A G E N D A
RIO DELL CITY COUNCIL
SPECIAL MEETING – 5:30 P.M.
TUESDAY, JULY 10, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STUDY SESSIONS/PUBLIC HEARINGS

1) 2012/0710.01 - Joint Study Session with Planning Commission to Discuss:

- One-Way Streets Concept
- Town Center Designation
- Downtown Historic Buildings
- County General Plan Update

E. SPECIAL MEETING MATTERS

Members of the Public are encouraged to attend and shall have an opportunity to directly address the City Council concerning any item described in this special meeting agenda before or during consideration of that item.

1) 2012/0710-02 - Approve Resolution No. 1163-2012 Determining that the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds **(ACTION)**

2) 2012/0710.03 - Approve Resolution No. 1164-2012 Requesting the County Elections Elections Department Include Rio Dell in the 2012 General Election

for a Special Improvement Measure **(ACTION)**

2) 2012/0710.04 - Introduce and Conduct First Reading (by title only) of Ordinance No. 293-2012 Calling an Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of Construction and Completion of Street Improvements, to the Qualified Voters of the City of Rio Dell at the General Municipal Election to be Held on November 6, 2012 **(ACTION)**

2) 2012/0710.05 - Approve Resolution No. 1165-2012 Approving City of Rio Dell Employee Handbook **(ACTION)**

3) 2012/0710.06 - Approve Resolution No. 1166-2012 Approving Employment Agreements and MOU's **(ACTION)**

4) 2012/0710.07 - Approve Agreement Between the City of Rio Dell and Jones Hall for Bond Counsel Services in Connection with General Obligation Bond Proceedings **(ACTION)**

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

G. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Finance Director
3. Chief of Police
4. Community Development Director

H. COUNCIL REPORTS/COMMUNICATIONS

I. ADJOURNMENT

The next Regular meeting will be on July 17, 2012

At 6:30 P.M. in City Hall Council Chambers

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

PUBLIC NOTICE

City Council – Planning Commission
Joint Study Session
July 10, 2012 at 5:30 pm

The City of Rio Dell is soliciting and encouraging public comments on a number of important issues which may affect you, your friends and your neighbors. Your input is needed and appreciated in order to determine if the City should move forward on these projects. If you have any questions, comments or concerns, please don't hesitate to call City Hall at (707) 764-3532.

1. One-Way Streets Concept: The City is considering designating some streets in the "Avenues" neighborhood as one-way streets. The "Avenues" neighborhood includes First, Second, Third and Fourth Avenues and Atlanta, Berkeley, Columbus and Dixie Streets.

2. Town Center Designation: The City is considering reducing the area currently designated Town Center to those parcels which front on Wildwood Avenue. The City is also considering amending the allowable uses in the Town Center designation.

3. Downtown Historic Buildings: The City is considering identifying the downtown historic buildings and potential specific downtown design review guidelines.

4. County General Plan Update: Staff will share and discuss the County recommended land use designations adjacent to the City.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

CITY OF RIO DELL CALIFORNIA

TO: Honorable Rio Dell City Council

FROM: Jim Stretch, City Manager

DATE: July 10, 2012

SUBJECT: Street Improvement Assessment Project, Consideration of Resolution No.1163-2012 and Ordinance No. 293-2012

COUNCIL ACTION:

A. By motion approve Resolution No. 1163-2012, or

Take no action.

B. By motion move to declare first reading by title only of Ordinance No. 293-2012 and place the Ordinance on the July 17, 2012, Council agenda for second reading and approval, or

Take no action.

BACKGROUND:

This staff report and proposal is virtually identical to the presentation made to the Council and community on February 7, 2012.

On July 3, 2012, the City Council discussed the fact that Measure X on the June 5, 2012 special election, concerning a special street improvement assessment, failed to pass by a mere 25 votes. Many community members were encouraged that the vote was so close and urged the Council to double their efforts and try again--ASAP.

Accordingly, the Council directed the City Manager to prepare the necessary documents for the meeting of July 10, 2012 to offer the measure to the voters once again. A petition was made available to residents to collect the minimum required signatures to be able to place the special assessment and bond obligation on the November 6, 2012 ballot.

As most citizens know firsthand the majority of City streets are badly in need of repair. Some are so deteriorated that if they are not overlaid soon they will have to be reconstructed at significantly higher costs and for which the City has not the financial resources. The cost to re-construct a city street is about ten times the cost of an asphalt overlay. Other streets need a slurry seal-coat in order to extend their useful life and prevent the need for additional costly maintenance in the near future. A County pavement study in 2010 concluded that the City had the worst rated streets in the entire County.

The reason the streets are in such a condition is simple – the City has not had adequate revenue to fund the necessary maintenance required to keep streets in proper condition. Maintenance has been deferred for too many years and now the cost of addressing the situation on a City wide basis is far beyond the financial ability of the City.

Bad streets are not just a driving inconvenience; they are also a prominent factor that reduces the value of one's home abutting such a street. In some cases this cost could be in the neighborhood of $15,000 to $20,000 or more. Bad streets also make it more difficult to sell a home and in some cases can deter a buyer from even making an offer.

Adequate street maintenance is every citizens concern because even if your property is not located on a bad street, you probably have to drive on a bad street to navigate the City and the image that bad streets portrays indirectly impacts the image and value of your property.

To address this situation it is proposed to implement a Street Improvement Assessment Project, similar to the measure that appeared on the June 5, 2012 ballot which garnered 62.7% of the vote, 25 votes from the 66-2/3approval threshold.

THE STREET IMPROVEMENT ASSESSMENT PROJECT:

The proposed Street Improvement Assessment Project encompasses either providing an asphalt overlay or slurry seal-coat over about 11.5 miles of City

streets, constituting roughly 80% of all the streets in the City. Not considering Wildwood Avenue which was recently paved with federal grant funds, the percentage jumps to nearly 89 % of all other City streets.

The attached map shows which streets are proposed for an asphalt overlay or slurry seal-coat. An asphalt overlay is what was done recently to Wildwood Avenue as well as small sections of other City streets such as West Center Street adjacent to Firemen's Park. Although there are no examples of slurry seal-coat in the City, a slurry seal-coat is a premium version of a chip seal that is typically used to extend the life of asphalt pavement.

The cost of the Street Improvement Assessment Project is estimated to be $2,825,000. In order to complete all of the work at once, which will significantly reduce the unit cost; it is proposed that the City issue General Obligation (G.O.) Bonds. The bonds would be paid over a 15 year term by an assessment on every property in the City based on assessed value.

To reduce the project cost and therefore the assessment to property owners, it is proposed that the City contribute funding in the total amount of $825,000. The source of this funding would be $300,000 in street reserves and $525,000 in General Fund reserves. Consequently, only $2,000,000 will have to be bonded and repaid by property assessments.

The City has had discussions with the United States Department of Agriculture (USDA) regarding purchasing the G.O. Bonds. The current interest rate is 3.75% which is a very low rate for 15 year funding and may not be available in future years.

The City has preliminarily estimated the annual cost, which is based on assessed value, to average homeowners in three neighborhoods: the First to Third Avenue area - $122.00, the Ogle Avenue/Bellview Road area - $137.00, and the Riverside Drive area - $155.00. Note that the initial annual cost noted above is projected to decline every year over the 15 year term.

In order for the City to assess any property the project must be placed on the ballot for the November 6, 2012general election. Two thirds (66.6666%) of the votes cast would have to support the project in order for bonds to be sold and the project implemented. Consequently, it will be solely up to the voters if this project becomes a reality.

The specific ballot measure would read:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue $2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%?"

_____ YES _____ NO

In order to fully inform voters about the project and answer questions, City staff proposes to hold a series of informal neighborhood meetings this summer and fall, as well as mailings.

The advantages of supporting the project include:

- 11.5 miles of poorly maintained streets will be repaired at one time improving driving conditions and better looking.
- The improved streets will be more bicycle friendly.
- The City can contribute to reducing the total cost by $825,000 or about 30%.
- The project can be financed over 15 years at an interest rate of about 3. 75%, this may not be available again.
- Significant repair of City streets will likely increase the value of most City properties.
- The project will prevent further deterioration which will cost significantly more to fix in the future and for which the City has no source of funding.
- Coupled with the streetscape improvement planned for the south end of Wildwood Avenue the project will have a marked impact on improving the image of our community.

RECOMMENDATION:

The City Manager recommends the Council approve Resolution No. 1163-2012 and declare first reading of Ordinance No. 293-2012 and place it on the July 17, 2012, Council agenda for second reading and adoption.

