273.60	80,142.40	84,177.60	88,316.80	92,768.00
2315	PAYROLL/ACCOUNTING TECH (CONF)	CON01	CONF	Hourly	43.69	45.86	48.19	50.60	53.11
				Bi-Weekly	3,495.20	3,668.80	3,855.20	4,048.00	4,248.80
				Monthly	7,572.93	7,949.07	8,352.93	8,770.67	9,205.73
				Annual	90,875.20	95,388.80	100,235.20	105,248.00	110,468.80

Notes:

1) Salary increases per MOU effective July 11, 2022



PERSONNEL RULES AND REGULATIONS

Amended 8.12. 2022

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PART I – DEFINITIONS

SECTION 1.0 DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be defined as follows:

Allocation: The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

Anniversary Date: (See Review Date)

Appointing Power: The City Manager and/or Department Head who has the authority to make appointment to the position to be filled.

Class: All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title, and the application with equity of common standards of selection, transfer, promotion, and salary.

Classified Non-Management Service: All positions of employment within the service of the City except positions filled by management employees. (See definition of "Management Employee" in the City's Employer - Employee Relations Resolution No. 6647.)

Classified Management: Those positions filled by management employees, except those classifications defined as "Unclassified Management" in this Section.

Demotion: The movement of an employee from one class to another class having a lower maximum rate of pay.

Eligible: A person whose name is on an employment list.

Employee Organization: Means an organization recognized in accordance with Section 9 of the City's Employer-Employee Relations Resolution No. 6647.

Employment List:

Open Employment List: A list of names of persons who have taken an open competitive examination for a position in the Classified service and have qualified.

Promotional Employment List: A list of names of persons who have taken a promotional examination for a position in the Classified service and have qualified.

Examination:

Open Competitive Examination: An examination for a particular class which is open to all persons meeting the requirements for the position.

Promotional Examination: An examination for a particular class, admission to the examination being limited to permanent and probationary employees in the Classified service who meet the requirements for the position.

Continuous Examination: An open competitive examination administered periodically resulting in the placement of names, in order of final scores, on an employment list for a period of one year.

Injury Leave: Necessary leave arising out of and in the course of employment as defined by Workers' Compensation laws, State of California Labor Code.

In-Service Training: Any class, seminar, workshop, training course or conference participated in by an employee while working for the City.

Interested Party: Any individual or agency affected by these rules and regulations.

Majority Representative: Means an employee organization, or its duly authorized representative, that has been granted formal recognition by the Municipal Employee Relations Officer as representing the majority of employees in an appropriate unit (see Employer-Employee Relations Resolution No. 6647).

Management Personnel: Management employees as defined in the City's Employer-Employee Relations Resolution No. 6647.

Merit Salary Increases: Advancement through the steps of a salary range, based on satisfactory job performance, at specified time intervals.

Municipal Employee Relations Officer: The City Manager or his duly authorized representative.

Normal Workweek: A normal workweek is defined as five working days unless modified by the Department Head with the approval of the City Manager.

Permanent Employee: An employee who has successfully completed his/her probationary period and has been retained as hereinafter provided in these rules.

Permanent Part-time Employee: An employee appointed on a part-time basis to an authorized position with partial benefits.

Personal Effects: Those items worn or carried by the employee in the line of duty.

Personnel Officer: Shall be the City Manager or his delegated representative.

Pool Cars: City vehicles designated for use by employees on a "sign-out" basis. Not applicable to vehicles permanently assigned to specified Management or standby personnel.

Probationary Period: A working test period during which an employee is required to demonstrate fitness for the assigned position by actual performance of the duties of the position.

Promotion: The movement of an employee from one class to another class having a higher maximum pay rate.

Provisional Appointment: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles and until an eligibility list can be established within the following six month period.

Reclassification: Allocation by the Personnel Officer of an individual position to another more appropriate classification, whether new or already created.

Reinstatement: The reemployment without examination of a former permanent or probationary employee.

Review Date: A date set following a beginning level or promotional appointment, on which an employee is due for a performance evaluation, or is eligible for status change, or should be considered for a merit increase. A date sometimes referred to as an "anniversary date."

Suspension: The temporary separation from the service, without pay, of an employee for disciplinary purposes.

Temporary Employee: An employee appointed on an "as needed" basis for work which is anticipated to be of a temporary or intermittent nature either on a full-time or part-time basis. Such appointments are based on an hourly rate of pay and do not include benefits except as prescribed by law.

Total Compensation: The total remuneration, including salary, applicable economic employee benefits, and working conditions received by the employee from the City.

Transfer: A change of an employee from one position to another in the same class or in a comparable class.

Unclassified Management: The following Management classes are defined as "Unclassified Management" positions: City Manager, Public Works Director, Police Chief, Community Development Director, Finance Director, Recreation and Community Services Director, and Administrative Services Director.

SECTION 2.0 GENERAL PROVISIONS

2.1 Fair Employment

No question in any test, application form, or in any other personnel proceeding by any appointing authority shall be so framed as to attempt to elicit information concerning race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, sex, age, or sexual orientation unless required for compliance with any federal or state law or regulation regarding equal opportunity in employment. No appointment to or removal from a position in the competitive service shall be affected or influenced in any manner by any consideration of race, religious creed, color, national origin, ancestry, mental or physical disability, medical condition, marital status, sex, age, or sexual orientation unless such physical or mental disability precludes the performance of an essential job function.

2.2 Violation of Rules

Violation of the provisions of these rules shall be grounds for rejection, suspension, demotion or dismissal.

2.3 Amendment and Revision of Rules

Amendments and revisions may be suggested to the City Council by any interested party and shall be submitted to the City Council through the City Manager's Office. Proposed amendments or revisions to these rules shall be publicly posted for at least five consecutive days prior to consideration by the City Council. At the time of consideration, any interested person may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council.

3.1 Preparation of Plan

The Personnel Officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all classified and unclassified positions and, after consulting with appointing authorities and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specifications including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

3.2 Adoption and Revision of Plan

The classification plan shall be adopted and may be amended from time to time by resolution of the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the City Manager's Office. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted at least five days prior to City Council Action.

3.3 Allocation of Positions

Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the management and non-management service to one of the classes established by the plan.

3.4 New Positions

When a new position is created, before it may be filled, the appointing authority shall notify the Personnel Officer and, except as otherwise provided by ordinance or these rules, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore and an appropriate employment list established for such position.

3.5 Reclassification

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

SECTION 4.0 COMPENSATION

4.1 Preparation of Plan

The Personnel Officer or the person or agency employed for that purpose shall prepare a compensation plan covering all classifications.

4.2 Classified Non-Management

The basic criteria and survey techniques used in determining the recommended total compensation plan for the meeting and conferring sessions with employee representatives of classified non-management personnel shall be guided by the following policies:

A. To observe the principle of equal pay for equal work, through the grouping of positions, involving substantially similar duties into classes and then setting salary ranges for these classes in proper relationship to each other.

B. To provide pay range differentials that recognize differences among classes with regard to skill, difficulty, responsibility and exercise of supervisory and administrative responsibilities.

C. To recognize compensation levels and trends in comparable governmental jurisdictions in order to keep compensation generally in line and competitive with compensation in those jurisdictions. The geographic area from which comparable governmental jurisdictions will be selected are the Counties of Santa Clara, San Mateo and Alameda. Among the criteria to be considered in selecting comparable governmental jurisdictions will be: population, number of employees, tax base, and common service areas. Should the City propose any change to either the benchmark positions or jurisdictions utilized in the compensation survey, the affected employee organization will be notified and allowed to review and discuss the proposed change prior to the preparation of the compensation data.

D. To provide sufficient flexibility in both compensation policy and administration to meet the needs of those in City service.

E. To encourage new and imaginative approaches and solutions to compensation problems.

F. To adopt a classification and compensation plan which represents a reasonable expenditure to the City taxpayer and is consistent with the City's ability to pay for said plan on both a short and long term basis.

4.3 Management

Recognizing that effective operation of local government requires the attraction and retention of qualified management personnel, the basic criteria used in determining the recommended compensation plan for management personnel shall be guided by the following policies:

4.3 Management (continued)

A. To provide a compensation plan for management personnel which will enable the City to recruit, promote, train and retain qualified and competent personnel at each level of management.

B. To recognize the City's requirements and expectations from management personnel which may require elements of a compensation plan which shall be applicable only to management personnel.

C. To establish salary ranges for management personnel which are based on the following factors:

1. Salary relationship to top subordinate - A department head should be in a salary range which is a minimum of 10 percent above the top step of the range of his highest salaried assistant or division head. An assistant or division head should be in a salary range which is a minimum of 7-1/2 percent above the top step of any of the management or non-management personnel under his or her direct supervision.
2. Degree of risk-taking and impact on City if error in judgment is made.
3. Compensation of subordinate personnel.
4. Years of service - Management personnel with years of service to the City should deserve consideration for this additional experience.
5. Education and experience requirements.
6. Number of employees/responsibility.
7. Extra duties and assignments delegated by City Manager.
8. Performance.

D. To establish a compensation plan which is competitive with comparable management positions in cities of comparable size and operations.

4.4 Adoption of Plans

The non-management compensation plan shall be adopted and may be amended from time to time as Memorandums of Understanding are mutually agreed to by the City Council and employee organizations or other second parties, as permitted by State legislation. Management compensation plans shall be adopted from time to time upon recommendation of the City Manager. Amendments and revisions to the plans may be suggested to the City Council by any interested party and shall be submitted to the City Council through the City Manager's Office. Notice of City Council consideration of the proposed amendments or revisions to the compensation plan shall be publicly noticed at least five days prior to City Council action. Revisions or amendments involving replacements or promotions within the current plan shall be noticed as an item on the City Council agenda.

SECTION 5.0 RECRUITMENT

5.1 Announcement

All examinations for positions in the classified non-management and management service shall be publicized by posting announcements in the City Hall on official bulletin boards and by such other methods as the Personnel Officer deems advisable. Special recruitment shall be conducted, if necessary, to insure that all segments of the community are aware of forthcoming examinations. The announcement shall specify the title and pay of the position for which the examination is announced; the nature of the work to be performed; typical duties; qualification requirements for the position; the manner of making application and any other pertinent information.

5.2 Request for Application Forms

Applications will not be given out to people inquiring about City positions unless there is an opening. Names and addresses of people inquiring about openings with the City shall be placed on an employment mailing list and retained for a period not to exceed six months. Such applicants shall be notified by mail of any applicable vacancies occurring during that period.

5.3 Application Forms - Following an Announcement

Application shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience and other pertinent details, and may also require that birth certificates, high school diplomas, college transcripts and certificates of one or more examining physicians, and/or references be attached. All applications must be signed by the person applying.

5.4 Disqualification

The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant is physically unfit for the performance of duties of the position; is addicted to the habitual excessive use of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude; has made any false statement of any material fact, or practiced any deception or fraud in his application. Whenever an application is rejected, notice of such rejection with statement of reason shall be mailed to the applicant by the Personnel Officer. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

5.5 Disqualification – Nepotism

It is the policy of the City of Campbell to remain free from nepotism and, therefore, the following rules have been established for City employment:

A. Members of the immediate family of City Councilmembers may not be employed by the City during the Councilmember's term of office.

B. Members of an immediate family may not be employed simultaneously by the City in positions where family influence and/or relationship might affect supervision, safety, security, or morale in a manner detrimental to the conduct of City business, or where such relationships may result in conflicts of interest.

5.5 Disqualification - Nepotism (continued)

C. Should an "immediate family" situation arise during employment, and should such relationship give rise to violation of subsection A or B, management will make every effort to transfer one of the members of the immediate family to a position where these provisions would not be violated. If such a transfer is not possible or practical, a choice will be given to the persons involved as to which will leave City employment. If such a choice is not made within 30 days of the creation of the conflict, the City Manager shall, in his or her sole discretion, terminate the employment of one member of the family.

D. "Immediate family" is defined as spouse, father, mother, brother, sister, son or daughter, grandmother or grandfather, grandson or granddaughter.

SECTION 6.0 EXAMINATIONS

6.1 Nature and Types of Examinations

The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the position to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical examinations, or any combination of these or other tests. The probationary period shall be considered as an extension of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the classification, covering only factors related to such requirements.

6.2 Promotional Examinations

Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer after consultation with the respective department head, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in 6.1, or any combination of them. Only permanent or probationary employees who meet the requirements set forth in the promotional examination announcement may compete in such an examination.

6.3 Continuous Examinations

Open competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists as prescribed in Section 7.0.

6.4 Conduct of Examination

The City Council may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examinations.

6.5 Scoring Examinations and Qualifying Scores

A candidate's score in a given examination shall be based on his/her scores in each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicants as failing in the entire examination or as disqualified for subsequent parts of an examination. The Personnel Officer may, at his discretion, include as a part of the examination tests which are qualifying only.

6.6 Notification of Examination Results

Candidates in an examination shall be given written notice of the results thereof and, if successful, of their final score on the examination.

6.7 Cooperative Testing

The Personnel Officer may cooperate with other governmental agencies charged with personnel administration in conducting joint recruitment and testing for the establishment of common eligibility lists.

SECTION 7.0 EMPLOYMENT LISTS

7.1 Employment Lists

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination arranged in order of final scores from the highest to the lowest qualifying score.

7.2 Duration of Lists

Employment lists shall remain in effect for one year unless sooner exhausted or abolished by the Personnel Officer, and may be extended for additional periods prior to their expiration date by action of the Personnel officer. In no event shall an employment list remain in effect for more than two years. Open competitive lists created as the result of continuous examinations shall remain in effect for one year after the last administration of such examination unless sooner exhausted. Names placed on such lists shall be merged with any others already on the list in order of final scores and shall remain on the list for one year. Whenever there are fewer than three names on a promotional or open competitive list, the appointing authority may make an appointment from among such eligibles or may request the Personnel Officer to establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.

7.3 Removal of Names from Lists

The name of any person appearing on an employment, reemployment or promotional list shall be removed by the Personnel Officer if the eligible requests in writing that his name be removed; if the person fails to respond to a notice of certification mailed to his/her last known address; if the person has been certified for appointment three times and has not been appointed; or for any of the reasons specified in 5.4 of these rules. The person affected shall be notified of the removal of his name by a notice mailed to his last known address. The names of persons on promotional employment lists who resign from City service shall automatically be dropped from such lists.

SECTION 8.0 METHOD OF FILLING VACANCIES

8.1 Types of Appointments

All vacancies shall be filled by transfer, demotion, reemployment, reinstatement, or from eligibles certified by the Personnel Officer from an appropriate employment list, if available. In the absence of such eligible persons, provisional appointments may be made in accordance with the Personnel Ordinance and these rules. Appointments to positions in the City service fall into the following categories:

A. Permanent Full-Time: Appointment on a full-time basis to an authorized position.

B. Permanent Part-Time: Appointment on a part-time basis to an authorized position with partial benefits.

C. Temporary: Appointment on an "as needed" basis for work which is anticipated to be of a temporary or intermittent nature, either on a full-time or part-time basis. Such appointments are based on an hourly rate of pay and do not include benefits except as prescribed by law. The status of those employees in this employment class shall be reviewed after six months to determine whether or not continuation of employment is necessary. No special credit or consideration for service shall be given to a temporary appointee in qualifying for a permanent appointment.

D. Provisional: In the absence of appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by provisional appointment. The City Manager, with the approval of the City Council, may extend the period for any such appointment for not more than 30 days by any one action. No special credit or consideration for service shall be given to a provisional appointee in qualifying for a permanent appointment.

E. Limited Term: Limited term positions may be used to staff specific projects of functions for which funding is limited or uncertain. Limited term appointments enable the City to efficiently and fairly staff certain positions. Limited term employees will receive staff benefits and will be advised of the length of employment prior to accepting an offer. Furthermore, such appointments are "at-will" and end when funds are no longer available, or when the project workload is complete.

8.2 Notice to Personnel Officer

Whenever a vacancy in the competitive service is to be filled, the appointing power shall notify the Personnel Officer.

8.3 Certification of Eligibles

The Personnel Officer shall provide the names of persons eligible for appointment in the following order:

Requests for transfer or demotion.
Names on reemployment list (see 13.3G).
Names on promotional list.
Requests for reinstatement (see 12.5).
Names on open competitive list.

Section 8.0 - Method of Filling Vacancies (continued)

8.4 Order of Employment

The appointing power may fill a vacancy by transfer or demotion. If not filled by transfer or demotion, an appointment would be made to the person at the top of the reemployment list if one exists. If not filled as noted above, the vacancy may be filled from the promotional list. If the vacancy is not filled by transfer, demotion, reemployment or from a promotional list, the appointing power may fill the vacancy from the reinstatement or open competitive list provided that, if three or more names exist on the promotional list, the appointment shall be made from such list.

8.5 Appointment

After interview and investigation, the appointing power shall make appointments from among those certified and shall immediately notify the Personnel Officer of the persons appointed. The person accepting the appointment shall present himself to the Personnel Officer or a designated representative for processing on the date of appointment or at a later date as arranged. If the applicant accepts the appointment and presents himself for duty at such time as the appointing authority shall prescribe, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment.

SECTION 9.0 PROBATIONARY PERIOD

9.1 Objective of Probationary Period

The probationary period shall be considered a part of the testing process for appointments to permanent full and part-time positions, and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee in the new position. If a probationary employee is off work, for any reason, for more than 4 consecutive weeks, the employee's probationary period will be extended accordingly.

9.2 Probationary Period--Non-management Positions

All original appointments shall be tentative and subject to a probationary period. The following non-management classifications shall serve probationary period as outlined below:

Employees represented by CMEA shall serve a probationary period of not less than six months of service.
Employees represented by CARP shall serve a probationary period of not less than twelve months of service.
Police Officer Trainee Appointments – upon date of hire and 18 months following the date of swearing in as a Police Officer
Police Officer Lateral Appointments – 18 months from the date of hire
Police Promotional Appointments – 12 months from the date of promotion
Police Records Specialists, Public Safety Dispatchers, Police Records Supervisor, and Communications Supervisor shall serve a probationary period of one year.

All promotional appointments shall be tentative, and subject to a probationary period of not less than six months of service.

The appointing power may establish a longer probationary period for original and promotional appointments for specific classes. The Personnel Officer and the probationer shall be notified two weeks prior to the termination of any probationary period as to whether or not the services of the probationary employee have been satisfactory. If satisfactory, the employee shall receive a permanent appointment and if unsatisfactory, the employee shall be rejected unless an extension of the probationary period (9.4) is requested.

9.3 Probationary Period - Classified and Unclassified Management Positions

All original and promotional appointments shall be tentative and subject to a probationary period of not less than one year. The appointing power may establish a longer probationary period for original and promotional appointments for specific classes. The Personnel Officer and the probationer shall be notified two weeks prior to the termination of any probationary period as to whether or not the services of the probationary employee have been satisfactory. If satisfactory, the employee shall receive a permanent appointment and if unsatisfactory, the employee shall be rejected unless an extension of the probationary period (9.4) is requested.

9.4 Extension of Probationary Period

The Personnel Officer may grant an extension of the probationary period, if the probationary employee has been absent from his/her job for a consecutive period of four weeks or more. If extended, the probationary period will be extended an amount of time equal to the length of absence.

9.5 Rejection of Probationer

During the probationary period of an original appointment, an employee may be rejected at any time by th appointing power without cause and without the right of appeal or to file a grievance. Notification o rejection in writing shall be served on the probationer and a copy filed with the Personnel Officer.

9.6 Rejection Following Promotion

Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period, by reason of failure of the appointing power to file a statement that his/her services have been satisfactory, shall be reinstated to the position from which he/she was promoted unless charges are filed and he/she is discharged in the manner provided in the Personnel Ordinance and these rules. ***(For employees represented by CPCEA and CPOA, see the SEIU 1996 MOU and the CPOA 1997 MOU for a different provision on this subject.)***

10.1 Evaluation of Employee Performance

It is the responsibility of department heads and/or supervisors to prepare periodic evaluations of performance results to measure and record the employee's actual performance. Strengths and weaknesses will be documented and recommended courses of corrective action outlined for correction and improvement. Such service rating plans shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered, and the observance of regulations and procedures properly governing the performance of duties.

A. Performance ratings shall accompany all requests for merit increases. Employees at the "E" step shall have their performance evaluated annually, with the exception of those departments that require regular performance rating throughout the year.

B. Performance evaluations shall be based upon forms prescribed by the Personnel Officer. Service ratings shall be based upon the independent judgment of one or more supervisory personnel, including the immediate supervisor of the employee being rated. The completed performance report shall be presented to the employee for review and signature, and then forwarded to the Personnel Officer for review and any appropriate action.

C. Employees shall have the right to appeal a performance evaluation when they believe the performance ratings received are unfair. Appeals will be processed through the grievance procedure provided for in Section 20.0 of these rules.

D. Performance ratings shall be taken into consideration for purposes of rejection, discharge, demotion, promotion, transfer, permanent status, and merit increases.

SECTION 11.0 PAYDAY AND PAY ADJUSTMENTS

11.1 Payday

Pay periods will be on a biweekly basis ending at midnight on Sunday. Payday will fall on a Thursday in the second week following the end of each pay period. If payday falls on a holiday, employees will be paid on the last working day preceding the regular payday. The Finance Director shall prepare, or cause to be prepared, a biweekly salary roll. The City Council shall audit said payroll at its first regular meeting following the preparation of the salary roll and shall require adjustments in the event of errors appearing in said payroll.

11.2 Application of Rates

Employees occupying a position in the City service shall be paid a salary or wage established for that position's class under the pay plan. The minimum rate, if provided, for the class generally shall apply to employees upon original employment. However, the City Manager may, when circumstances warrant it, authorize original appointment or reinstatement at other than the minimum rate.

11.3 Merit Salary Increases

Merit salary increases provide for advancement through the steps of a salary range, based on satisfactory job performance, at specified time intervals. Such increases shall not be automatic, but shall depend upon increased service value of an employee to the City as exemplified by recommendations of his supervising official, length of service, performance record, special training undertaken, or other pertinent evidence, within the advancement policy established by the pay plan. Employees hired or placed at the "A" step following transfer, promotion, demotion, reclassification or for any other reason shall be eligible for a merit salary increase on qualifying for permanent status or after six months of satisfactory service, whichever comes first. Employees hired or placed above the "A" step shall not be eligible for a merit salary increase until one year from such initial action whether by hire, transfer, promotion, demotion, reclassification or other reason.

11.4 Anniversary Date

The anniversary date of each employee shall be as follows:

A. Miscellaneous and safety employees hired at "A" step: The date employee completes six months of satisfactory service and becomes eligible for first merit salary increase.

B. Miscellaneous and safety employees hired above "A" step: The date employee completes one year of satisfactory service and becomes eligible for first merit salary increase.

11.5 Salary Change Effective Date

For purposes of compensation during any period in which a biweekly payroll system is in effect in the City of Campbell, all merit salary increases will be effective on the first day of the pay period following employee's anniversary date.

11.6 Beginning and Terminating Pay Computations

Computing the paycheck of an employee commencing or terminating service with the City:

A. Employees beginning service on the first working day of a pay period (i.e. Monday, or Tuesday if Monday is a holiday) shall be deemed to have worked the entire pay period. A holiday shall be deemed to have been a day worked.

B. Employees terminating service after having worked all regular working days in a pay period shall be deemed to have worked the entire pay period; holidays deemed to have been days worked.

C. Employees beginning or terminating service on other than the first or last working day of a pay period shall have salary and fringe benefits computed on an hourly basis. Holidays shall be deemed to have been days worked. The hourly rate shall be computed by dividing the annual salary by 2080 hours for those employees working a 40-hour workweek.

SECTION 12.0 TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

12.1 Transfer

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon approval by the Personnel Officer, an employee may be transferred by the appointing power at any time from one position to another in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involving the performance of similar duties and requiring substantially the same basic qualifications. If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance, pay plan or by these rules.

12.2 Promotion

Insofar as consistent with paragraphs 8.3 and 8.4, all vacancies may be filled by promotion from within after a promotional examination has been given and a promotional list established. If, in the opinion of the Personnel Officer, after consultation with the respective department head, a vacancy could be filled better by an open competitive examination instead of a promotional examination, then the Personnel Officer shall arrange for an open competitive examination and for the preparation and certification of the appropriate employment list.