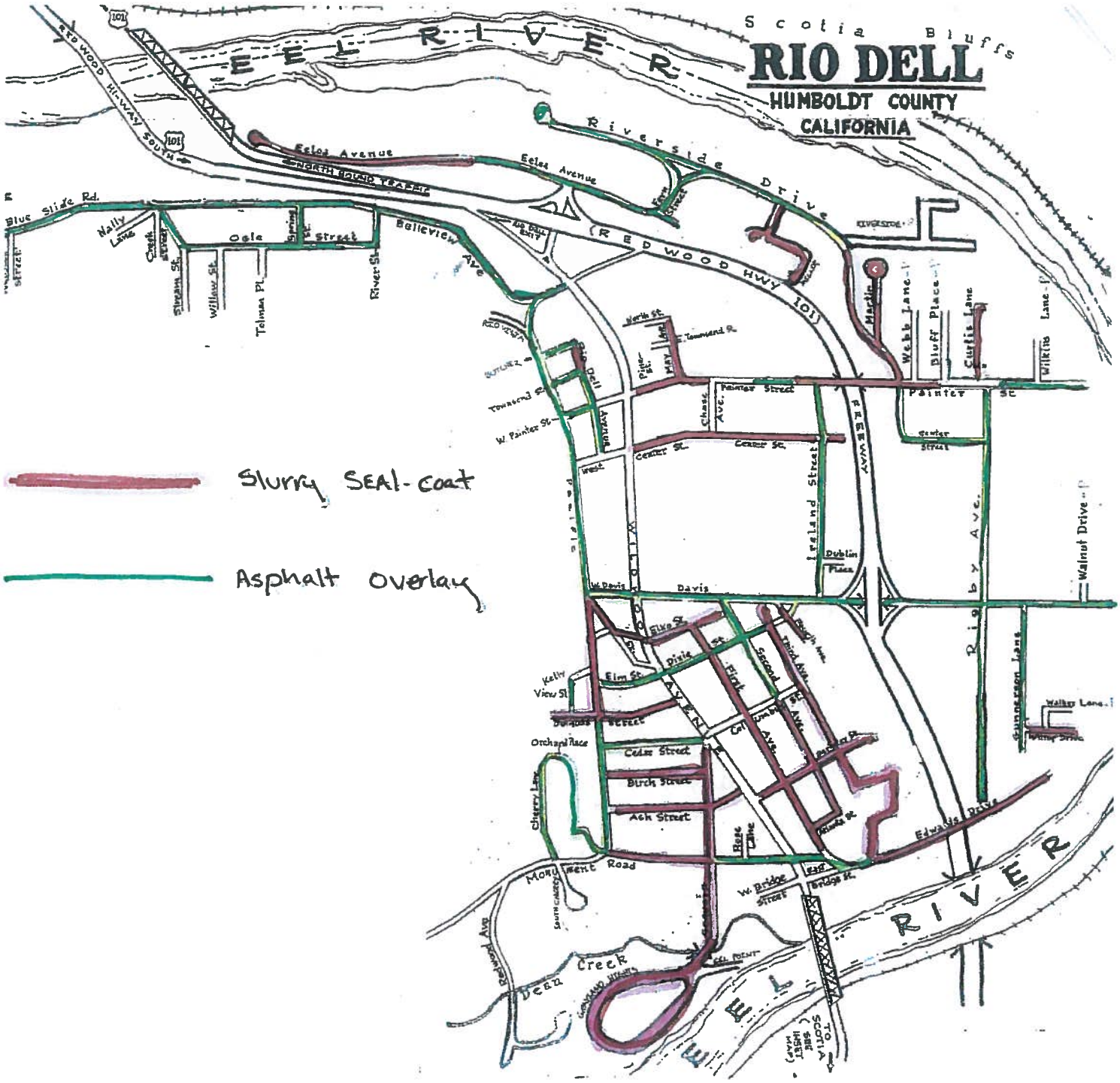
Note that this action by the City Council merely places the issue on the November 6, 2012 General ballot. It is ultimately up to the voters to decide if the project is implemented.

ATTACHMENTS: 1) Resolution No. 1163-2012 – A resolution determining that the public interest and necessity demand the construction and completion of street improvements, and their financing through the issuance of general obligation bonds, and

2) Ordinance No. 293-2012 – An ordinance calling a special election and ordering the submission of a proposition of incurring bonded debt for the purpose of the construction and completion of street improvements, to the qualified voters of the City at the General election to be held on November 6, 2012.

3) Map of proposed street improvements.

CITY STREETS TO BE IMPROVED



RESOLUTION NO. 1163-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE CONSTRUCTION AND COMPLETION OF SREET IMPROVEMENTS, AND THEIR FINANCING THROUGH THE ISSUANCE OF GENERAL OBLIGATION BONDS

WHEREAS, the City of Rio Dell (the "City") is authorized to issue general obligation bonds to finance municipal improvements pursuant to the provisions of Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code and Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (collectively, the "Act"); and

WHEREAS, the City intends to issue general obligation bonds under and pursuant to the Act to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible (the "Improvements"); and

WHEREAS, in order to initiate proceedings under the Act to provide for the financing of the Improvements, this Council must make certain findings and determinations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

Section 1. The public interest and necessity demand, and it is the intention of this Council to require the acquisition, construction and completion of the Improvements, and to issue general obligation bonds of the City to finance the cost thereof, subject to completion of the proceedings required by the Act.

Section 2. This Council hereby finds and determines that the estimated costs of the Improvements will require an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of general obligation bonds of the City to be issued for the Improvements will pay for the estimated cost for the Improvements.

Section 3. This resolution is adopted, and general obligation bonds of the City are to be issued, pursuant to the Act.

* * * * * *

Passed, approved and adopted by the City Council of the City of Rio Dell this 10th day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Julie Woodall, Mayor

ATTEST:

_____

Karen Dunham, City Clerk

CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Jim Stretch, City Manager

DATE: July 10, 2012

SUBJECT: Street Improvement Bond Measure - November 6, 2012 General Election

RECOMMENDATION

Approve Resolution No. 1164-2012 requesting the County of Humboldt Elections Department to include Rio Dell in the November 2012 General Election for a Special Improvement Measure.

BACKGROUND AND DISCUSSION

At the June 19th regular meeting, the Council approved Resolution No. 1155-2012 requesting the Elections Department include Rio Dell in the November 2012 General Election. Since that request only included the election for the two City Council seats, we must submit an additional resolution requesting those services for the bond measure for street improvements.

RESOLUTION NO. 1164-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL REQUESTING THE COUNTY OF HUMBOLDT ELECTIONS DEPARTMENT TO INCLUDE RIO DELL IN THE 2012 GENERAL ELECTION FOR A SPECIAL IMPROVEMENT MEASURE

WHEREAS, a general election is set for the City of Rio Dell on November 6, 2012; and

WHEREAS, the Elections Code of the State of California provides that the local governing body may request election services of the County Clerk concerning the conduct of general elections; and

WHEREAS, the City Council of the City of Rio Dell is desirous of having the County of Humboldt Elections Department provide certain services for the conduct of the general election and the Rio Dell City Council election to be held on November 6, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA that the City of Rio Dell hereby requests the Humboldt County Board of Supervisors to authorize the County of Humboldt Elections Department to conduct the general election for a Special Improvement Measure on November 6, 2012, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, the actual conduct of the election, and the counting of ballots with the tally turned into the City Clerk of the City of Rio Dell for announcement of the results of the election.

PASSED AND ADOPTED this 10th day of July, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Julie Woodall, Mayor

ATTEST:

_____
Karen Dunham, City Clerk

ORDINANCE NO. 293-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL CALLING AN ELECTION AND ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE OF THE CONSTRUCTION AND COMPLETION OF STREET IMPROVEMENTS, TO THE QUALIFIED VOTERS OF THE CITY OF RIO DELL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012

– – – – – –

WHEREAS, on July 10, 2012, this City Council adopted, by a two-thirds vote of all the members of said Council, a Resolution entitled "A Resolution of the City Council of the City of Rio Dell Determining That the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effective manner possible (the "Improvements"), it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election; and

WHEREAS, a General Election for the City is to be held on Tuesday, November 6, 2012; and

WHEREAS, the City Council desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth; and

WHEREAS, at least 15% of the qualified voters of the City as shown by the votes cast for all candidates for Governor at the last election have signed and submitted to the City Clerk a petition to the City Council requesting submission of such a proposition.

Now therefore, the City Council of the City of Rio Dell does ordain as follows:

SECTION 1. That the following question shall be submitted to the voters of the City at the General Election to be held on November 6, 2012:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in

order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue $2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 6%?"

_____ YES _____ NO

SECTION 2. The object and purpose of incurring the indebtedness is to finance the costs of constructing the Improvements described in the recitals to this Ordinance.

SECTION 3. The estimated cost of the portion of the costs of the Improvements to be paid for from the City's general obligations bonds is Two Million Dollars ($2,000,000), the City having determined to contribute approximately $850,000 of its general funds towards the cost of the Improvements. The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of $2,000,000 will be paid for from other funds of the City.

SECTION 4. The amount of the principal of the indebtedness to be incurred is not to exceed Two Million Dollars ($2,000,000).

SECTION 5. The maximum rate of interest to be paid on the indebtedness shall be six percent (6%) per annum.

SECTION 6. This City Council does hereby call an election on Tuesday, November 6, 2012, and submit to the qualified voters of the City, at said election, the proposition set forth in Section 1 hereof. The City proposes to acquire, construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code and/or Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of the City's municipal election with the Statewide General Election on Tuesday, November 6, 2012, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Each voter to vote for the proposition and for the incurring of said indebtedness shall fill in the oval to the left of the word "YES" on the ballot below the proposition heading; and each voter to vote against the proposition and against the incurring of said indebtedness shall fill in the oval to the left of the word "NO" on the ballot below the proposition heading.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than July 18, 2012, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of Humboldt County (the "County"), and a copy with the County Clerk of the County and the Registrar of Voters of the County. The City Manager is hereby authorized and directed to make any changes to the text of the Measure as required to conform to any requirements the Act or the Registrar of Voters of the County.

SECTION 11. The Board of Supervisors is hereby authorized to canvass the returns of the Bond Election herein authorized.

SECTION 12. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included in the Bond measure, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City's Bond Measure __ (the "Measure"):

a) The specific purpose of the bonds is to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible;

b) The proceeds from the sale of the City's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a street improvement construction fund to be held by the City; and

d) The Finance Director of the City shall file an annual report with the City Council of the City, commencing not later than one year after the bonds have been issued, and annually thereafter until the project is complete, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the street improvement project listed in the Measure.

SECTION 14. That the City of Rio Dell recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 15. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 16. That the City Clerk is authorized, instructed and directed to have the Humboldt County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 17. That the polls for the election shall be open at 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 18. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

SECTION 19. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above ordinance was introduced with the first reading waived at a special meeting of the City Council on the 10th day of July, 2012, and passed and adopted at a regular meeting of said Council held on the 17th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Julie Woodall, Mayor

ATTEST:

_____
Karen Dunham, City Clerk

Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com

July 10, 2012

TO: Honorable Mayor and City Council Members

FROM: Jim Stretch, City Manager

SUBJECT: Approval of new Employees Personnel Handbook

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution 1165-2012 the City of Rio Dell Employee Handbook, July 2012

BACKGROUND AND DISCUSSION

The City Council received the July 2012 "City of Rio Dell Employee Handbook" at its July 3, 2012 meeting and had it filed with no action—directing that it be placed on the July 10, 2012 agenda for approval.