12.3 Demotion

The appointing power may demote an employee whose ability to perform his/her required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the appointing power, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Demotions shall be made in conformance with paragraph 12.6.

12.4 Suspension

The appointing power may, after review with the Personnel Officer, suspend an employee from his position at any time for a disciplinary purpose. Suspension without pay shall not exceed 30 calendar days, nor shall any employee be penalized by suspension for more than 30 calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than three working days at any one time, and not more than once in a 30 calendar day period. The City Manager may suspend an employee for up to 30 calendar days in any fiscal year. Suspensions shall be made in conformance with paragraph 12.6 below.

12.5 Reinstatement

With the approval of the appointing power and the Personnel Officer, a permanent or probationary employee who has resigned with a good record may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, former service credit with the City shall be restored for the purpose of determining appropriate vacation accrual rate, number of vacation hours retainable, compensation percentage for unused sick leave pay-out at termination and seniority order for reduction in force provisions. Sick leave balance will not be restored and for all other purposes the employee shall be considered as though he/she had received an original appointment.

12.6 Pre-Disciplinary Hearing Procedures

Prior to taking disciplinary action against a permanent employee, the appointing authority will:

A. Serve the employee with a notice of the proposed action and the reasons for it.

B. Provide a copy of the charges and materials upon which the action is based to the employee.

A copy of items covered in 12.6 "A" and "B" will be immediately forwarded to the Personnel Officer. The employee has the right to respond verbally or in writing to the appointing authority initially imposing the discipline prior to the disciplinary action being taken. In order to exercise this right, the employee must respond within three working days of the date of being informed of the proposed action. The employee may appeal a final decision of the appointing authority if provided for in the Personnel Rules and Regulations.

For the purposes of paragraph 12.6, "disciplinary action" shall be defined as salary step reduction, suspension, demotion or dismissal. "Appointing authority" shall, for the purposes of this section, be defined as department head for any suspension of three days or less, and as City Manager for any suspension of more than three days, demotion or dismissal.

Disciplinary action may be taken without regard to the provisions of 12.6 under extraordinary or emergency circumstances with the approval of the City Manager.

12.7 Disciplinary Action--Police Officers

When disciplinary action is being considered against a Police Officer, those City employees and/or officials investigating or considering such disciplinary action shall be cognizant of and follow provisions of the State Government Code pertaining to the investigation and discipline of Police Officers.

12.8 Just Cause For Discipline

The following list of causes are provided as a guideline for supervisors, department heads and employees as to what may constitute the proper basis for disciplinary action. Just cause for discipline may include but not be limited to the following:

A. Absence from duty without approval including: abandonment of position; abuse of sick leave; neglect of duty; failure to keep required work hours.

B. Failure to adhere to or comply with approved operational or safety guidelines including: unauthorized use of time, equipment or material; unauthorized use of City property, funds, and records.

C. Being under the influence of any illegal drug, narcotic or alcoholic beverage during working hours.

D. Acts which in the determination of the City Manager reflect negatively on the operation of the City including: dishonesty; insubordination; fraud, misrepresentation, false information in securing appointment or promotion; any form of intentional harassment.

E. Intentional abusive treatment of a citizen, supervisor, or fellow employee.

F. Conviction of a serious criminal offense, which in the determination of the City Manager

reflects negatively on the City.

SECTION 13.0 SEPARATION FROM THE SERVICE

13.1 Discharge

An employee may be discharged at any time by the appointing power for good and sufficient cause. The proposed discharge will be reviewed with the Personnel Officer prior to implementation. Discharges shall be made in conformance with paragraph 12.6.

13.2 Discharge--Unclassified Management Personnel

An employee in the unclassified management service may be discharged at any time by the City Manager. In lieu of discharge, the unclassified management employee may be permitted by the City Manager to resign. Prior to the effective resignation date, the City Manager may assign the unclassified manager duties other than his/her normal duties for a period of time not to exceed three months. The decision of the City Manager shall be final with no right of appeal.

13.3 Reduction in Force

A. Purpose: To establish layoff procedures to be implemented when the City determines that a reduction in force is to be accomplished in City departments, because of a change in duties or organization, abolition of position(s), shortage of work or funds, or the completion of work.

B. Order of Layoff: When one or more employees in the same classification in a City department are to be laid off, the order of layoff shall be as follows:

1. Provisional workers in inverse order of seniority.
2. Probationary workers in inverse order of seniority.
3. Permanent workers in inverse order of seniority.

Should two or more employees in the same classification, with the same status (1, 2, or 3 above) have equal seniority, the order of layoff shall be determined by superiority in performance as documented on the employee's performance evaluation(s). If there are no performance evaluations, or such evaluations are essentially equal, the order of layoff shall be in inverse order of ranking on the eligibility list.

C. Seniority Defined: Length of paid employment with the City of Campbell in a regular classification(s) in position(s) with permanent status. Seniority shall be retained but not accrued during any period of leave without pay. Time served as a probationary employee in a regular classification(s) in permanent position(s) shall be included in determining seniority.

Time spent serving in an acting capacity in a higher classification, following a formal appointment approved by the City Manager's Office, shall be counted when determining seniority should the employee later be permanently appointed to that higher classification. To count as time "in class," the acting appointment must have been on a full-time, continual basis for a minimum of three (3) months, and must have had a salary differential paid for the term of the assignment.

13.3 Reduction in Force (continued)

D. Notification: Employees to be laid off shall be given written notification of such action (including a copy of this section of the Personnel Rules and Regulations). Whenever possible, such notification shall be given a minimum of twenty (20) working days prior to the effective date of the layoff. Upon request, an employee so notified shall have the opportunity to meet with City representatives to discuss the circumstances requiring the layoff.

E. Reassignment in Lieu of Layoff: Within five (5) working days of notification of layoff, employees who wish to be reassigned in lieu of layoff will notify the City of their intention to exercise one of the following options:

1. Vacancies: An employee shall be allowed to transfer to a vacant position either in the same classification, or in a lateral or lower classification in which the employee has held permanent status in the same or a different department. The requirement that the employee(s) have held permanent status in that classification may be waived if the appointing power certifies that the employee has the necessary education, experience and training for that position.

2. Displacement: An employee shall be allowed to return to (a) a lateral or lower classification in his/her current department providing the employee previously held permanent status in that classification, or (b) a lateral or lower classification in another department in which the employee previously held permanent status, providing that the employee served no less than six (6) months in that department. In both (a) and (b), the employee must have more seniority (in that and higher classification(s)) than the least senior employee in that classification in the department in question.

   The employee shall only have the right to displace if there are no vacancies that the employee is qualified to fill at the same or a higher level than the highest level which that employee is qualified to fill through displacement. Such reassignments are only permissible if the employee is fully qualified, trained and capable of performing all work in the new position/classification as determined by the appointing power. If the appointing power determines that the employee is not fully qualified, trained and capable of performing all the work in the new position/classification, the reasons for such a determination shall be provided in writing to the employee, who shall be given the opportunity to respond to these reasons.

F. Exceptions: Notwithstanding the foregoing, if the appointing power determines that the public interest will not be served by application of the preceding criteria, the appointing power may lay off out of seniority order on the basis of a clearly demonstrable superiority in performance and/or qualifications. In such a case, the appointing power shall notify the employee to be laid off, in writing, specifying the basis for such a determination.

13.3 Reduction in Force (continued)

G. Reemployment: The names of employees laid off in accordance with provisions of this section shall be placed on a reemployment list if their services have been satisfactory. Names shall be placed on a classifications reemployment list in order of seniority. In the event that a person on layoff declines reemployment to a vacant position or cannot be contacted through telephone and certified mail within fifteen (15) working days, such persons' names shall be removed from the reemployment list. A reemployment list will remain in effect for two (2) years unless specifically extended, or sooner exhausted. Upon reinstatement an employee will be eligible for all benefits acquired by the employee prior to the layoff, including prior sick leave accruals (providing the employee did not receive cash payment in lieu of same), vacation accrual rate and seniority. An employee shall not receive credit for time spent on layoff in computing time for any benefit entitlement.

H. Appeals: Interpretations of the provisions of this section may be appealed through the grievance procedure in Section 20.0 of the Personnel Rules and Regulations. Such grievances must be filed within five (5) days of notification of the proposed action. For the purpose of appealing interpretations of this section, the steps in the grievance procedure prior to the meeting with the City Manager shall be deleted. The filing of a grievance shall not prevent the City from implementing the layoff pending final resolution of the grievance. The reasons or necessity for the layoff shall not be subject to the grievance procedure or appeal.

I. Assistance to Laid-off Employees:

1. During the notification period, the City will provide a reasonable amount of paid time off--as approved by the Department Head so as not to be disruptive to departmental operations--for the employee to seek other employment.

2. The City's Personnel Services Division will provide in-house assistance in the areas of resume preparation and typing, benefit counseling, and public sector job vacancy information.

13.4 Resignation

An employee wishing to leave City service in good standing shall file with the appointing power a written resignation stating the effective date and reasons for leaving at least two weeks before leaving the service, unless such time limit is waived by such official. Failure to give notice as required by this rule may be cause for denying future employment by the City.

13.5 Separation Date

Upon termination, the effective separation date shall be the last day on the City payroll.

SECTION 14.0 REPORTS AND RECORDS

14.1 Roster Cards

The Personnel Officer shall maintain a service or roster card for each employee in the service of the City showing the name, social security number, birth date, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

14.2 Change of Status Reports

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Personnel Officer. Copies of such personnel transactions shall be provided for the Human Resources Division, the Finance Department, and the affected department.

14.3 Destruction of Records

Roster and payroll records shall be kept permanently. All other records relating to personnel, including correspondence, applications, examinations and reports may be destroyed pursuant to the Government Code of the State of California. Any temporary record may be destroyed at any time with the consent of the City Council and the City Attorney.

SECTION 15.0 COOPERATION

15.1 Cooperation of Municipal Officers and Employees

Every officer and employee of the City of Campbell shall cooperate with the Personnel Officer in order to completely fulfill the objectives and purposes of the Personnel Ordinance and these rules.

15.2 Applications of Rules

These rules shall apply to all departments in the City service. Any department head with the approval of the City Manager may establish special rules of that department to meet the needs of the department or any of its divisions, so long as said rules and regulations are consistent with and do not conflict with the Personnel Rules and Regulations as set forth herein.

15.3 Gifts and Payments

No employee shall receive any compensation for any service performed with his/her duties as a City employee from any source other than the City of Campbell.

15.4 Directives

Unless just cause can be given, any employee who fails to comply with any reasonable directive by a superior to whom he/she is responsible shall be subject to disciplinary action.

15.5 Financial Affairs

Employees shall so arrange their personal financial affairs so that credit and collection agencies will not have to make use of the offices of the City. Failure to conduct private financial affairs in a manner so as not to negatively affect job performance or the operations of the City may be grounds for disciplinary action.

15.6 Notification of Address

Employees shall notify the Personnel Officer of any change of address or telephone number within ten days.

15.7 Official Personnel Files

The only official personnel files of the City will be those maintained by the Personnel Officer. Any other files shall have no official status.

15.8 Substance Abuse

It is the responsibility of all employees to cooperate to protect the lives, personal safety and property of co-workers and fellow citizens. With regard to this responsibility, it is in the best interest of the City, its employees, and the public to insure that employees do not appear for work under the influence of drugs or alcohol, or possess, use, or sell illegal substances or alcohol while at work. Such conduct is prohibited since it is likely to result in reduced productivity, an unsafe working environment, poor morale, increased potential liability to the City and possible criminal charges. "Under the influence of drugs" means the use of any illegal substance or misuse of a prescribed drug in a manner and to a degree that impairs the employee's work performance and/or the ability to use City property or equipment safely. The City encourages and will support employees who seek assistance with substance abuse problems as early as possible by utilizing the employee assistance program provided through the City or a program of their choice. Employees who have been counseled by their supervisor and do not seek assistance or do not correct drug or alcohol problems after participating in an assistance program, may be subject to disciplinary action. Where there is reasonable cause to believe an employee is under the influence of drugs or alcohol and is unable to effectively and safely perform his/her job duties, the City may require a medical examination on City time and at City expense.