The new proposed handbook replaces employee policies that date back to 1989. The Handbook has been under study for a number of years and more recently been reviewed by department heads, employee organizations and approved by the City Attorney as to legal form. Once it is adopted, the highlighting and ~~strike throughs~~ will be removed and the document will be ready for circulation.

After any questions or comments are addressed, it is recommended that the City Council adopt Resolution 1165-2012, approving the new edition of the "City Of Rio Dell Employee Handbook"

RESOLUTION NO. 1165-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ADOPTING THE CITY OF RIO DELL EMPLOYEE HANDBOOK, SUPERSEDING ALL PREVIOUS HANDBOOKS, PERSONNEL POLICIES, PRACTICES AND GUIDELINES

WHEREAS, the Handbook is intended to help employees get acquainted with the City of Rio Dell and provide information about its employment practices; and

WHEREAS, the objective of the Handbook is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in municipal government; and

WHEREAS, the purpose of the Handbook is to emphasize that, as City of Rio Dell employees, we have a responsibility to the public, to our stakeholders, partners, and colleagues, and to ourselves to conduct all facets of our business in a professional and ethical manner; and

WHEREAS, these rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the classified service of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby adopt the City of Rio Dell Handbook attached hereto.

PASSED AND ADOPTED this 10th day of July, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Julie Woodall, Mayor

ATTEST:

_____
Karen Dunham, City Clerk

CITY OF RIO DELL EMPLOYEE HANDBOOK

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ACKNOWLEDGMENT OF RECEIPT
OF EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of the City of Rio Dell Employee Handbook dated May 2012. I have read and understand my rights to and responsibilities for fostering a safe, professional, and discrimination-free work environment as set forth in the Handbook. In particular, I have read the policy against Harassment as well as the Drug-Free Workplace policy. I agree to abide by these policies, as well as the other policies contained in the Handbook. I have also had an opportunity to discuss any questions with my supervisor or Department Head.

In addition, I understand that, because the City of Rio Dell cannot anticipate every issue that may arise during my employment, if I have questions regarding any of the City of Rio Dell's policies or procedures, I will consult my Supervisor, my Department Head or the City Manager.

I agree and understand that my relationship with the City of Rio Dell is "at-will," which means that my employment is for no definite period and may be terminated by the City of Rio Dell or me at any time for any reason, with or without cause or advance notice. I further understand that the City of Rio Dell may demote or discipline me or otherwise alter the terms of my employment at any time and at its sole discretion, with or without cause or advance notice. I understand that only the City Manager may change this at-will employment relationship, and then only if it is in writing.

I further understand that the policies contained in the Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied. Similarly, these policies shall not be construed to create any type of "fair" procedure prior to termination or other disciplinary action. I further understand that the City of Rio Dell has the right to amend, interpret, modify, or withdraw any of the provisions of the Handbook at any time in its sole discretion, with or without notice, except for its policy of at-will employment.

I also understand and agree that if the terms of this Acknowledgment of Receipt are inconsistent with any policy or practice of the City of Rio Dell now or in the future, the terms of the Acknowledgment of Receipt shall control.

Lastly, I understand and agree that this Acknowledgment of Receipt contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the above, and that this Acknowledgment of Receipt supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered by this Acknowledgment of Receipt.

_____
Employee Name (Printed)

_____
Signature

_____
Date

SECTION 1: PRELIMINARY STATEMENTS

1.01 INTRODUCTION

This Handbook is intended to help employees get acquainted with the City of Rio Dell and provide information about its employment practices. The City of Rio Dell shall conduct its business in a professional, courteous, and ethical manner. This Handbook exists to ensure the City of Rio Dell is sensitive to, and responsible for, the efficient, economical, and legal implementation of its business operations.

The purpose of the Handbook is to emphasize that, as City of Rio Dell employees, we have a responsibility to the public, to our stakeholders, partners, and colleagues, and to ourselves to conduct all facets of our business in a professional and ethical manner. It explains some of our philosophies and beliefs, and describes, in general terms, some of our employment policies. This Handbook is not intended in any way to create an employment contract, or any other contract, express or implied, nor is it intended to otherwise create any legally enforceable obligations on the part of the City of Rio Dell or its employees. If at any time there should be a conflict between a description in this Handbook and other employment contracts, the terms of any superseding contract will govern. Although this Handbook is not intended to be an official policies and procedures manual, we hope that it will serve as a useful reference document for employees throughout their employment. In addition to this Handbook, law enforcement officers employed by the City of Rio Dell Police Department should also refer to the California Public Safety Officers Procedural Bill of Rights Act (California Government Code §§ 3300-3312), which bestows certain rights upon specified peace officers, as stated in the Act. Furthermore, law enforcement officers employed by the City of Rio Dell Police Department are expected to perform their job duties in accord with the Rio Dell Police Department Policy Manual.

This Handbook supersedes and replaces all previous handbooks, personnel policies, practices, and guidelines.

Because the City of Rio Dell is a constantly-changing organization, it, acting through the City Council, reserves complete discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice, with the exception of its At-Will Employment policy. Employees will be advised of changes that occur.

To obtain information regarding specific employment policies or procedures, whether or not they are contained in this Handbook, employees should contact their Supervisor or Department Head, or the City Manager. If you need an explanation in another language, please contact your Supervisor or Department Head for assistance. The City of Rio Dell wants all employees to understand the City's policies and procedures and the services that the City of Rio Dell provides to the public. You are encouraged to bring suggestions for improvement to the attention of your Supervisor or Department Head.

No one, other than the City Manager, has the authority to enter into any employment or other agreement that modifies City of Rio Dell policy. Any such modification must be in writing and signed by the City Manager and the affected employee and approved by the City Council.

This Handbook is the property of the City of Rio Dell, and it is intended for personal use and reference only by employees of the City of Rio Dell. Circulation of this Handbook outside of the workplace requires the prior written approval of the City Manager.

Employees are required to sign the Acknowledgment of Receipt form that will be distributed at the time employees receive this Handbook. This should be returned to your Department Head, the Finance Director or the City Manager as soon as possible. This completed form will be retained in each employee's official personnel file and will provide the City of Rio Dell with a record that each employee has received this Handbook. This Handbook is intended to apply to all employees.

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

2.01 ACCOMMODATION REQUESTS

The City of Rio Dell will seek to provide reasonable accommodation for the disclosed physical and mental limitations of a qualified disabled employee or applicant as required by the Americans with Disabilities Act or applicable state law. Reasonable accommodation varies depending on the individual circumstances and will be evaluated on a case-by-case basis.

A qualified individual with a disability is anyone who can perform the essential functions of his or her job with or without reasonable accommodation for the disability. A disability is a physical or mental impairment that substantially limits one or more major life activities that may include walking, seeing, speaking, working, or caring for one's self.

To make an accommodation request, please communicate your request to your Supervisor/Department Head. If you feel uncomfortable making an accommodation request to the person(s) previously listed or you believe your accommodation request was not properly managed, report to City Manager.

2.02 DISABILITY DISCRIMINATION POLICY

The City of Rio Dell prohibits and does not tolerate discrimination against any qualified individual with a disability. All qualified individuals with a disability are guaranteed the same employment opportunities as other employees or applicants. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied to discriminate against a qualified employee or applicant with a disability.

The City of Rio Dell will make all decisions concerning recruitment, placement, selection, training, hiring, advancement, discharge or other terms, conditions, or privileges of employment based on job-related qualifications and abilities.

The City of Rio Dell prohibits verbal, physical, or visual conduct that belittles or demeans any qualified individual with a disability.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of disability discrimination reasonably believed to have been committed.

If you have any questions, problems, or complaints regarding a violation of this policy, or disability discrimination in general, you must communicate your concerns to your Supervisor/Department Head. If you feel uncomfortable doing so or if your supervisor is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make disability discrimination known should it exist.

2.03 EMPLOYEE RELATIONS

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City of Rio Dell fully demonstrates its commitment to employees by responding effectively to employee concerns. If you have concerns about work conditions or compensation, we strongly encourage you to express these concerns openly with your Employee Association President and with your Supervisor/Department Head. In addition, we affirm our commitment to retaining positive relationships with all existing bargaining associations.

2.04 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Rio Dell is an equal opportunity employer. It is our policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex, sexual orientation, pregnancy, age, veteran or military status or non-job physical or mental handicap or disability or other classification protected by applicable federal, state or local laws, except where there is a bona fide occupational disability. The City of Rio Dell will provide equal opportunities in employment, promotion, wages, benefits and all other privileges, terms and conditions of employment. All recruiting, hiring, training and promoting for all job classifications is done without regard to race, color, religion, sex, age or national origin except when a bona fide occupational qualification exist. All decisions on employment are made to further the principal of equal employment. All promotion decisions will continue to be made in accordance with Equal Employment Opportunity principals, and only valid job requirements will be used.

The City of Rio Dell prohibits and does not tolerate discrimination against anyone on the basis of race, color, religion, sex, age, national origin, veteran status, or disability. The City of Rio Dell prohibits verbal, physical, or visual conduct that belittles or demeans any individual on the basis of race, color, religion, sex, age, national origin, veteran status, or disability. No person, no matter his or her title or position, has the authority, express, actual, apparent or implied, to discriminate against any employee or applicant of the City of Rio Dell.

2.05 HARASSMENT POLICY

The City of Rio Dell prohibits and does not tolerate harassment of any employee or applicant or the creation of a hostile or intolerable working environment because of race, color, religion, sex, age, national origin, veteran status, disability, or as a result of filing a complaint against the City of Rio Dell. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied, to harass any employee or applicant of the City of Rio Dell.

If you are harassed, you must report the act of harassment to your Supervisor/Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. If the claim of harassment relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell. Nevertheless, you are required to make a reasonable effort to make harassment known should it exist.

2.06 IMMIGRATION LAW COMPLIANCE

The City of Rio Dell does not unlawfully discriminate on the basis of citizenship or national origin but, at the same time is committed to employing only U.S. citizens and aliens who are authorized to work in the U.S. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

2.07 JOB POSTING AND EMPLOYEE REFERRALS

Our job posting program gives you the opportunity to show your interest in open jobs and to advance within the organization according to your skills and experience. In general, we post all regular, full-time job openings, although the City of Rio Dell reserves its right to not post a particular opening.

Job openings will be publicly posted and normally remain open for 10 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, you must have performed competently for at least 90 calendar days in your current position. You are not eligible to apply for a posted job if you have a written warning on file, or are on suspension. You may only apply for posted jobs for which you possess the required skills, competencies, and qualifications.

To apply for an open position, submit a job posting application to the Department Head. List your job-related skills and accomplishments on the application. Also tell how your education and your work experience here or elsewhere make you qualified for the new position.

We encourage you to talk with your Supervisor/Department Head about your career plans. We also encourage your Supervisor/Department Head to support your efforts to gain experience and advance within the City of Rio Dell.

After ~~you~~ applying for a job, ~~you're~~ the Supervisor/Department Head may be contacted for information about ~~your~~ performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a possible transfer may also be discussed.

Job posting is a way to inform you of open jobs. In addition to posting, the City of Rio Dell may use other recruiting sources to fill open jobs.

2.08 PREGNANCY DISCRIMINATION POLICY

The City of Rio Dell prohibits and does not tolerate discrimination against anyone on the basis of pregnancy. The City will treat all applicants and employees who are pregnant the same as

any other applicant or employee with regard to job-related functions, benefits, opportunities, and purposes. No person, or employee, no matter his or her title or position has the authority, expressed, actual, apparent or implied, to discriminate against a pregnant employee or applicant of the City of Rio Dell.

The City of Rio Dell will not deny a job or remove a pregnant employee from a position because the employee is pregnant, considering pregnancy, or experiencing any pregnancy-related problems. All decisions regarding a pregnant employee's placement in or continuation in a job will be based on the same considerations that govern all employment decisions – the employee's ability to satisfactorily perform the essential duties of the job and the safety and health of the employee, other employees, and third parties.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of pregnancy discrimination reasonably believed to have been committed.

If you have a question, complaint, or problem concerning pregnancy discrimination, you should relate such question, complaint, or problem to your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

You are not required to directly confront the person who is the source of your report, questions, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make pregnancy discrimination known should it exist.

2.09 PREGNANCY-RELATED ABSENCES

Employees of the City of Rio Dell shall be entitled to maternity/paternity leave for the birth or adoption of a child and complications of pregnancy as mandated by state and federal law.

The City of Rio Dell shall not refuse to allow an employee who either becomes pregnant or their spouse becomes pregnant while employed with the City of Rio Dell, or is involved with the child birth procedure, adoption procedure or related medical conditions to either:

A. Receive the same benefits or privileges of employment granted by the City to other persons not so affected who are similar in their ability or inability to work, including taking disability or sick leave or any other accrued leave which is made available by the employer to temporarily disabled employees;

B. Take leave on account of pregnancy related disability as defined by state and/or federal law.

2.10 PREGNANCY LEAVE

Maternity/paternity leave shall be taken subject to the following conditions and regulations:

A. An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy leave for up to 4 months;

B. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's Supervisor or Department Head before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work;

C. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Department Head prior to being taken. Requests for an extension of leave must be submitted in writing to the Department Head prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition;

D. Pregnancy leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave;

E. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave;

F. Sick and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave;

G. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to work, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave;

H. If upon return from leave an employee is unable to perform the essential functions of the employee's job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation;

I. An employee who fails to return to work after the termination of the employee's leave loses employee's re-instatement rights.

Paternity leave is the time a father may take off at the birth or adoption of a child. The leave can fall under the rules of FMLA or employee may possibly use accumulated sick leave. The employee may be able to take up to six weeks leave. If the employee would like to apply for paternity leave, please speak with employee's Department Head or the City Manager.

2.10 SEXUAL HARASSMENT POLICY

The City of Rio Dell prohibits and does not tolerate sexual harassment. The City provides procedures for victims of sexual harassment to report sexual harassment and disciplinary penalties for those who commit sexual harassment. No person, no matter his or her title or position, has the authority, expressed, actual, apparent or implied, to commit sexual harassment.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature where:

- Submission is made an express or implied term or condition of employment or status;
- Submission to or rejection of the behavior is used to make an employment decision (such as hiring, promotion, or termination); and
- The conduct has the purpose or effect of unreasonable interfering with a person's work performance or creates an intimidating, hostile, or offensive environment for work.

The City of Rio Dell prohibits and does not tolerate any employee, manager, vendor, or visitor, male or female, to harass any employee or applicant or to create a hostile or intolerable working environment by exhibiting, committing, or encouraging:

- Direct or implied threats that submission to sexual advances will be condition of employment;
- Material such as pornographic or sexually explicit posters, calendars, graffiti, or objects;
- Unwanted, unwelcome, and unwarranted sexual advances, including, but not limited to, requests, comments, or innuendoes regarding sex, including sexual jokes, gestures, statements, or stalking;
- Intentional or malicious physical conduct that is sexual in nature, including, but not limited to touching, pinching, patting, brushing and/or pulling against another's body or clothes; and
- Physical assaults on other employees, including but not limited to rape, sexual battery, molestation, or any attempt to commit such acts or assaults.

The City of Rio Dell will determine what constitutes sexual harassment based on a review of the facts and circumstances of each situation. The City of Rio Dell hereby provides notice of its right to use third parties to investigate claims of sexual harassment.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any act of sexual harassment reasonably believed to have been committed.

If you are sexually harassed, you must report the act of harassment to your Supervisor/Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

You are not required to directly confront the person who is the source of your report, questions, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make sexual harassment known should it exist.

2.11 WORKPLACE ETIQUETTE

The City of Rio Dell can be a better place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your co-worker what is bothering you.

In most cases, if you use courtesy and common sense, the problem can be fixed. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.

The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact the Supervisor/Department Head.

- Keep the area around your work space orderly and picked up.
- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your Supervisor/Department Head.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Try not to block common areas while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.
- Conduct should be in a professional manner at all times.
- Dress appropriately.
- Maintain proper hygiene.

SECTION 3: EMPLOYMENT CLASSIFICATIONS, PRACTICES, AND PROCEDURES

3.01 ATTENDANCE AND PUNCTUALITY

We expect all of the City of Rio Dell employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your Supervisor/Department Head as soon as possible.

Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive tardiness, you may be subject to disciplinary action, up to and including termination of employment.

Excessive tardiness occurs when an employee is late to work or returning from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of absences exceeds 3 days in any three-month period.

3.02 *AMENDMENT AND REVISION OF RULES*

Recommendations for amendments and revisions of these rules may be made by the City Manager, elected officials, any duly recognized employee's association and the City Attorney.

Proposed amendments or revisions shall be publicly posted for at least five (5) consecutive business days prior to consideration by the City Council at a regularly scheduled City Council meeting. At the time of consideration, any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by resolution by the City Council following such hearings and as agreed to between the City Council and any duly recognized employee association, if such amendments and revisions are within the scope of meet and confer requirements.

3.03 "AT-WILL EMPLOYMENT

We sincerely hope that your employment relationship with the City of Rio Dell will be satisfying and mutually beneficial. We nevertheless believe there are some things you must know. Your employment relationship with the City of Rio Dell is "at-will." This means that you are entirely free to terminate your employment at any time, either with or without a reason. It also means that the City of Rio Dell has the very same right as you and can terminate your employment at any time, with or without cause or advance notice.

This represents an integrated agreement with respect to the at-will nature of your employment relationship. No representative or employee of the City of Rio Dell, other than the City Manager, has the authority to enter into a contrary agreement. Even then, a contrary agreement is enforceable only if it is set forth in a written agreement that is signed by both you and separately affirmed and adopted by the City Council.

3.04 BACKGROUND/REFERENCE CHECKS

To ensure that individuals who join the City of Rio Dell are well qualified and have a strong potential to be productive and successful, it is the policy of the City of Rio Dell to check the employment references of all applicants.

The responses to such inquiries will confirm only dates of employment, wage rates, and positions held.

Prior to making any commitment to prospective full-time employees, the City of Rio Dell shall also
(unless prohibited by law) perform a background investigation to evaluate a job candidate's qualifications, character, fitness, and to identify potential hiring risks for safety and security reasons. A background investigation would include criminal history, social security number trace, past employment verification, and credit score. Any offers of employment may be made to prospective employees contingent upon the results of such background check.

3.05 CAUSE OF IMMEDIATE DISCHARGE

Willful or neglectful misuse, damage, or destruction of public or private property, City vehicles, or City equipment or willful violation of any municipal rule or regulation, City ordinance, state or federal law could be the cause for immediate discharge from employment with the City of Rio Dell.

3.06 CELL PHONE POLICY

The City of Rio Dell has established a Cell Phone policy pursuant to Resolution No. 1030-2009 and allows employees whose job duties include the frequent need for a cellular phone to be issued a City-owned cellular phone, or to be entitled to receive extra compensation in the form of a cellular phone allowance to cover business-related use of their personally owned device and service plan. There are three levels of allowances based upon City need and usage criteria. Employees should contact their Supervisor for specific information regarding cellular phone allowances.

In the interest of safety, employees (excepting law enforcement officers) are expressly forbidden from using cell phones while driving either on City business or during City hours. This includes writing, sending, or reading text-based communications, such as text messages or e-mail.

If your job requires you to keep your cell phone turned on at times while you are driving, you must use a hands-free device or safely pull off the road and park your vehicle before talking on the phone. Employees are expressly prohibited from placing any phone calls while operating a motor vehicle while driving on City business and/or City time.