SECTION 16.0 ATTENDANCE AND LEAVES

16.1 Purpose of Annual Vacation Leave

The purpose of annual vacation leave is to enable each eligible employee to return to his work mentally refreshed. All employees shall be entitled to annual vacation leave with pay except the following:

A. Employees who work on a provisional basis, temporary basis, and all employees who work less than 1040 hours a year.

16.2 Vacation Accrual Rates

All employees in miscellaneous, safety and permanent part-time positions shall earn vacation credits as follows:

A. Miscellaneous and Safety Employees with a 40-Hour Workweek:

Years of Service (uninterrupted)	Hours Accrued Per Pay Period
Start of year 1 through completion of year 4:	3.38 (11 days)
Start of year 5 through completion of year 10:	4.92 (16 days)
Start of year 11 through completion of year 15:	5.85 (19 days)
Start of year 16 and thereafter	6.46 (21 days)

When establishing increased accrual dates, time in the military service shall not be interpreted as an interruption of service with the City.

B. Permanent Part-time Employees:

Eligible employees in permanent part-time positions which are budgeted on a one-half time basis or greater shall be credited vacation on a prorated basis.

16.3 Use of Vacation

In order to be eligible for full annual vacation, each employee shall be required to serve the equivalent of one year of continuous service with the City. After six months of continuous service, however, each employee shall be permitted to take vacation leave not to exceed one-half of the year's allocation.

A. Use of Vacation in Lieu of Sick Leave: Accrued vacation leave may be used in lieu of sick leave, when the accrued sick leave of an employee is not enough to provide leave with pay during an illness. Such use of vacation time as sick leave shall be computed on the basis of one sick day leave equaling one working day of vacation.

16.4 Vacation Scheduling, Retention of Unused Vacation, and Payout of Vacation Hours

The times during a calendar year at which an employee may take his vacation shall be determined by the department head with due regard for the wishes of the employee, and particular regard for the needs of the service. If the requirements of the service are such that an employee cannot take part or all of this annual vacation in a particular calendar year, such vacation either shall be taken during the following calendar year, or paid for at the discretion of the appointing power, subject to the approval of additional funds by the City Manager. In those years where it is impractical for classified non-management personnel to schedule a vacation, the vacation as of December 31st each year may be retained as follows:

Accrual Rate Per Pay Period for Employees on a 40-hour Workweek	Number of Hours Retainable
3.38 hours	192
4.92 hours	232
5.85 hours	272
6.46 hours	304

16.A CMEA Retention of Unused Vacation:

The number of retainable vacation hours, as currently specified in Section 16.4 (Vacation Scheduling, Retention of Unused Vacation, and Payout Vacation Hours) of the City's Personnel Rules and Regulations, shall be modified as follows for all CMEA employees:

Accrual Rate Per Pay Period for Employees on a 40-hour Workweek	Number of Hours Retainable
3.38 hours	220
4.92 hours	250
5.85 hours	300
6.46 hours	350

Vacation hours which exceed the number of hours retainable on the last day of the pay period that contains December 31 each year will be paid out during the following February.

Management personnel may accumulate and retain their vacation leave to a maximum of 520 hours as of December 31 of each calendar year. This limitation may be temporarily waived by approval of the City Manager when special circumstances exist. Use of continuous vacation leave beyond 240 hours shall require approval of the appointing authority.

In the case of employees who work a 40-hour week, when one or more holidays fall within an annual vacation leave such holidays shall not be charged as vacation leave and the vacation leave shall be extended accordingly.

16.5 Vacation Pay on Separation

Employees who terminate employment shall be paid in a lump sum for all accrued vacation leave earne prior to the effective date of termination; however, employees retiring from the City under the PERS Retirement Plan shall have the option to use the maximum amount of the employee vacation accrual allowance prior to established retirement date providing this is not in excess of 60 working days; or to take a lump sum payoff. Payroll checks issued to employees using accrued vacation prior to retirement would be subject to normal deductions.

A. Vacation Pay on Separation - Probationary Period: When an employee separates from service with the City during the first six months of his probationary period of employment, he shall receive vacation pay for the hours of vacation accrued to the time of separation.

16.6 Sick Leave Accrual Rate - 40-Hour Week

For all employees who work 40 hours per week, sick leave shall be accrued at the rate of one workday for each calendar month of service, and shall be accrued at the rate of 3.69 hours per pay period. Unused sick leave shall be accumulated at the rate of 12 days a year, or one workday per month, to an unlimited total. For all employees, upon separation from service with the City, sick leave and fraction accruals shall cease with the last full pay period and shall not be accrued on fractions thereof. **Sick Leave Accrual - Permanent Part-time Employees**: Permanent part-time employees shall earn sick leave on a prorated basis, based on the earning rate of a full-time employee.

16.7 Use of Sick Leave

Sick leave with pay shall be granted to all probationary, provisional, permanent part-time and regular full-time employees. Sick leave shall not be considered as a right that allows employees its use at their discretion, but shall be allowed only in the case of necessity and actual personal sickness or disability. The department head shall be responsible for determining that only bona fide sick leave is taken. In order to receive compensation while on sick leave, employees shall notify their immediate superior or the Personnel Officer prior to or within 4 hours of the time set to begin the workday or as may be specified by their respective department head. In order to verify the bona fide use of sick leave, an employee may be required to file a physician's certificate or personal affidavit with the department head stating the reasons for the absence.

16.8 Use of Family Sick Leave

Family sick leave is provided for use in cases where the employee's presence is required elsewhere because of sickness, disability, or death of a member of his/her immediate family. Such family sick leave is charged against the employee's sick leave account. The immediate family shall consist of the spouse, children, parents, brothers, sisters, or other individuals whose relationship to the employee is that of a dependent or near dependent. In each such case, the appointing power shall grant such sick leave only when, in his/her opinion, the relationship of the sick or disabled person to the employee warrants such use of sick leave.

16.9 Bereavement Leave

Bereavement leave with pay shall be granted to all probationary, provisional, permanent, part-time and regular full-time employees. Bereavement leave will not be charged against the employee's sick leave account.

Employees working a 40-hour workweek shall be granted five (5) days (40 hours) for each immediate family occurrence and three (3) days (24 hours) for each other family occurrence.

Immediate family shall be defined as spouse, children, parents, brothers and sisters, or other individuals whose relationship to the employee is that of a dependent or near dependent. Other family members shall be defined as the employee's grandparents, step-children, father-in-law and mother-in-law.

16.10 Computing Sick Leave

For the purpose of computing and using sick leave, a workday shall be considered as one-fifth of the number of working or duty hours in the established 40-hour workweek for each employee.

16.11 Compensation for Unused Sick Leave

Upon termination, retirement, or death of an employee, the City shall pay for unused sick leave as follows:

5 years completed through 10 years completed service:	20% at terminal pay rate
Start of year 11 through completion of year 15:	30% at terminal pay rate
Start of year 16 through completion of year 20:	40% at terminal pay rate
Start of year 21 and thereafter:	50% at terminal pay rate

Once each year, between February 1st and 15th, employees may request to be compensated for unused Sick Leave, according to the same service length formulas listed above, applied to current hourly salary. Employees must retain a minimum balance of 288 hours of Sick Leave. Any payout of Sick Leave hours above the minimum balance will remove the remaining balance from the employee's Sick Leave accrual account. (Example: Employee has 488 hours of Sick Leave and 16 years of service. Employee could request compensation for 200 hours of Sick Leave and would be paid his/her current hourly rate for 40% of the hours or 70 hours. Once compensated, employee's Sick Leave balance would be 288 hours.)

16.12 Administrative Leave--Management Employees Only

The purpose of annual administrative leave is to provide authorized short-term leaves of absence from the job in lieu of the many overtime hours required of management personnel, for which no monetary compensation is provided. All management employees shall be entitled to 60 hours of administrative leave with pay per calendar year.

At the beginning of each calendar year, management personnel will be credited with a total of 60 hours of administrative leave, which they would earn in the upcoming calendar year. New management employees will be credited with the appropriate prorated portion of this entitlement upon hire.

At the end of the calendar year, management employees may carry over a maximum of 60 hours of administrative leave. Terminating management employees will be compensated for the balance of their earned administrative leave, after the balance has been reduced by the unearned portion of the calendar year.

The Classifications listed below who are members of the Executive Team will receive 80 hours of administrative leave pay per calendar year in accordance with the Personnel Rules.

Assistant City Manager
City Clerk
City Manager
Community Development Director
Deputy City Manager
Finance Director
Human Resources Manager
Information Technology Manager

Police Chief
Public Works Director
Recreation and Community Services Director

At the end of the calendar year, a maximum of 80 hours of administrative leave may be carried over.

For these purposes, beginning of the calendar year means the first day of the first full pay period that begins in January and end of the calendar year means the last day of the pay period that includes December 31st.

16.13 Injury Leave

See Section 1.0--Definition of Terms.

16.14 Military Leave

Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the appointing power an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

16.15 Leave of Absence without Pay

The Personnel Officer may grant a permanent or probationary employee leave of absence without pay for a period not to exceed one year. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and the approval must also be in writing. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge. Department heads may grant a permanent or probationary employee leave of absence without pay for not to exceed one calendar week. Such leaves shall be reported to the Personnel Officer.

A. Leave of Absence Without Pay--Insurance Continuation: The City will continue insurance coverages, at the employee's request, during an employee's leave of absence without pay for no more than six months or a lesser period as delineated in each carrier's contract. During this period the City will contribute its usual premium contributions on behalf of the employee for a period of no more than two months. Any additional portion of the premium normally subject to payroll deductions must be reimbursed to the City by the employee.

B. In addition to the Leave of Absence provisions outlined above, the City of Campbell will provide leaves of absence and comply with related leave provisions as mandated by State and Federal laws.

16.16 Special Leave of Absence

Any other provisions of the Personnel Rules notwithstanding, the City Manager shall have the option at his discretion and/or at the recommendation of the department head to place an employee on special leave with or without pay pending an investigation arising from an incident in which an employee may become involved and/or for reasons of emotional instability following any such incident. The City Manager shall determine the duration and any other conditions of such leave of absence and may require the employee to be physically available to return to duty immediately upon notification by the City Manager or department head. (See Resolution 3714.)

16.17 Maternity Leave

Maternity leave will be considered within the policy outlined in 16.15, Leave of Absence without Pay, and in conformance with any provisions mandated by state and/or federal law. Usage of sick leave will be allowed for that period of time the employee is off work on a physician's orders due to pregnancy-related disability. A physician's statement concerning how long into the term of the pregnancy the employee may work is required, as well as a release by the employee's physician to return to work.

16.18 Jury Duty

An employee shall be given necessary time off without loss of pay when performing jury duty, or performing emergency civilian duty in connection with national defense. In the case of an employee performing jury duty, all fees received for this duty shall be submitted to the City. All per diem compensation shall be retained by the City. Mileage allowance and any other special compensation which may be paid will be retained by the employee. Fees paid for jury duty service on an employee's scheduled day off will be returned to the employee. Employees shall receive no other compensation from the City except their normal salary.

16.19 Hours of Work

Employees shall work forty hours per week and the hours during which offices shall be open for business shall be determined by the City Manager.

A. Establishing the Workweek: By mutual agreement of a majority of department or division personnel and management staff, with the authorization of the City Manager and the City Council, hours of work may be established for groups of employees on the basis of (1) flex time, (2) 4/10 plan, or (3) other specially arranged working hour plans within the basic requirements of a standard 40-hour workweek.

16.20 Timecards

All departments' biweekly timecards shall be submitted to the Finance Department in accordance with established payroll procedures.

16.21 Holidays

The holidays to be observed by the City are as follows:

- January 1st - New Year's Day
- Third Monday in January - Martin Luther King, Jr. Day
- Third Monday in February - Washington's Birthday
- Last Monday in May - Memorial Day
- July 4th - Independence Day
- First Monday in September - Labor Day
- Thanksgiving Day
- Day after Thanksgiving Day
- December 24th - Christmas Eve (4 hours)
- December 25th - Christmas Day

- Floating Holidays - See Addendum "A"

- Every day proclaimed by the Campbell City Council as a holiday.