Failure to comply with this policy may result in discipline, up to and including termination.

3.07 CODE OF ETHICS

1. Purpose

A. It is the policy of the City of Rio Dell to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired. City officials and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their City position or powers for improper personal gain. It is further the policy of the City that the public's right to know of complaints of violations of the Code of Ethics by City-elected officials far outweighs any right that these matters remain secret and private and that full access to information concerning the interests that seek to influence governmental decision-making must be assured as a fundamental and necessary precondition to the sound governance of a free society.

For further information, refer to Rio Dell Municipal Code (RDMC) Title 1, Chapter 1.10.

Governing Authorities

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues surrounding improper governmental actions:

Rio Dell Police Department
(707)-764-5642

Humboldt County Grand Jury
(707) 764-2475

District Attorney's Office

(800) 962-8261

Fair Labor & Housing
(800) 884-1684

3.08 COMMUNICATIONS POLICY

Electronic communications, including the contents of the City-owned computers and telephones are the properties of the City of Rio Dell. This policy is meant to set forth guidelines regarding access to and disclosure of information/messages sent or received by the City of Rio Dell employees using the system. This policy may be changed at any time. The Internet, electronic mail, phone mail, or any other communication or information system of the City of Rio Dell is not to be used in any way that may be disruptive, offensive to others, or harmful to morale.

The City of Rio Dell electronic communication systems, including computers and telephones (including all hardware and software and all contents) are the exclusive property of the City of Rio Dell.

The City of Rio Dell treats all computer files, including electronic mail (e-mail) sent or received, as business information. The City has the capability to access, review, copy, and/or delete any computer files, including e-mail sent or received. If employees make incidental use of the computer system for personal files or e-mail, employees should not expect personal files or e-mail to be protected from review by other employees. Accordingly, employees should not use the City of Rio Dell's computer system to create or transmit any information they wish to keep private.

Confidential Information: Employees must exercise extreme caution when creating or transmitting City of Rio Dell confidential information. Confidential information should not be transmitted to any individual not authorized to receive such information.

E-mail: When transmitting messages via e-mail, employees should consider that e-mail messages can be read by persons other than the addressee and that the message may be later disclosed to outside parties or a court in connection with litigation. Because of these concerns, the City of Rio Dell employees are required to maintain the highest standards of courtesy and professionalism when transmitting e-mail.

City of Rio Dell computer systems should not be used to solicit or proselytize for commercial ventures, religious or political causes, or outside organizations that are not authorized by the City of Rio Dell.

Internet: The City of Rio Dell provides employees with access to the Internet for business-related purposes. The City of Rio Dell has the capability to review web-site access. Employees should not have any expectation of privacy regarding the web-sites accessed through the City of Rio Dell computer system. Computer systems may "leave tracks" at web-sites visited. Because of the nature of City of Rio Dell business, any incidental use of the Internet for personal use must be conducted with the highest levels of professionalism.

Employees may not use the City's Internet connection to download games or other entertainment software, or to play games over the Internet.

Software: The City of Rio Dell prohibits the unauthorized use of software. The City of Rio Dell expects its employees to conduct themselves responsibly in this regard. Employees should refrain from making or using unauthorized copies of software programs. Employees may not install any non-City owned software programs on any City computer without the approval of the City Manager.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

3.09 E-MAIL RETENTION POLICY (City of Rio Dell Resolution No. 1000-2008)

Generally, e-mail messages are temporary communications which are non-vital and should be discarded routinely. However, depending on the content of the e-mail, it may be considered public record. Accordingly, employees have the same responsibilities for e-mail messages as they do for any other public record and must distinguish between records and non-record information.

While City electronic e-mail retention is for a maximum period of 180 days, an e-mail communication should be deleted as soon as practicable from the system. It is the policy of the City of Rio Dell that e-mail is not to be used to retain or store public records of any department. Communications or records intended or required by law to be retained shall be printed in a hard copy and filed or stored as appropriate or saved to designated electronic files or other media as required by any departmental or city procedures. It is City policy that all departments adhere to their legal record retention requirements. E-mail should be printed and filed in the appropriate location if any law requires a communication to be kept for a period greater than 180 days. Employees should seek guidance from their Department Heads in order to ascertain the specific time requirements applicable to the documents generated, received and or maintained by their department.

E-mail should be considered a communication tool, not a storage mechanism. Back-up tapes are for disaster recovery purpose only. Retention is the responsibility of the sender of the message, not the back-up process. Backup copies are *not* for the purpose of records retention. Back-up tapes should be retained no more than six months.

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.

The definition of public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the City. The definition includes electronic records, including e-mails. The definition does *not* include preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business.

Because of system capacity concerns, personal correspondence and interdepartmental and intradepartmental e-mails should routinely be deleted unless either the sender or the recipient would have retained the writing had it been sent in any other form. E-mail from outside the City should be retained by the recipient, if he or she would have retained the document if it had been sent in any other form.

The sender of the e-mail is responsible for ensuring proper retention of e-mails sent within the City. All other copies are duplicates and may be deleted. However, if a record e-mail was sent by an outside agency, a member of the public or anyone outside the City, the recipient is responsible for retention if required.

E-mail itself is not considered a record category; it is a means of transmission of messages or information. Retention or disposition of e-mail messages must be related to the information they contain or the purpose they serve. Thus, the retention period is determined by the content of the e-mail, not the medium. Record e-mails may be deleted upon expiration of the statutory retention period (or after 180 days if there is no statutory retention period) or as appropriate on authorization of the City Council,

Attachments should be retained or disposed of according to the content of the attachment itself, not the e-mail which transmits the attachment. Thus, attachments should be retained if they constitute a document which the recipient or the sender would ordinarily retain in the ordinary course of business.

E-mail will be deleted after 180 days.

E-mail is not used to store public records.

E-mail that requires storage for a period of greater than 180 days should be printed and filed or saved as a document for electronic storage in your network folders.

3.10 EMPLOYEE CATEGORIES

1. All personnel hired for positions within the City of Rio Dell will be placed at the time of hiring in one of the following categories:

   a. Regular/Permanent Employees – Personnel hired for employment to fill allocated permanent positions.All such employees will be on probationary status for the required period of time set forth in section 3.31 of these policies, below, and will be retained in City employment only upon receipt of a satisfactory (or better) performance review and written recommendation that the person be retained by his Department Head and approval by the City Manager. Time spent in a part-time permanent status immediately prior to full-time employment in the same class will be credited to the employee in computing the probationary period. Employees not recommended for retention will have their employment terminated without benefits.

   b. Part-Time/Permanent Employees - Part-time/permanent employees work less than full-time allocated positions and do earn and accrue benefits. Part-time employees are eligible for health insurance on a pro-rated basis where the denominator is 40 and the numerator is the normal number of hours assigned per week, which will be paid by the City and the balance paid by the employee, provided such employee is eligible for such insurance under the terms of the group insurance plan then in effect. Part-time employees shall be allowed designated holidays, provided if the employee is scheduled to work a holiday he/she may shift his/her hours to a non-holiday work day during the same pay period, at the option of the Department Head.

   c. Temporary Employees - Personnel hired for employment of a temporary nature shall not exceed 640 hours in pay status per fiscal year. Personnel in this category will not be

hired to fill vacant positions except under the rules of this section. Temporary employees do not earn or accrue any benefits.

Temporary employees are hired to cover seasonal, emergency or special assignments. Length of employment will be for a specific period of time. Personnel in this category are not eligible for vacation, sick leave or other benefits.

2. Personnel hired into City employment to fill authorized positions will be further categorized as follows:

a. Full-Time Permanent – Hired to fill an allocated position with hours of work conforming to the basic work week, usually 40 hours/week.

b. Part-Time Permanent - Hired to fill an allocated position with hours of work to be less than 40 hours per week.

3.11 EMPLOYEE CONDUCT AND WORK RULES

We expect you to follow certain work rules and conduct yourself in ways that protect the interests and safety of all employees and the City of Rio Dell.

While it is impossible to list every action that is unacceptable conduct, the following lists some examples. Employees who break work rules such as these may be subject to disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of City property ;
- Falsification of timekeeping records;
- Working under the influence of alcohol or illegal drugs ;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- Fighting or threatening violence in the workplace;
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- Violation of safety or health rules;
- Smoking in prohibited areas;
- Sexual or other unlawful or unwelcome harassment;
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, mail system, or other employer-owned equipment;
- Violation of personnel policies;
- Unsatisfactory performance or conduct.

Employees may terminate their employment at any time they want, with or without cause or advance notice. Likewise, the City of Rio Dell may terminate your employment at any time, with or without cause or advance notice. It is common practice to give two weeks' notice to your employer before terminating your employment, although there is no right to prior notice.

3.12 EMPLOYEE MEDICAL EXAMINATIONS

Employees of the City of Rio Dell must be in possession of a valid California Driver's license while employed with the City. Employees of the City could be asked to drive a City vehicle at any time to make deliveries or for any number of job situations. For that reason a job applicant will be asked to submit to a medical and drug test before being hired to work for the City.

3.13 EMPLOYMENT APPLICATIONS

We rely on the accuracy of the information you put on your employment application. We also expect that you and your references give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person was already hired, it could result in termination of employment. Applications for positions advertised by the City will remain on file for one (1) year.

The hiring department head shall notify an applicant in writing the reason for rejecting their application.

3.14 EMPLOYMENT LIST

After the closing date of an advertised position, the department head shall prepare a list of all candidates that appear from their application and resumes to meet the minimum qualifications as noted in the job description. All positions in the City service must be hired from an employment list, except temporary positions.

3.15 GIFTS AND GRATUITIES

No employee shall solicit or accept any gift, gratuity, or discount for City services rendered, bids or contract awarded, or for any other reason connected with the exercise of his or her duties and responsibilities as an employee.