Holidays falling on Saturday will be observed on Friday and holidays falling on Sunday will be observed on Monday.

Permanent, probationary, and permanent part-time employees in the classified non-management service, except members of the Police Department who are required to be on duty for 24 hour periods, shall not be required to be on duty on holidays unless the employee's services are needed and required in the interest of the public health, safety, or general welfare. In the case of the latter event, any such employee shall be entitled to overtime or compensatory time off as provided for in 16.22 and 16.23.
Classified non-management Police Department personnel regularly required to work a full duty schedule or portion thereof on a legal holiday observed by the City of Campbell shall be paid for holidays as follows:

- Non-management Police Dept. Safety Personnel: 5.4% of salary in lieu pay
- Police Dept. Records/Communications Personnel: 4.8% of salary in lieu pay

Payment in two checks, separate from normal payroll checks, shall be made to eligible non-management employees in the Police Department; one in December and the other in June.

16.22 Overtime

Overtime shall be defined as that time authorized and actually worked by an employee in excess of normal weekly hours as prescribed in 16.19. Except in emergency situations as authorized by the City Council, management employees are not eligible for overtime benefits. Classified non-management employees shall be compensated for overtime according to the following rules and regulations.

At the discretion of the department head, overtime will be compensated by time and one-half pay or time and one-half compensatory time under the following conditions:

A. Overtime work is ordered or authorized by the eligible employee's department head.

B. Eligible classified non-management employees who are called back to work by their immediate supervisor shall be granted the following minimum paid overtime or compensatory time.

Public Works non-management maintenance personnel: 3 hours paid @ time and one-half OR 4-1/2 hours compensatory time. In addition, if the non-management Public Works maintenance employee is contacted by his/her supervisor prior to the beginning of his/her normal work day and the non-management Public Works maintenance employee is not on the City Service Center premises, the call back provision will apply.

Other miscellaneous non-management personnel: 3 hours paid @ time and one-half OR 4-1/2 hours compensatory time.

Safety non-management personnel: 3 hours paid @ time and one-half OR, if eligible, 4-1/2 hours compensatory time.

Safety personnel: Emergencies and investigations directly related to the City of Campbell where continuous overtime extends the regular work shift for a represented employee more than one and one-half (1.5) times the number of hours of that shift (18 hours for employees scheduled to a 12 hour shift, and 15 hours for employees scheduled to a 10 hour shift) will be paid at two times the represented employee's regular rate of pay. Double overtime will not be paid for pre-planned events where no emergency exists, or in response to requests for Mutual-Aid. As per policy, all time cards are approved by the Division Commanders. Any questions or issues related to approval will be settled at the discretion of the employee's division commander.

Non-Sworn Safety personnel: Emergencies and investigations directly related to the City of Campbell where continuous overtime extends the regular work shift for a represented employee more than one and one-half (1.5) times the number of hours of that shift (18 hours for employees scheduled to a 12 hour shift, and 15 hours for employees scheduled to a 10 hour shift) will be paid at two times the represented employee's regular rate of pay. Double overtime will not be paid for pre-planned events where no emergency exists, or in response to request for Mutual-Aid. As per policy, all time cards are approved by the Division Commanders. Any questions or issues related to approval will be settled at the discretion of the employee's division commander.

C. Eligible non-management employees who are required to attend scheduled training sessions, staff meetings, or seminars which require time beyond the normal day or week, as defined in 16.19, shall be compensated with time off or pay in accordance with paragraphs 16.22/16.23.

D. Overtime pay shall not begin until the eligible employee has worked the hours required for his basic workweek, as set forth in 16.19 of these rules. All authorized paid leave time taken shall be credited as part of the basic workweek except that hours not worked, at the employee's option, where those hours are charged to compensatory time off, during the employee's 40-hour workweek and extra hours worked during that same period, totaling 40 hours, will be considered to be flexible scheduling within that workweek, and no compensatory time will be granted.

16.23 Compensatory Time

At the discretion of the department head, compensatory time shall be granted to eligible classified non-management employees. Such compensatory time is to be on a time and one-half basis except as provided for in Section 17.0 of these Rules, and will be governed by the following provisions.

A. Compensatory time earned by an employee who is required to work in excess of the normal workweek shall be recorded in actual hours worked on the employee's timecard and submitted

to the Finance Department.

B. The maximum accumulation of compensatory time is as follows:

1. For employees represented by CPOA, compensatory time shall not be allowed to accumulate in excess of 240 hours.
2. For employees represented by CPCEA, compensatory time shall not be allowed to accumulate in excess of 190 hours.
3. For employees represented by CMEA, compensatory time shall not be allowed to accumulate in excess of 125 hours.
4. For CONF employees, compensatory time shall not be allowed to accumulate in excess of 125 hours.
5. For employees represented by CARP, compensatory time shall not be allowed to accumulate in excess of 75 hours.
6. CONF and those employees represented by CPOA, CPCEA, CMEA and CARP shall not be allowed to accumulate in excess of hours as stated above. Any compensation time earned exceeding maximum accrual hours will be paid in cash at the rate of time and one-half. An employee may exercise his/her option two times each calendar year to convert any or all accumulated compensatory time to cash.

C. Use of compensatory time must be scheduled at least 24 hours in advance with the employee's supervisor and recorded on the employee's timecard for submission to the Finance Department.

D. If possible, arrangements will be made to allow employees to use accrued compensatory time prior to termination. Otherwise, accrued comp time shall be paid off upon termination in accordance with section 553.21 of the Fair Labor Standards Act.

16.24 Unauthorized Leave

Any leave of absence from work taken without prior approval as provided for in these rules shall be without pay and shall subject the employee to dismissal or disciplinary action when the unauthorized leave is found to be unwarranted or detrimental to the service.

16.25 Salary Deduction--Employees Exempt from FLSA Overtime Provisions

In accordance with City policy (Resolution 8120), should an employee who is exempt from the overtime provisions of the Fair Labor Standards Act have insufficient hours in all accrual accounts making it impossible to charge a period of absence of less than that employee's regular workday, no deduction shall be made from that employee's salary.

SECTION 17.0 SPECIAL PROVISIONS FOR SPECIFIC CLASSIFICATIONS

(NOTE: 17.1 thru 17.7 apply to employees represented by Campbell Peace Officers Association)

17.1 Motorcycle Assignment Pay

Traffic enforcement officers riding motorcycles are eligible for motorcycle assignment pay.

17.2 Replacement of City-Issued Equipment--Non-management Police Department Safety Personnel

The City will replace City-issued equipment which is lost by theft or circumstances beyond the control of the officer if such occurrence takes place during the time when the officer is on duty, and if such loss is not attributable to the personal negligence of the officer. City-issued equipment lost by theft off-duty shall be replaced if such loss is not attributable to the personal negligence of the officer. Circumstances surrounding such losses shall be determined through a departmental finding.

17.3 Working Out-of-Class Pay--Non-management Police Department Safety Personnel

Employees assigned the responsibility of Field Training Officer shall receive 5% salary differential pay. This compensation will be paid for each day assigned to this function. To qualify for this pay the employee must have completed the training course for the Field Training Officer Program. Five percent (5%) working out of class pay will be paid for the following assignments: Police Officer acting as Watch Commander for 8 hours or more; Agent acting as Watch Commander for more than 20 consecutive shifts; Sergeant acting as Lieutenant or Captain for more than 5 consecutive shifts.

17.4 POST/Educational Incentive Pay--Police Department Non-Management Public Safety Personnel

The City will pay 5% incentive pay to employees possessing an Intermediate POST Certificate and 7.5% to employees possessing an Advanced POST Certificate. Prior to qualifying for this incentive pay, an employee must have served for a minimum of two years as a Police Officer in the City of Campbell Police Department or two years as a Police Officer in another agency recognized by POST if hired by Campbell as a Police Officer. Employees receiving incentive pay for an Intermediate POST Certificate will be required to requalify on a biannual basis beginning in January 1983. Requalification will require successful completion of 3 job-related college semester units; or 3 required semester units toward completion of a job-related degree; or 36 employee-initiated off duty training hours; or some combination thereof, one college semester unit being equivalent to 12 training hours, during each two year period. Certification by the Department/City Manager's Office of job-relatedness must be obtained prior to the time of enrollment. Off duty viewing of CJRS films may be credited toward the required number of employee-initiated training hours. The required course work must be completed during the previous two calendar years in order to qualify for payment in subsequent years.

Employees with an Intermediate POST Certificate and a job-related advanced degree will have the option to meet the requalification requirement by completing a departmental/community improvement project during the two year requalification period, toward which a relatively equivalent amount of effort is evidenced. The topic of the departmental/community improvement project is to be approved by the Department/City Manager's Office in advance.

Employees with an Advanced POST Certificate will be exempted from the requalification requirement.

17.4 POST/Educational Incentive Pay--Police Department Public Safety Personnel (continued)

In the event that an officer fails to complete requalification, he/she shall lose his/her incentive pay until such time as he/she has completed the requalification requirements. Upon being reinstated, the officer shall receive his incentive pay for the remaining time in his/her 24-month requalification period; to continue incentive pay beyond, the officer must requalify as originally scheduled based on the most recent anniversary date.

17.5 Emergency Transfer of Sick Leave--Employees Represented by Campbell Peace Officers Association

The emergency transfer of sick leave from members of the CPOA to a specific member of CPOA may be granted as follows:

A. The membership of CPOA must agree that each member will contribute some amount of sick leave to a specific employee.

B. Sick leave will only be transferred in an emergency situation to cover the period from the exhaustion of sick leave by the specified employee to the time when they will become eligible for the long-term disability program.

C. Authorization will only be granted under emergency and/or unusual circumstances where an employee has exhausted all leave time, including sick leave, vacation leave and compensatory time, and where circumstances have prevented the employee from reasonably accumulating sufficient sick leave for the illness and/or injury.

D. Sick leave which is so transferred will not be reimbursed to the members of CPOA.

E. The Police Chief will review the transfer relating to its justification and appropriateness and make a recommendation to the City Manager.

F. The City Manager will make the final determination concerning the transfer of sick leave, which will not be subject to appeal.

17.6 Meal Allowance--Employees Represented by Campbell Peace Officers Association

Employees will receive a $9.00 meal allowance when required by a supervisor to work a 4 hour shift extension as a patrol field officer or on special assignment due to personnel shortage. Payment will be made through the City payroll system, following the appropriate entry on the employee's timecard.

17.7 Detective On-Call Pay

Non-management Police Department safety employees assigned to the Special Enforcement Division will receive a total of three hours straight time pay when assigned to "on-call detective" status for a weekend (48 hours or more for the period 1600 hours Friday to 0800 hours Monday). Employees assigned to other "on-call" status will be compensated at the rate of one (1) hour of straight time pay or one (1) hour of compensatory time off for each day or portion of a day assigned to "on-call" status. Employees called in to work from their "on-call" assignment will be compensated pursuant to Personnel Rules and Regulations, Section 16.22, Overtime, in addition to the "on-call" compensation.

.3 Bilingual Pay

POA represented employees who are certified to have a working level of competence in languages other than English, spoken regularly in contacts with members of the Campbell community, will receive an additional $100 per pay period as Bilingual Pay. In order to be eligible for Bilingual Pay, the Police Chief must certify that the employee regularly has a need to use his/her bilingual skills in communicating with members of the community. Additionally, the employee must pass a certification test completed by a trained professional.

17.9 Vacation Buy Back

Employees may convert once per year, unused vacation time for payment subject to the following conditions:

1. The employee must have a minimum of 120 hours of accrued vacation immediately prior to a conversion.
2. Any payment for accrued vacation hours will be subject to taxes as determined by law.
3. Minimum exchange will be one day.
4. All exchanges are irrevocable.

A minimum of 40 hours of vacation leave must be previously used prior to conversion.

(Note: 17.10 thru 17.13 apply to employees represented by CPCEA (Campbell Police Civilian Employees Association)

17.10 Meal Allowance--CPCEA Represented Employees

Employees represented by CPCEA will receive a meal allowance of $10.60 when required to work a shift extension of four (4) hours or more, excluding employee requested shift trades. Payment will be made through the City payroll system following the appropriate entry on the employee's timecard.