3.16 GRIEVANCE PROCEDURE

1. Consideration of Grievances

This procedure is established in order to provide opportunities for City employees to bring forth their view relating to any alleged unfair or improper aspect of their employment situation and to seek a resolution of such matters.

Definitions:

A "**grievance**" shall mean a statement by a grievant that a controversy, dispute or disagreement of any kind or character exists arising out of or in any way involving interpretation of rule, policy, M.O.U., ordinance, resolution, or practice, or that an employee has been treated unfairly or inequitably, or that there exists a condition which jeopardizes employee health and safety which is beyond the control of the grievant. The grievance procedure shall not be used for disciplinary appeals.

A "**grievant**" shall mean an employee or group of employees filing a grievance.

In any instance of grievance, the employee concerned shall first make efforts to resolve such grievance with his/her Department Head. If the efforts to resolve the grievance with the Department Head are not satisfactory, the employee may submit his/her complaint in writing to the Department Head.

Upon receipt of the written complaint, the Department Head shall make such investigation as required under the circumstances and reply in writing to the employee within ten (10) working days after receipt of the statement from the employee.

If the employee wishes to discuss the grievance further, he/she shall within ten (10) working days of the receipt of the reply from the Department Head submit a written request for a meeting with the City Manager. If the complaint relates to the City Manager, your complaint should be submitted to the then current Mayor for the City of Rio Dell.

The requested meeting will be held by the City Manager at the earliest date possible at which the employee, the Department Head, and any other persons invited by the City Manager may be present. The decision made by the City Manager as the result of the findings and conclusions determined at this meeting shall be communicated to the employee within ten (10) days following the meeting. This decision may be appealed to the City Council. Written appeal must be made to the City Council within ten (10) working days of receipt of the City Manager's decision. The City Council shall hear the appeal within thirty (30) days. The City Council's findings and determinations shall be communicated to the employee within ten (10) days following the hearing.

2. Employee Rights

No reprisals whatsoever shall be invoked against any employee for processing a grievance or participating in the grievance procedure. Paid release time shall be provided when approved by the City Manager for participants in the processing of grievances. Such release time will be given with due consideration of the needs of the City for services including scheduled hearings before the City Council. When scheduling conflicts arise as a result of such needs, reasonable extensions of time shall be granted.

The employees participating in the grievance procedure may be represented, at the employee's option, by one duly recognized Employee Association Representative at any or all steps of the grievance procedure, provided, however, the Employee Association Representative has been designated as a representative of the association, in writing, at least ten (10) days in advance of such step in the grievance procedure. The total number of designated City employee representatives shall be limited to three in number, one from each of the three City Departments, together with any paid professional nonemployee representative of a duly recognized employee association. Designation of employee representatives may be substituted upon ten (10) days advance written notice to the City. Multiple grievants presenting the same or substantially similar issues shall be limited to the same representative in the absence of a legal conflict of interest.

3. Hearing

<u>Step 1</u>: The hearing before the City Council shall be informal.

Step 2: There shall be no formal rules of evidence.

Step 3: The employee shall present his/her own case or designate a representative who need not be an attorney but may be an attorney.

Step 4: The City Manager and/or the Department Head shall present his/her own case.

Step 5: The City Attorney, if he/she is present, shall not serve as an advocate for either party. His/her responsibility would be the same as at a regular City Council meeting, to advise the City Council as to the law and its bearings in the matters under discussion. Nothing herein shall, however, prohibit the City from retaining independent counsel to represent the City's interests.

Step 6: All hearings shall be closed to the public except at the request of the affected employee. Upon written request for a public hearing, the hearing shall be open.

Step 7: All appeals proceedings shall be tape-recorded. Recordings and records of appeal proceedings shall be maintained by the City Clerk for a period of two (2) years after the final decision is rendered by the Council. Employees may be allowed copies of said tapes at cost at any time within said two (2) year period. Either party may request a stenographic reporter to record the proceedings. The cost of a stenographic reporter shall be borne by the requesting party. In the event a transcript is requested by either party to a proceeding, the original and one (1) copy thereof shall be filed with the City Clerk after its preparation by the stenographic reporter is completed.

Step 8: Any court action brought by either party must be brought within ninety (90) days of the final decision of the City Council.

3.17 HANDLING OF CONFIDENTIAL INFORMATION

Some employees will work with information that is of a confidential nature. If an employee is given such information, they are expected to keep the information confidential and should not share the information with unauthorized persons.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

3.18 INVOLUNTARY DEMOTION

The Department Head may demote an employee whose ability to perform his required duties falls below standard or for disciplinary purposes. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Involuntary demotions shall be made in accordance with the City's progressive discipline policy.

3.19 JOB DESCRIPTIONS

We try to have accurate job descriptions for all jobs at the City of Rio Dell. A job description includes the following sections: job information; job summary (gives a general overview of the job's purpose); essential duties and responsibilities; supervisory responsibilities; qualifications

(includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

We use the job descriptions to help new employees understand their jobs and their responsibilities. We also use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

New job descriptions are created when a new job is created. We review existing job descriptions and change them when a job changes. You can help by making sure that your job description is accurate and describes your job duties.

Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact the City Manager.

3.20 LAY-OFFS

Whenever it becomes necessary for employees to be laid off because of lack of work or lack of funds, all temporary employees of the Department shall be laid off before any permanent full-time or part-time employees. If additional reductions are necessary, permanent employees shall be laid off in reverse order of their seniority within a Department in the same ~~classification~~ job title. Except in emergency situations, employees laid off shall be given written notice of such lay off at least thirty (30) days prior to the effective date of the layoff. The names of permanent employees laid off shall be placed on a re-employment list for the Department involved in the lay-off. Persons on such lists shall retain eligibility for re-appointment to the position in the lay-off or a lower position in the class series for a period of two (2) years from the date their names were placed on the lists. Probationary employees shall receive credit for time previously served on probation if rehired within said two (2) year period.

3.21 LINES OF AUTHORITY

Each employee is responsible to his or her Department Head for proper performance of duty conduct on the job, compliance with rules, regulations, and policies applicable to his/her employment. All requests, questions, suggestions, and grievances shall first be submitted to an employee's Department head who will take appropriate action in accordance with department policy and these rules.

Line of authority within the administrative organization of the City shall be as follows:

City Council
City Manager
Department Head

3.22 MANAGEMENT RIGHTS

The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of, and the manner in which, the City's activities are conducted, managed, and administered, and it is the exclusive

right of the City to establish and maintain departmental rules and procedures for the administration of its departments.

The City has the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.

Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

The appointing authority reserves the right to discipline or discharge employees as set forth in the Employee Handbook. The City reserves the right to lay off personnel of the City at any time.

The City shall determine assignments and establish methods and processes by which assignments are performed.

The City shall have the exclusive right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City.

The City shall have the authority, without prior meeting and conferring, to effect reorganizations and reallocation of work of the City.

The City has the right, without prior meeting and conferring, to contract for matters relating to municipal operations, including contracting out bargaining unit work. The right of contracting or subcontracting is vested exclusively in the City.

The inherent and express rights of the City, including those herein specifically referred to that are not expressly modified or restricted by a specific provision hereof, are not in any way, directly or indirectly, subject to meeting and conferring or the Grievance Procedure herein.

3.23 MEET AND CONFER

Contract negotiations for contract employees shall be the responsibility of the City Manager. The City Manager shall meet and confer with any duly recognized Employee Association under the Meyer-Milias-Brown Act, on those matters which are subject to the "Meet and Confer" process specified under Section 3505 of the California Government Code or as otherwise agreed to between the City of Rio Dell and any duly recognized Employee Association pursuant to the terms of any Memorandum of Understanding then in effect.

3.24 NEPOTISM

No person shall be hired in a temporary or permanent position in any department of the City who is the spouse of any other employee of the City working in the department in which that person seeks to be employed. In addition, no person who is a relative to a City employee shall be hired over any other applicant unless their ~~most qualified~~ qualifications clearly exceed other applicants, if any. Documentation of qualification comparison must be kept in recruitment folder for at least one (1) year.

Definitions of Relationships:

Relative - An employee's parent, step-parent, spouse, domestic partner, significant other, child (native, adopted or step), sibling, or grandparent.

Personal Relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than $250.00.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Restricted Duties and Assignments

While the Department will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (California Government Code §12940(a)):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

3. If there are circumstances not covered by items 3.24(a)(1) or 3.24(a)(2) above, one or both of the involved employees may be subject to termination.

(b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluation, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) In order to avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or who engage in serious violations of state or federal laws.

Employee Responsibility

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individuals(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Manager to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Supervisor/Department Head Responsibility

Upon being notified or becoming aware of any circumstances(s) which could result in or constitute an actual or potential violation of this policy, a Supervisor/Department Head shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors/Department Heads shall also promptly notify the City Manager of such actual or potential violations through the chain of command lines of authority.

3.25 NO-CONFLICT WITH COLLECTIVE BARGAINING AGREEMENTS CLAUSE

Any applicable Memorandum of Understanding (MOU) entered into between the City and any employee or employee organization shall have control over these rules and regulations where these rules and regulations are silent or inconsistent. These rules and regulations shall control where Memoranda of Understanding are otherwise silent.

3.26 OUTSIDE EMPLOYMENT

You may hold an outside job as long as you can satisfactorily perform your job at the City of Rio Dell and the job does not interfere with the City's scheduling demands.

We hold all employees to the same performance standards and scheduling expectations regardless if they have other jobs. In order to remain employed at the City of Rio Dell, we will ask you to terminate an outside job if we determine that it is impacting your performance or your ability to meet our requirements, which may change over time.

You may not have an outside job that is a conflict of interest with the City of Rio Dell. Also, you may not get paid or get anything in return from a person outside the City of Rio Dell in exchange for something you produce or a service you provide as part of your City job.

3.27 PERFORMANCE EVALUATIONS

We encourage you and your supervisor to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are done at the end of your introductory period for any new job. The introductory period is a time for you and your supervisor to talk about your job responsibilities and the performance requirements of the new job. In addition, you and your supervisor will have formal performance evaluations to discuss your work and goals, to identify and correct weaknesses, and to encourage and recognize your strengths.