17.11 Working Out-of-Class Pay--CPCEA Represented Employees

Police Records Specialists performing communication dispatching duties will receive $3.00 per hour for each majority of a one-hour period in excess of an initial one-hour period in each working day. A Police Records Specialist assigned court liaison duties for four hours or more will receive $3.00 per hour for the working-in-higher class assignment. Routine pickup or delivery of materials from courts or District Attorney's offices will not be considered court liaison duties. A Police Records Specialist assigned to act as Police Records Supervisor and a Public Safety Dispatcher assigned to act as Communications Supervisor for eight hours or more will receive $3.50 per hour for the working in higher class assignment. A Police Records Supervisor or Communications Supervisor assigned as Acting Division Supervisor will receive $3.50 per hour for the working in higher-class assignment. The working out of class assignment to court liaison duties or a supervisor position will be made in writing.

17.12 Trainer Pay--Police Records Specialists and Public Safety Dispatchers

Police Records Specialists, Public Safety Dispatchers and Community Services Officers will receive five percent (5%) differential pay when assigned by their Supervisor to train a new employee for a period of time of at least 1 hour per occurrence. In order to qualify for this pay, the trainer must complete all required training logs and evaluation forms as designated by the Department. Police Records Specialists, Public Safety Dispatchers and Community Services Officers will receive five percent (5%) differential pay for the period of time they are assigned to and actually engaged in developing training materials or designing or coordinating a training program. A minimum of one hour per occurrence must be spent in these activities to

be eligible for Trainer Pay.

17.13 Catastrophic Illness/Emergency Transfer of Sick Leave-- CPCEA

The emergency transfer of sick leave from members of CPCEA to an individual member of CPCEA may be granted as follows:

A. The membership of CPCEA must agree that each member will contribute some amount of sick leave to a specific employee.

B. Sick leave will only be transferred in the case of very serious illness or injury, and under emergency or unusual circumstances where an employee has exhausted all leave time, including sick leave, vacation leave and compensatory time and where circumstances have prevented the employee from reasonably accumulating sufficient sick leave for the illness or injury.

C. Sick leave will only be transferred to cover the period from the exhaustion of sick leave by the specified employee to a maximum of six months later than the date of exhaustion of sick leave.

D. A request for emergency transfer of sick leave from members of CPCEA to an individual member of CPCEA will include the names of CPCEA members and each of their requested sick leave donation amounts.

E. Any request for emergency transfer of sick leave will be submitted to the City Manager who will make the final determination concerning the transfer of sick leave.

F. Sick leave which is transferred to an individual member of CPCEA and is used by that member will not be reimbursed to the members of CPCEA. Any sick leave transferred to a member of CPCEA by other members of CPCEA, that is not needed, will be transferred back to the members who contributed the sick leave hours in the same proportion as their contribution to the total hours contributed.

17.14 Bilingual Pay

CPCEA represented employees who are certified to have a working level of competence in languages other than English, spoken regularly in contacts with members of the Campbell community, will receive an additional $100.00 per pay period as Bilingual Pay.

In order to be eligible for Bilingual Pay, the Police Chief must certify that the employee regularly has a need to use his/her bilingual skills in communicating with members of the community. Additionally, the employee must pass a certification test completed by a trained professional.

17.14 Standby Pay

CPCEA employees who are subpoenaed to court and subsequently placed on "phone standby" d their non-work hours, will be compensated at the rate of one (1) hour of straight time pay or one hour of compensatory time off for each day they are on "phone standby" status. Employees called to court while on "phone standby" during their non-working hours will be compensated pursuant t Personnel Rules and Regulations, Section 16.22, Overtime

17.15 B Off Duty Contacts

Any unit member contacted while the unit member is off duty, and who is asked to provide services to the City but not directed to physically return to the work site shall be compensated as follows. The unit member shall receive a minimum of one-hour of pay compensated at the unit member's based hourly rate of pay. Such pay shall only apply where the unit member performs 10 minutes of work or more. Fewer than 10 minutes of work shall be considered de minimis and not compensable. If a unit member is asked to provide services more than once within the same one-hour window of time, the total time spent providing services shall be aggregated and will be counted as part of the same one-hour period. Unit members shall record all time actually worked and shall report the time according to applicable work time reporting procedures.

17.15 C Vacation Buy Back

Employees may convert once per year, unused vacation time for payment subject to the following conditions:

1. The employee must have a minimum of 120 hours of accrued vacation immediately prior to a conversion.
2. Any payment for accrued vacation hours will be subject to taxes as determined by law.
3. Minimum exchange will be one day.
4. All exchanges are irrevocable.

A minimum of 40 hours of vacation leave must be previously used prior to conversion.

(Note: 17.16 thru 17.22 apply to employees represented by Northern California Carpenters Regional Council)

17.16 Split Shift Differential

Public Works non-management maintenance personnel who are required to work a split shift during a regular 40-hour workweek shall receive 5% differential pay over the base salary the employee is currently receiving for the 8-hour split shift schedule.

17.17 Working Out-of-Class Pay--Public Works Maintenance Division Non-management Personnel

Public Works Maintenance Division Non-management Personnel: Employees required to serve in an acting capacity in the higher classification of Lead Worker and Lighting & Traffic Signal Technician shall receive an additional $25 per day. Acting pay for the Lead Worker and Lighting & Traffic Signal Technician class will be provided for assignments of four (4) or more hours. Written authorization to work in a higher classification will be required. Such written authorization shall be provided to the employee upon commencement of the assignment.

Employees required to serve in an acting capacity in the higher classifications of Park Maintenance Supervisor, Street Maintenance Supervisor, Equipment Maintenance Supervisor, Senior Lighting and Traffic Signal Technician shall receive an additional $30 per day for assignments of 4 hours or more and for Public

Works Superintendent working 8 hours or more shall receive $35 per day.

17.18 Workers' Compensation Benefits--Public Works Non-management Maintenance, Mechanic and Traffic/Lighting Personnel

In the event of a work related illness or injury occurring after July 1, 1984 the City will limit the employee's sick leave liability in the first three days of leave, by prorating payment of workers' compensation benefits according to the same formula which now becomes effective on the fourth day of leave.

17.19 Standby Pay--Public Works Non-management Maintenance, Mechanic and Traffic/Lighting Personnel

Standby assignments outside the regular work schedule shall first be made on a voluntary basis. In the absence of volunteers, the Public Works Superintendent will designate standby assignments. During the normal work week, if the need for standby is known, standby assignments will be made for the period of time from the end of the employee's normal work day until the employee's normal start time the following day. If the need for standby assignments is known by the end of the work day on a Friday, such standby assignments will be made for the following time periods:

- End of work day Friday to 8:00 a.m. Saturday
- 8:01 a.m. Saturday to 8:00 a.m. Sunday
- 8:01 a.m. Sunday to beginning of work day Monday

If the need for standby is expected for part of the weekend, but not the entire weekend, only that portion needed will be assigned in advance. If an upcoming assigned standby shift is no longer needed, the employee assigned to that shift will be notified no less than eight (8) hours in advance. In order to be eligible for standby assignments, employees must reside, or secure accommodation for the duration of the assignment, at a location that is no more than thirty (30) minutes travel time from the City's Service Center.

17.19 Standby Pay (continued)

Standby pay shall be compensated at the rate of six (6) hours of straight time for every 24 hours of Standby assignment. Call out of employees on standby assignments shall be compensated at the regular overtime rate for hours worked in addition to the standby pay. The City may provide a vehicle to employees on standby assignment.

17.20 Meal Allowance--Public Works Maintenance Division Non-management Personnel

Public Works maintenance non-management employees represented by CARP, will receive a meal allowance of $9.00 when required by a supervisor to work a three hour or longer extension of the normal shift. Employees working such a shift extension shall schedule their meal breaks in a manner that is least disruptive to the work being performed during the shift extension, and meal breaks will not exceed fifteen minutes. Payment will be made through the City payroll system, following the appropriate entry on the employee's timecard.

17.21 Class B Driver's License--Public Works Non-management Maintenance, Mechanic and Traffic/Lighting Personnel

For those employees required to maintain a Class B Driver's License, the City will reimburse the Department of Motor Vehicles fee charged to obtain or renew Class B Drivers' Licenses. As an option to reimbursement, and when the employee allows sufficient advance time, employees may request a City check to be written to pay for the DMV fee, using the normal check request procedure. Special interim checks will not be written for this purpose. When employees obtain the health certification required for the Class B Driver's License from City authorized physicians, the City will pay the medical exam fee. The City will not pay that portion of the DMV fee that represents the standard (Class C) fee.

17.22 Bilingual Pay – Public Works Non-management Maintenance, Mechanic and Traffic/Lighting Personnel

CARP represented employees who are certified to have a working level of competence in languages other than English, spoken regularly in contacts with members of the Campbell community, will receive an additional $75 per pay period as Bilingual Pay.

In order to be eligible for Bilingual Pay, the Department Head must certify that the employee regularly has a need to use his/her bilingual skills in communicating with members of the community. Additionally, the employee must pass a certification test by a trained professional.

17.23; 17.24 Reserved

(17.23 and 17.24 are reserved for future use by CARP)

(Note: 17.25 applies to Confidential employees and those employees represented by Campbell Municipal Employees Association)

extension shall schedule their meal breaks in a manner that is least disruptive to the work being performed during the shift extension, and meal breaks will not exceed twenty minutes. Payment will be made through the City payroll system, following the appropriate entry on the employee's timecard.

17.25 Working Out-of-Class Pay--Confidential Employees and Employees Represented by Campbell Municipal Employees Association

Working out-of-class pay will be paid to employees when temporarily assigned to fill a regular budgeted position above their regular classification, which has been vacated due to termination, promotion, leave of absence, vacation, or scheduled sick leave. The employee will receive the first step of the higher classification or a minimum of 5% within the higher classification salary range and must meet the minimum qualifications of the position. 9/80 schedule or the need to cover the alternating weeks' days off will be excluded from working higher class compensation per Administrative Policy.

17.26 Bilingual Pay for Employees Represented by Campbell Municipal Employees Association

CMEA represented employees who are certified to have a working level of competence in languages other than English, spoken regularly in contacts with members of the community, in the course of their jobs, will receive an additional $100 per pay period as Bilingual Pay.

17.27 Catastrophic Illness/Emergency Transfer of Sick Leave or Vacation – Confidential Employees, Employees Represented by Campbell Municipal Employees Association and Management Employees

Members may donate:

- Sick Leave or Vacation hours to another employee who because of a serious injury or illness has exhausted all his/her leave time, or

- Vacation hours to another employee who is the primary caregiver for a seriously ill or injured family member and has exhausted all his/her leave time to care for the individual.

1. Sick Leave or Vacation hours will only be transferred in the case of very serious illness or injury, and under emergency or unusual circumstances where an individual has exhausted all applicable leave time and where circumstances have prevented the employee from reasonably accumulating sufficient sick leave for his/her own illness or vacation hours in the case of illness of a family member.

2. Sick Leave or Vacation will only be transferred to cover the period of time from the exhaustion of leave by the employee to a maximum of six months later.

3. Any request for the transfer of hours from the members' group to another employee will include the names of all members of the group who wish to transfer Sick or Vacation hours and each member's sick or vacation hours donation amounts.

4. Any request for emergency transfer of Sick Leave or Vacation hours will be submitted to the City Manager who will make the final determination concerning the transfer of sick leave or vacation hours.

5. Sick Leave or Vacation hours that are transferred to another employee will not be reimbursed to the group's members.

17.28 Meal Allowance—Campbell Municipal Employees Association

Employees represented by CMEA will receive a meal allowance of $15.00 when required by a supervisor or manager to work a three hour or longer extension of their normal shift. Employees working such a shift

18.1 Responsibility for Training

The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Officer and department head. Such training programs may include courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

18.2 Credit for Training

Participation in the successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer or his delegated representative.

18.3 In-Service Training Incentive Program

As used herein, "In-Service Training" is defined as any class, training course, seminar, workshop or conference participated in by an employee while working for the City. The city will provide or support in-service training to City employees under the following conditions:

A. Tuition Reimbursement: Reimbursement will be provided for expenses incurred by employees attending accredited college courses under the following conditions:

1. All Employees: 100 percent reimbursement for tuition and required books to a maximum of $3000 per fiscal year for accredited college courses for members of CMEA, CONF and MGMT units. 100 percent reimbursement for tuition and required books to a maximum of $2000 per fiscal year for accredited college courses for members of CPOA and MILL units. 100 percent reimbursement for tuition and required books to a maximum of $1500 per fiscal year for accredited college courses for members of CPCEA unit. Police Department Safety employees will not be eligible for tuition reimbursement for classes utilized to re-qualify under the POST/Educational Incentive Pay Program.

2. Employees represented by Campbell Municipal Employees Association may utilize tuition reimbursement for examination fees and related review course fees if pursuing certain certification programs. See Administrative Policies and Procedures - Utilization of Tuition Reimbursement for Certification Programs.

3. Management Employees:

4. **Incentive Pay Program.** Management employees may utilize budgeted conference allocations for additional tuition reimbursement or for work-related seminars. This utilization will require department head approval for classified management personnel, and City Manager approval for unclassified management personnel.

5. Reimbursement will be made subject to the completion and approval of the Tuition Reimbursement form and the submission of receipts and certification of successful completion of all courses.

6. Within the reimbursement limits outlined in 18.3A above, the cost of books and materials will

... with the items remaining the property of the employee.

7. Training will be given on employee's time. Department heads may adjust work schedules to allow employees to attend in-service training courses.

A. Seminars, Workshops, In-State Conferences: Department heads should encourage City employee attendance at seminars, workshops or meetings of in-state conferences when such affairs are related to a departmental function or when such attendance can mutually benefit the employee and the City. Employees attending such activities with the approval of their department head will be reimbursed for all actual expenses of:

1. Transportation costs - City vehicles or reimbursement at the current Council-approved per mile rate.

2. Allowance for room and board.

3. Registration, books, fees, etc.

B. Special Training, Schooling, or Out-of-State Conferences: Special training programs, schooling, or out-of-state conferences not covered under the provisions of this Section shall be considered by the Council on the merits of the benefit to the City and the employee.

PART IV - EMPLOYER-EMPLOYEE RELATIONS

SECTION 19.0 CITY EMPLOYEE ORGANIZATIONS

19.1 Employee Rights

The City recognizes the right of City employees to choose and partake in activities of employee organizations for representation in employer-employee relations as provided for in Government Code Section 3500 and the City's Employer-Employee Relations Resolution No. 6647.

19.2 Meetings and Employee Organization Activities

City employee organizations' business sessions and other activities relating to the organizations' business shall be accomplished at a time and place so as not to conflict with employees regular working hours. Exceptions to the above are:

A. Meetings directly related to the meeting and conferring sessions within the scope of representation may be scheduled during working hours as provided for in the Government Code, Section 3500, Public Employee Organizations or as hereinafter amended.

B. Meetings involving City employees to resolve grievances under the grievance procedures as set forth in the City of Campbell Personnel Rules and Regulations.

C. Meetings called for and arranged by the Municipal Employee Relations Officer.

19.3 Use of City Facilities

City employee organizations may, with the prior approval of the Municipal Employee Relations Officer, be granted the use of City facilities during non-working hours for meetings of City employees provided space is available. All such requests shall be in writing and shall state the purpose or purposes of such meetings. The use of city equipment, other than items normally used in the conduct of business meetings, such as desks, chairs, ashtrays and blackboards, is strictly prohibited, the presence of such equipment in approved City facilities notwithstanding.

19.4 Use of City Equipment

City employee organizations may obtain copies of documents, notices, or reports by use of copying equipment for reproduction at basic cost plus overhead. Masters of the material to be copied shall be submitted to the Municipal Employee Relations Officer or his delegated representative.

19.5 Use of Bulletin Boards

Recognized City employee organizations may use portions of City bulletin boards under the following conditions:

A. All materials must be dated and must identify the organization that publishes them.

B. If an employee organization desires to install a bulletin board, the City reserves the right to determine where such bulletin board shall be placed.

C. An employee organization that does not abide by these conditions will forfeit its rights to have materials posted on City bulletin boards.

19.6 Payroll Deductions - Employee Organizations

The City will authorize a payroll deduction for City employee organizations subject to the following conditions:

A. That the employee organization is formally recognized as a majority representative.

B. That the formally recognized employee organization submits to the City a certified list of membership upon acceptance as a majority representative.

C. That the request for payroll deduction be on an individual, voluntary basis in writing on a standard payroll deduction form or a form provided by the employee organization, approved by the Municipal Employee Relations Officer.

D. That any reasonable fee charged the City for payroll deduction activity may be assessed to the employee organization.

E. The City's responsibility to properly disburse funds withheld shall be limited to the issuance of a check to the organization involved, for the total amount withheld for a particular organization each pay period. The check so issued shall be accompanied by a detailed listing of the employees involved, including the amounts withheld. The City shall be notified of the proper payee indicating the individual and address to whom check is to be delivered.

19.7 General Provision Regarding Americans with Disabilities Act

The Americans with Disabilities Act (ADA) requires all employers to make reasonable accommodations to known disabilities of a qualified applicant or employee who is able to perform the essential functions of the job.

A. Because the Americans with Disabilities Act (ADA) requires accommodations for individuals protected under the Act, and because these accommodations must be determined on an individual case by case basis, specific provisions of the Personnel Rules and Regulations may need to be modified on a case by case basis in order for the City to avoid discrimination relative to hiring, promotion, granting permanency, transfer, lay-off, reassignment, termination, rehire, rates of pay, job and duty classification, seniority, leaves, fringe benefits, training opportunities, hours of work or other terms and privileges of employment.

B. Employee organizations recognize that the City has the legal obligation to meet with the individual employee to be accommodated before any adjustment is made in working conditions. Appropriate employee organizations will be notified of requests for accommodations or proposed accommodations prior to implementation by the City.

C. Any accommodation provided to an individual protected by the ADA shall not establish a past practice nor shall it be cited or used as evidence of a past practice in the grievance procedure.

SECTION 20.0 GRIEVANCE PROCEDURES

20.1 Purpose of Rules

A. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.

B. To afford employees individually or through recognized employee organizations a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussions.

C. To provide that grievances shall be settled as near as possible to the point of origin.

D. To provide that appeals shall be conducted as informally as possible.

20.2 Definition, Scope and Right to File

A grievance is defined as any dispute involving the interpretation, application or alleged violation of:

A. A current Memorandum of Understanding between the City and a recognized employee organization.

B. The City's Personnel Rules and Regulations where the provision in dispute is within the scope of representation excluding, however, any provision that specifically provides that the decision of the City Manager or other City Official shall be final. ***("excluding" language not applicable to CARP).***

C. Administrative policies and procedures of the City regarding personnel matters where the procedure or policy in dispute concerns a matter within the scope of representation.

(This provision does not apply to employees represented by CPCEA (*see 1996 SEIU MOU) CPOA (see 1997 MOU), CMEA (see 1998 MOU); Management and Confidential (see 1998 Resolution).

D. Disciplinary procedures excluding discharge.

Where any of the aforementioned provisions or policies prescribes a separate appeal procedure, they shall be excluded from the procedure contained herein.

20.3 Grievance Steps

A. Step 1: An employee who has a grievance shall bring it to the attention of his/her immediate supervisor within five working days of the occurrence of the act which is the basis for the dispute. If the employee and the immediate supervisor are unable to resolve the grievance at this step within five (5) working days of the date the grievance is raised with the immediate supervisor, the employee shall have the right to submit a formal grievance to his/her department head (see 20.3.B, Step 2) which shall contain the following information:

1. The name and job classification of the grievant.
2. Grievant's department and specific work site.
3. The name of the grievant's immediate supervisor.
4. A statement of the nature of the grievance including date and place of occurrence.
5. The specific provision, policy or procedure alleged to have been violated.
6. The remedies sought by the grievant.
7. The name of the individual or organization designated by the grievant to represent him/her in the processing of the grievance. However, in no event shall an employee organization other than that which formally represents the position occupied by the grievant be designated as the grievant's representative.
8. The signature of the grievant.
9. The date of the execution of the grievance form.

A standard grievance form shall be available through the City Manager's Office.

If mutually agreed by the department head and the employee, the department head may hold an informal meeting re the grievance prior to the submittal of the formal grievance form. If this informal meeting does not resolve the grievance, the employee will be required to submit a formal grievance form to the department head for the department head's formal decision.

B. Step 2: An employee dissatisfied with the decision of the immediate supervisor in Step 1 may submit the grievance in the manner provided above to his/her department head within seven (7) working days from the date of the immediate supervisor's decision. The department head shall respond to the grievance in writing within ten (10) working days from the date of its receipt. At the discretion of the department head the grievance may be referred to a subordinate manager above the level of the supervisor.

C. Step 3: If the employee is dissatisfied with the decision of the department head in Step 2, he/she may submit the grievance to the City Manager within ten (10) working days from receipt of the department head's response. The City Manager, or his designated representative, shall respond to the grievance in writing within ten (10) working days of its receipt. Within this period, the City Manager, at his discretion, may conduct an informal hearing involving the parties to the dispute.

D. Step 4: If the employee is dissatisfied with the decision of the City Manager, he/she may submit the grievance to the Employee Conciliation Committee within ten (10) working days of the receipt of the City Manager's decision.

The Committee shall consist of three (3) members, one of whom shall be selected by the grievant and one by the Municipal Employee Relations Officer. Where such members are other than City employees, they shall serve without compensation and without the City bearing any obligation to reimburse the member's employer for lost time.

The third member and chairperson of the Committee shall be a representative from the State Mediation and Conciliation Service, or an individual acceptable to the Municipal Employee Relations Officer and the grievant. An individual, other than a State

representative, chosen by the parties shall be knowledgeable in public sector relations and may be chosen from any source reasonably likely to produce such an individual, including but not limited to a labor organization or management organization. Any costs incurred through the obtaining the services of the chairperson shall be equally shared between the City and the grievant or his/her employee organization.

The Committee shall conduct a hearing on the grievance within thirty (30) calendar days from the date the grievance is filed at this step and shall render its decision within fifteen (15) working days from the conclusion of the hearing. The majority decision of the Committee shall be final and binding and shall only be subject to ratification by the City Council if said decision mandates an unbudgeted expenditure.

All hearings shall be conducted in an expeditious manner, with the chairperson retaining final authority to rule on procedural matters or other points which affect the length and conduct of the hearing. Court reporters and post-hearing briefs shall only be utilized upon joint agreement between the grievant and the City and shall not serve to delay the Committee's decision beyond the prescribed time limits, except by mutual agreement.

20.4 General Conditions for All Grievances

A. Any time limit set forth in paragraph 20.3 may be extended by written agreement between the parties.

B. A representative of the recognized employee organization which has been formally extended bargaining rights for the grievant's position shall be entitled to be present at any hearing held in conjunction with Steps 3 and 4 of this Grievance Procedure. In addition, at the request of the employee, the above mentioned representative shall be entitled to be present beginning at Step 2.

C. The grievant and his/her designated representative shall be entitled to utilize a reasonable amount of work time, as determined by the grievant's department head, to confer on the grievance. This reasonable amount of time shall not interfere with City operations.

D. The City Manager's Office shall serve as the central repository for all grievance records.

E. The grievance procedure will be implemented as expeditiously as possible.

SECTION 21.0 RULES OF APPEAL TO CITY COUNCIL - DISMISSALS

21.1 Right of Appeal

All employees shall have the right of appeal to the City Council on the issue of dismissal except in those instances where the right of appeal is specifically prohibited by the personnel ordinance or these rules.

21.2 Method of Appeal

Appeals shall be in writing, subscribed by the appellant, and filed with the Personnel Officer. Within five days after receipt of the appeal, the Personnel Officer shall inform each member of the City Council, the appointing power, and such other persons or officers named or affected by the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Officer explaining the reason for the appeal and setting forth therein a statement of the action desired by the appellant and reasons therefor. The formality of a legal pleading is not required.