Performance evaluations are usually done every 12 months around the time of the anniversary of your original hire date or as stipulated in a specific employment agreement. Step increases in pay and/or benefits are dependent on having received a satisfactory performance evaluation during the performance review immediately preceding the increase.

We may give merit-based pay adjustments to some employees to recognize truly superior employee performance. These adjustments are based on a number of factors including the information documented by the formal performance evaluations.

3.28 PERSONAL APPEARANCE

Personal appearance means how you dress, how neat you are, and your personal cleanliness standards. Your personal appearance can influence what customers and visitors think about the City of Rio Dell. Personal appearance can also impact the morale of your co-workers.

During business hours or whenever you represent the City of Rio Dell, you should be clean, well groomed, and wear appropriate clothes. This is particularly important if your job involves dealing in person with customers or visitors.

If your Supervisor/Department Head finds that your personal appearance is inappropriate, you will be asked to leave work and return properly dressed and groomed. If you are asked to leave, you will not be paid for the time you are away from work. See your Supervisor/Department Head if you are not sure about the correct clothing standards for your job.

Where necessary, the City of Rio Dell may make a reasonable accommodation to this policy for a person with a disability.

3.29 PERSONNEL DATA CHANGES

It is important that the City of Rio Dell have certain personal information about you in our records. You need to tell us as soon as there is a change to your mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other

possibly related information. We also need to have information about who to contact in case of an emergency. To change your personal information or if you have questions about what information is required, contact the City Manager.

3.30 PERSONNEL FILES

The City of Rio Dell has an official personnel file for each employee. These personnel files include confidential information about applicants and employees. All requests for information on prospective, current or former employees should be directed to the City Manager. This system is maintained for the protection of employees and for compliance with laws pertaining to personal privacy.

Copies of all material placed in personnel records shall be furnished to the employee at the time it is included in the file. An employee may cause to be placed in his/her personnel file responses to adverse materials.

An employee shall have the right to review his/her personnel file or to authorize review by a representative. Such authorization of a representative shall be in writing on an individual basis. No material shall be added to a personnel record without authorization of the City Manager.

3.31 PROBATIONARY PERIOD

The City of Rio Dell has a probationary period for new employees. During the probationary period, we will evaluate your work habits and abilities to make sure that you can perform your job satisfactorily. The probationary period also gives you time to decide if the new job meets your expectations.

The probationary period for all new and rehired employees is one (1) year after their hire date.

If you are absent for a significant amount of time during your probationary period, the length of the absence will automatically extend the probationary period. We may also extend the probationary period if we decide it was not long enough to evaluate your performance. This could happen either during or at the end of the probationary period.

When employees satisfactorily complete the probationary period, they are assigned to the "regular" employment classification.

During the probationary period, new employees are eligible for those benefits that are required by law, such as Social Security and Workers' Compensation Insurance. They may also be eligible for other City benefit programs, subject to the terms and conditions of each benefit program. Be sure to review the information for each benefit program to see the exact requirements.

Resignation means that you voluntarily terminate your employment at the City of Rio Dell. If you decide to resign, we would like you to tell us in writing at least two (2) weeks before the date you will leave. Although advance notice is not required, you will be helping your co-workers because there will be more time to reassign work and replace you if necessary.

3.32 RESIDENCY

Persons accepting full-time employment in the service of the City of Rio Dell in an on-call or emergency service position may be required to establish residency within ninety (90) days of the date of employment within thirty (30) minutes driving time of place of work when in the determination of the Department Head or City Manager such response time is warranted by the employee's duties. "Driving Time" assumes conformance with traffic laws and regulations.

3.33 RETURN OF PROPERTY

The City of Rio Dell may loan you property, materials or written information to help you do your job. You are responsible for protecting and controlling any property we loan you.

If you stop working at the City of Rio Dell, you must return all City of Rio Dell property immediately.

If you do not return our property and if the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

3.34 SPECIAL SALARY ADJUSTMENTS

The City Manager may approve salary adjustment of employees to obtain persons with markedly superior qualifications. City Council approval is required to correct salary inequities and recognize outstanding performance.

This action must be documented by filing a Personnel Action Form with the payroll clerk.

3.35 SKILLS RETENTION

Each employee shall be responsible for maintaining the knowledge, skills, abilities, and physical condition necessary to perform the duties and responsibilities for which he or she is employed.

3.36 TERMINATION, DISCIPLINE AND RULES OF CONDUCT

1. <u>Termination</u>

    a. Voluntary Termination

The City of Rio Dell will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

(1) Elects to resign from the City of Rio Dell;

(2) Fails to return from an approved leave of absence on the date specified by the City of Rio Dell; or

(3) Fails to report for work without notice to the City of Rio Dell for three consecutive days.

b. Involuntary Termination

An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the City of Rio Dell's rules of conduct as set forth below. Notwithstanding this list of rules, the City of Rio Dell reserves the right to discharge or demote any employee with or without "cause" and with or without prior notice.

c. Termination Due to Reorganizations, Economics or Lack of Work

From time to time, the City of Rio Dell (acting through the City Manager) may need to terminate an employee as a result of reorganizations, job eliminations, economic downturns in business, or lack of work. Should the City of Rio Dell consider such terminations necessary, it will attempt to provide all affected employees with advance notice when practical, or when required by law.

2. Discipline and Rules of Conduct

a. Policy

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet City of Rio Dell standards, the City of Rio Dell will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline, up to and including discharge. Further, this policy does not alter the at-will nature of each employee's employment.

The rules set forth below are intended to provide employees with fair notice of what is expected of them. However, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the City of Rio Dell, other employees, clients or customers (or other third parties), may also result in disciplinary action.

b. Performance

Employees may be disciplined for poor job performance, including but not limited to the following:

(1) Unsatisfactory work in terms of quality or quantity;

(2) Rudeness, lack of cooperation, or similar conduct;

(3) Excessive absenteeism, tardiness, or abuse of break and lunch privileges;

(4) Failure to follow instructions or City of Rio Dell procedures; or

(5) Failure to follow established safety regulations.

c. Misconduct

Employees may be disciplined for misconduct, including but not limited to the following:

(1) Insubordination;

(2) Dishonesty;

(3) Theft;

(4) Discourtesy;

(5) Misusing, or destroying City of Rio Dell property or the property of another on City premises;

(6) Violating conflict of interest rules;

(7) Disclosing or using confidential or proprietary information without authorization;

(8) Falsifying or altering City records, including application for employment;

(9) Interfering with the work performance of others;

(10) Altercations;

(11) Harassing, including sexually harassing, employees, clients or customers (or other third parties);

(12) Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on City of Rio Dell property or while conducting City business;

(13) Gambling on City of Rio Dell premises or while conducting City business;

(14) Sleeping on the job or leaving work without authorization;

(15) Possessing a firearm or other dangerous weapon on City of Rio

Dell property or while conducting City business;

(16) Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the City of Rio Dell, its employees, clients, customers (or other third parties) or property; or

(17) Failing to report to the City of Rio Dell, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace.

d. Attendance

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

(1) Reporting to work on time, adhering to established work schedules, observing the time limits for rest and meal periods, and obtaining approval to leave work early; and

(2) Notifying the Supervisor in advance of anticipated tardiness or absence.

e. Discipline Procedure

Although discharge or demotion for poor performance may be preceded by an oral warning and/or a written warning, the City of Rio Dell reserves the right to proceed directly to a written warning, demotion, suspension or termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when the City of Rio Dell, in its sole discretion, deems such action appropriate. A copy of any correspondence placed in the personnel file will be available to the affected employee.

f. Disciplinary Action

(1) Conduct Resulting In Discharge

A first violation of this policy will result in immediate discharge, whenever the prohibited conduct:

(a) Involves fighting or causing injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;

(b) Results in significant damage to City of Rio Dell property or equipment, or, in the sole opinion of management, posed a risk of significant damage;

(c) Involves the sale or manufacture of illegal drugs or other controlled substances;

(d) Involves the possession, distribution, or dispensation of

illegal drugs or other controlled substances or alcohol;

(e) Involves an employee who had not completed the probationary period or was a temporary employee;

(f) Involves the failure of an employee to report a criminal conviction, as required below;

(g) Involves insubordination and outspoken or mutinous attitude toward those in charge or a flaunting disregard of the authority of the Supervisor or willful disobedience;

(h) Involves inexcusable absence without leave;

(i) Involves possession of a firearm on City of Rio Dell property;

(j) Involves inexcusable neglect of duty;

(k) Involves dishonesty; or

(l) Involves willful disobedience.

g. Discretion to Apply Lesser Discipline

Under the circumstances other than those described immediately above, the City of Rio Dell, in the sole discretion of management, may elect not to discharge an employee for a first violation of this policy if, under the circumstances involved, it deems this appropriate.

h. Effective Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any City of Rio Dell-related activity or event will be deemed to have violated this policy.

i. Written Warning

An employee who is not discharged for a first violation of this policy will receive a final written warning and/or an immediate suspension, without pay, at the sole discretion of the City of Rio Dell. A copy of any correspondence placed in the personnel file will be made available to the subject employee

3. Exit Interview

Employees who leave the City of Rio Dell for any reason may be asked to participate in an exit interview. This interview is intended to permit departing employees the opportunity to communicate their views regarding their work with the City of Rio Dell, including job duties, job training, job supervision, and job benefits.

At the time of the interview, or as otherwise specified by the City of Rio Dell, employees are expected to return all City-furnished property, such as uniforms, tools, equipment, I.D. cards,

keys, credit cards, documents, and handbooks. Arrangements for clearing any outstanding debts with the City of Rio Dell and for receiving final pay also will be made at this time.