21.3 Notice

Upon the filing of an appeal, the Personnel Officer shall set a date for a hearing on the appeal not less than ten days, nor more than thirty days from the date of filing. The Personnel Officer shall notify all interested parties of the date, time and place of the hearing as so prescribed by the City Council.

21.4 Investigation

Upon the filing of an appeal, the City Council may make such independent investigation of the matter as it may deem necessary. The result of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to have a reasonable time within which to answer or to present evidence in opposition to the findings of this independent investigation.

21.5 Hearings

The appellant shall appear personally, unless physically unable to do so, before the City Council at the time and place of the hearing. He may be represented by any person or attorney he may select and may at the hearing produce on his behalf relevant oral or documentary evidence. Appellant or his representative shall state his case first, and at the conclusion opposition matter may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the City Council. Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the City Council with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Employees in the Classified service may request in writing either a closed or open hearing.

21.6 Findings and Recommendations

The City Council shall, within ten days after the hearing concludes, certify its findings and recommendations in writing to the appellant and to the person, officer or body from whose action the appeal was taken. The person, officer or body from whose action the appeal was taken shall review the findings and recommendations of the City Council and the City Council may then affirm, revoke or modify the action taken as in its judgment seems warranted and the action taken shall be final. Any member of the City Council may submit a minority or supplemental finding and recommendation.

PART V - MISCELLANEOUS

SECTION 22.0 EMERGENCY PREPAREDNESS

22.1 Emergency Preparedness

Pursuant to the City of Campbell's Disaster Preparedness Program - Campbell Municipal Code, Ordinance No. 809:

A. All department heads shall assign each employee an emergency disaster function.

B. Department heads are responsible for making such preparations as are necessary to insure the continuation of essential municipal services in the event of a war-caused or natural disaster.

C. The City Manager is the City's Emergency Preparedness Director and shall be responsible for planning and coordinating the City's overall emergency preparedness activities.

SECTION 23.0 COURT APPEARANCES

23.1 Employees - Civil Trials

When a police officer or other employee of the City is subpoenaed for civil trials related to the performance of official duties, the person issuing the subpoena shall deposit with the City Clerk the required deposit prior to securing the subpoena. After the employee notifies Finance of the time spent at court, the deposit will be dispersed. If the employee has attended court fully on City time, the City shall retain the entire reimbursement. If the employee subpoenaed attends fully on his/her time, he/she shall receive the entire reimbursement. If the time spent in court is partially on City time and partially the employee's time, the City shall be reimbursed the employee's hourly wage plus benefits while on City time and the remainder of the fee will go to the employee.

SECTION 24.0 OUTSIDE EMPLOYMENT

24.1 Outside Employment - Non-management Personnel

Full-time City employees will be allowed to engage in off-duty employment if such secondary employment meets the following standards:

A. Outside occupations shall be legal in character and not degrading to the City or employee. The type of work undertaken must not create a conflict of interest with the employee's City job.

24.1 – Outside Employment – Non-management Personnel (continued)

A. Outside work must not be demanding on the employee and carry over into his/her regular duties by making contacts, either personal or by telephone, the following day.

B Outside work must not leave the employee tired or subject to injury on his regular job.

C. Outside employment must be such that no problem arises as to the municipal responsibility for injury incurred on an outside job.

D. The supplemental job should never be allowed to interfere with the duties of a City position to the extent that the employee is not always readily accessible in case of emergencies.

E. A supplemental employer shall be willing to agree, in writing, that an employee would be permitted to return to his/her regular duties immediately upon call.

24.2 Application for Permit to Engage in Outside Employment

The basis for approval by the immediate supervisor and department head is as follows:

A. No employee will be allowed to engage in any outside employment without first filling out an off-duty employment permit which in turn is to be approved or denied by the immediate supervisor and department head. A copy of each permit approved by the department head is to be filed with the City Manager's Office.

B. Each request to engage in outside work is to be considered individually. Certain types of work which are incompatible to the department would be so designated by the department head.

24.3 Maximum Hours Permitted in Outside Employment

A ceiling on the number of hours permitted on outside work is hereby established as 20 hours per week. This is considered as the maximum possible without affecting the employee's efficiency on his/her regular job.

24.4 Injuries Resulting from Outside Employment

As part of the processing of the off-duty employment permit, the employee is required to specifically waive any rights he/she would have against the City or any retirement system which the City might adopt as to disability which would be caused from or arise out of the employment for which the request is made. The employee is also required to waive any rights to Workers' Compensation benefits because of any injury or sickness caused by or arising out of the outside employment.

24.5 Outside Employment and Sick Leave

An employee whose sick leave record indicates the lack of strength to sustain both City employment and outside employment will not be allowed to engage in outside employment.

24.6 Outside Employment--Management Personnel

Management employees will be permitted to engage in secondary employment under the following conditions:

A. Outside occupations shall be legal in character and not degrading to the City or employee. The type of work undertaken must not create a conflict of interest with the employee's City job or in any way decrease the effectiveness of the employee in conducting City business.

B. Outside work must not be demanding on the employee and carry over into regular workday duties by making contacts, either personal or by telephone, during City working hours.

C. Outside work must not leave the employee tired or subject to injury on his/her regular job.

D. Outside employment must be such that no problem arises as to the municipal responsibility for injury incurred on an outside job.

E. The secondary job should never be allowed to interfere with the duties of a City position to the extent that the employee is not always readily accessible in case of emergencies.

F. A secondary employer shall be willing to agree, in writing, that an employee would be permitted to return to his/her regular duties immediately upon call.

G. All rules pertaining to outside employment as outlined in paragraphs 24.3, 24.4, and 24.5 shall also apply to management employees who are granted permission to engage in secondary employment.

H. Outside Employment Permits for unclassified management employees will require the approval of the City Manager. Permits for classified management employees will require department head approval with a copy of the approved permit filed with the City Manager's Office.

SECTION 25.0 REIMBURSEMENT FOR DAMAGE TO CLOTHING AND PERSONAL EFFECTS

25.1 Reimbursement Policy

Damage to personal effects required by the City while in the line of duty will be reimbursed by the City upon recommendation of the individual's immediate supervisor and the department head, as well as approval by the Personnel Officer or his designated representative. The prior condition of the damaged item should be considered in determining the amount of reimbursement. Guidelines have been developed which will assist employees, department heads and supervisors in processing claims under this policy. They may be obtained from the Personnel Division.

25.1 Reimbursement Policy (continued)

A. Damage to personal effects not required by the City would be allowed under the same conditions as outlined in the preceding portion of paragraph 25.1.

B. No costs should be incurred by the City when it has been demonstrated that loss or damage was due to personal negligence.

C. No costs should be incurred by the City in an unreasonable amount. For example, if an employee loses a $300 wristwatch while in the line of duty, it would not be reasonable for the City to reimburse him in this amount inasmuch as he did not exercise good judgment in wearing an expensive instrument on a job that has certain hazards connected with it.

D. Definition of Personal Effects: Those items worn or carried by the employee in the line of duty.

SECTION 26.0 CITY VEHICLES AND DRIVERS

26.1 Use of City Vehicles and Equipment

Except in case of emergency or Council authorization, a City vehicle is to be driven only by City employees. City vehicles and equipment shall, under no circumstances, be used by any employee or citizen for other than official business. Violation of this policy will be cause for strict disciplinary action.

26.2 Employee Driving Habits

Every employee driving a City vehicle shall obey all traffic regulations and display road courtesy at all times.

26.3 Motor Vehicle License

If the primary duty of the employee is the driving of City vehicles on public streets, then he shall carry at all times a valid and appropriate Motor Vehicle Operator's License.

26.4 California Vehicle Code Restrictions

All City employees who drive City vehicles are subject to the provisions of Sections 21052-21057 of the California Vehicle Code. It is the responsibility of each City employee who drives a City vehicle to be familiar with these Vehicle Code Sections so he can act accordingly.

26.5 Pool Cars

Pool cars are to be stored at areas designated by the City Manager when not in use. Authorized personnel may not take a pool car home except in the case of an evening meeting or an early morning meeting or assignment. Employees will not be permitted to take city vehicles home for night meetings if a 10-mile roundtrip maximum would be exceeded.

26.6 Use of Personal Vehicle for City Business

Employees using their personal vehicles for City business will receive an auto allowance or mileage reimbursement. Mileage reimbursement will only be granted if a pool car was not available or special authorization was granted.

26.7 City Vehicles and Employees on Standby Basis

City vehicles assigned to employees on a standby basis are not to be left unused at the employee's home longer than a 48 hour period. In such cases, City vehicles are to be left at the Corporation Yard or City Hall and, if necessary, they are to be reassigned to the immediate supervisor for use by an alternate City employee until the return to work by the City employee originally assigned the vehicle.

26.8 Procedure for Accidents

Employees driving City vehicles involved in accidents resulting in property damage or injury shall immediately do the following:

A. Promptly notify your supervisor.

B. If necessary, notify the law enforcement agency in whose jurisdiction the accident occurred.

C. Comply with the California Vehicle Code.

Notification of an accident shall be promptly reported to the Finance Department so that the insurance company may be notified. Two copies of all accident reports involving City equipment shall be forwarded to the Finance Department as soon as possible.

26.9 Service of City Vehicles

All City vehicles and equipment should be serviced at the City's Service Center in accordance with City policy.

26.10 Mileage for Evening Meetings

Employees who are authorized to use their private cars to attend an evening meeting at City Hall and who live within the city limits of Campbell, shall be reimbursed at the current per mile rate as designated by the City Council. Employees who are required to attend an evening meeting at City Hall but who live outside city limits, shall be reimbursed at said rate with a maximum allowable charge of ten miles for the round trip.

26.11 Mileage for Out-of-Town Meetings

Employees who are authorized to use their private cars to attend out-of-town meetings shall be reimbursed at the current designated rate to be computed from the City Hall or home of the employee, whichever is the shortest distance. For trips which are in excess of a 125 mile radius, the employee will be reimbursed at the rate equivalent to the current and prevailing first-class air fare as of the date of said travel.

26.12 Mileage for Employee's Car on City Business

An employee authorized to use his own car for City business will be reimbursed at the mileage or flat rate established by the City Council. Mileage reimbursement will only be provided to those persons who have previously submitted proof of insurance coverage to the Finance Department.

26.13 Seat Belts

Employees shall fasten seat belts on entering City vehicles. Failure to take such safety precautions may result in disciplinary action.

ADDENDUM "A"

I. FLOATING HOLIDAY ENTITLEMENT BY REPRESENTATIVE EMPLOYEE GROUP

Campbell Municipal Employees Association

The calendar year entitlement for those employees represented by the Campbell Municipal Employees Association is five (5) days. New employees receive the appropriate prorated portion of this entitlement upon hire.

Campbell Police Civilian Employees Association

The calendar year total holiday pay entitlement is 4.8% of salary in lieu pay. In addition, represented employees receive two (2) Floating Holidays per calendar year to be taken as days off. New employees receive the appropriate prorated portion of this entitlement upon hire.

Northern California Carpenters Regional Council

The calendar year entitlement for those employees represented by CARP is five (5) days. New employees receive the appropriate prorated portion of this entitlement upon hire.

Management Employees

The calendar year entitlement for management employees is five (5) days. New employees receive the appropriate prorated portion of this entitlement upon hire.

Confidential Employees

The calendar year entitlement for confidential employees is five and one-half (5-1/2) days. New employees receive the appropriate prorated portion of this entitlement upon hire.

II. FLOATING HOLIDAY USAGE RULES AND EXCEPTIONS

Floating Holidays must be used during the calendar year in which they are granted, and may be utilized in conjunction with annual vacation leave. For these purposes, the beginning of the calendar year means the first day of the first pay period that begins in January and the last day of the calendar year means the last day of the pay period that contains December 31st. All Floating Holiday leave time must be scheduled with the employee's supervisor at least 24 hours in advance and cannot be disruptive of departmental operations.

Floating Holiday time shall have no monetary value upon termination of employment unless a terminating employee has taken more than the proportionate share to which he/she is entitled prior to the termination date. The formula for determining the proportionate amount of Floating Holidays remaining in a calendar year shall be one Floating Holiday for each three months remaining in the calendar year. The value of a Floating Holiday shall be the same as one day of vacation, and if used but not earned, it will be adjusted for on the employee's closing check.