4. Employment At-Will

Nothing in this guideline is intended to alter the at-will status of employment with the City of Rio Dell. Either the City of Rio Dell or you may terminate the employment relationship at any time, with or without cause, and with or without prior notice. The City of Rio Dell reserves the right to terminate any employment relationship, to demote, or to otherwise discipline an employee without resort to the above disciplinary procedures.

3.37 TYPES OF APPOINTMENT AND INITIAL SALARY

Vacancies in a position may be filled by reinstatement, transfer, demotion, promotion, appointment from an appropriate list, by appointment under provisional authority, or by initial employment of new employees. New employees shall be paid at the initial pay scale step (or "A" step) except as permitted by Section 3.34 of these Policies, above.

1. Emergency Appointments

Emergency appointments may be made by the City Manager to prevent work stoppage of public business. Such authorization, (with City Council ratification after the fact), shall not exceed 30 days without regard to selection and employment rules or regulations. Service under emergency appointment shall not accrue any rights or benefits.

3.38 VOLUNTARY DEMOTION

An employee for personal reasons may request demotion to a position in a lower class, subject to a corresponding reduction in salary. Such demotions may be permitted upon the approval of Department Head and City Manager.

3.39 WHISTLEBLOWER POLICY

1. Procedures for Reporting Improper Government Actions

A. The City of Rio Dell employees who become aware of improper governmental actions should first raise the concern with their direct Supervisor. Where the employee believes that that the improper governmental action involves his or her Supervisor, or their Supervisor's Supervisor, the employee may raise the issue directly with any Department Head, City Manager or City Council Member.

B. Complaints shall be submitted in writing except as described in Section C. The written complaint should state the nature of the alleged violation(s), the date(s), the times(s), the place of each occurrence, and the name(s) of the person(s) charged with the violation(s) if possible. Any and all documentation available as evidence to demonstrate the alleged violation(s) may be submitted with the complaint.

C. Any complaints received verbally will be translated into a written complaint by the receiving party to ensure that it properly reflects the concerns that have been raised. All

anonymously received complaints shall be processed, however, due to the difficulty of verifying and/or obtaining evidence, investigation may be difficult

2. Complaints, Investigations, Review and Enforcement

A. All allegations of improper governmental actions filed against non-management employees shall be forwarded to the governing Department Head for preliminary inquiry, allegations filed against Department Heads shall be referred to the City Manager, and allegations filed against the City Manager shall be forwarded to the City Council.

B. If there are no reasonable grounds to believe that a violation has occurred, the initial City Manager (or City Council if applicable) shall dismiss the complaint. A written determination notice stating the reasoning for the dismissal will be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice.

C. If it is believed that the violation was inadvertent and was or is being satisfactorily corrected and cured, the inquiry and investigation will be considered complete and closed. A written determination notice stating the facts and findings related to the closure of the investigation shall be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

Any disciplinary action required as result of the violation per the City's personnel rules, ordinances, or collective bargaining agreements shall be enforced. However, disciplinary actions are considered confidential per the City's Discipline Policy and will not be detailed in the determination notice.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice, except where disclosure is required by law.

D. If it is determined after the initial inquiry that a more detailed investigation is necessary, the City Attorney will be solicited for recommendation of formal investigation procedures. In addition the complaint may be forwarded to outside authorities such as the City's external auditors, the Police, or other appropriate governing authorities.

After referral and investigation procedures are determined, the complainant shall be notified in writing of the process to be completed.

E. After the completion of investigation, a written determination notice stating the facts and findings related to the closure of the investigation shall be generated and distributed to the complainant, the employee charged with a violation, the City Manager, and the City Council.

If it is determined that violations of the provisions of this policy have occurred, the employee will be subject to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or any other disciplinary action as deemed appropriate and consistent with the City's personnel rules, ordinances, or collective bargaining agreements. However, disciplinary actions are considered confidential per the City's personnel policies and will not be detailed in the determination notice.

Confidentiality will be upheld, and the name of the complainant will not be revealed in the determination notice, except where disclosure is required by law..

3. Protection Against Retaliatory Actions

The Council will not tolerate any form of harassment or victimization and will take appropriate action to protect those who file complaints in good faith. Assistance will be provided at the request of the complainant in order to minimize any potential difficulties, and every effort will be made to ensure confidentiality if at all reasonably practical. The Council will provide protection under this policy and pursuant to applicable state and federal laws.

Any investigation into allegations of potential improper governmental actions will not influence or be influenced by any disciplinary or redundancy procedures already taking place concerning the employees involved.

No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation(s) is not subsequently confirmed by the investigation.

4. Records

The Department responsible for Human Resources will maintain complete documentation of all complaints filed within the City and any corresponding documentation including the final determination notices.

Each year Human Resources will produce an annual report for the City Council and the public. The report will not mention any employees, only the concerns raised, the number of such concerns, from which department they related to, and what the outcome was.

Governing Authorities

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating issues surrounding improper governmental actions:

Rio Dell Police Department
(707)-764-5642

Humboldt County Grand Jury
(707)-476-2475

District Attorney's Office
(800)- 962-8261

Fair Labor & Housing
(800)-884-1684

3.40 USE OF CITY PROPERTY AND EQUIPMENT

A. Policy

1. City property is to be used only for conducting City business unless otherwise authorized by the City Manager. City property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e-mail and voice-mails), vehicles and any other City property used by City employees in their work. Employees do not have a reasonable expectation of privacy in City property or equipment.

2. City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment including cell phones may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.

3. Every City employee is required to adhere to all City rules and policies while on City property or using City property or equipment.

4. The City expects you to exercise care in using equipment and property, perform required maintenance, follow all operating instructions, safety standards, and guidelines, and to use it only for authorized purposes. You must notify your Supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

5. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. A valid California Driver's License must be in your possession while operating a vehicle off or on City property.

6. City employees who are permitted to take City vehicles home overnight may use the vehicle for City business only.

SECTION 4: HEALTH AND SAFETY OF EMPLOYEES AND CITIZENS

4.01 ANTI-DRUG AND DRUG TESTING POLICY

The City of Rio Dell takes reasonable measures within our power to establish a drug-free workplace as required by the Drug-Free Workplace Act. The City prohibits and does not tolerate the possession or use of alcohol or illegal drugs at any time during the workday or anywhere within the City's facilities, properties, or in its vehicles.

Employees are forbidden to sell or make other transactions involving illegal drugs during work or on City's facilities, properties, or in its vehicles. Any sale of illegal drugs during work or on the City's premises, facilities, or in City vehicles will result in disciplinary action, up to and including discharge, for any violations reasonably believed to have been committed.

The City of Rio Dell prohibits the unlawful manufacture, distribution, dispensation, and possession of drugs and alcohol on City's premises or while conducting business off City's premises.

Employees are expected and required to report to work on time and in an appropriate mental and physical condition for work. To do so, employees must not be under the influence of any substance that affects their ability to perform their job functions.

Employees using drugs or other substances, whether illegal, over-the-counter, or by a prescription, that may influence the employee's ability to perform their job functions should inform their Supervisor as soon as possible. Such employees are responsible for disclosing to their Supervisor the possible side effects of the drug on work performance and the expected duration of its use.

1. Testing of Applicants for Employment

As part of the City of Rio Dell's employment screening process, any applicant for a City position, to whom a conditional offer of employment has been made, must pass a pre-employment drug and alcohol test under the procedures described below. The offer of employment is contingent upon a negative test result.

2. Testing of Employees in Designated Safety-Sensitive Positions

It is the belief of the City that the use of drugs or alcohol, or being under the influence, by employees in safety-sensitive positions jeopardizes the welfare and safety of our employees, visitors, and the public. Employees in safety-sensitive positions may be required to submit to annual drug testing, under the procedures described below. The City Manager or his/her designee will schedule the testing. Safety-sensitive positions include the following:

- Any employee who operates a City vehicle on a regular routine basis as part of their normal work activities;
- Any employee who has a Class A or B driver's license as required by the City;
- Any employee who operates City heavy equipment. (i.e. backhoe, dump truck);
- Department Directors and Supervisors.

If an employee refuses to cooperate with the administration of a drug test, the refusal will be handled in the same manner as a positive result.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violators of this policy also may be subject to arrest and/or prosecution by law enforcement authorities.

If you know of possession or use of alcohol or illegal drugs by employees, you are encouraged to discuss your question, problem, complaint, or report with the Department Head.

If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, please refer to the City's Whistleblower Policy.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make the possession and/or use of alcohol or illegal drugs by an employee known should the situation exist.

3. Testing of Employees Who Regularly Operate Vehicles or Heavy Equipment Reasonably Suspected to be Under the Influence of Drugs and/or Alcohol.

If an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is reasonably suspected to be under the influence of drugs and/or alcohol during work hours he/she shall be required to submit to an immediate drug and/or alcohol test to determine if the employee has used drugs and/or alcohol during work hours.

Reasonable suspicion can only be initially determined by the City Manager and/or a Department Head if the one of the factors below is apparent:

- Observable phenomena, such as direct observation of drug and/or alcohol use, or possession, or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior;
- Arrest or conviction for a drug related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking ("trafficking" could also mean "distribution");
- Information provided either by reliable and credible sources or independently corroborated; or
- Evidence that the employee had tampered with a previous drug test.

If the City Manager and/or Department Head determine that there is a reasonable suspicion that an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is under the influence of drugs and/or alcohol during work hours the City Manager and/or Department Head shall immediately contact law enforcement to make an independent assessment that a reasonable suspicion exists.

If the law enforcement officer makes the assessment that a reasonable suspicion exists that an employee who regularly operate vehicles or heavy equipment (i.e. backhoe, dump truck) is under the influence of drugs and/or alcohol during work hours, that employee shall submit to an immediate drug and/or alcohol test by an independent agency.

If an employee refuses to cooperate with the administration of a drug test, the refusal will be handled in the same manner as a positive result.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violators of this policy also may be subject to arrest and/or prosecution by law enforcement authorities.

4. Workplace Injuries.

Employees with work related injuries will be asked to submit to post-injury drug testing within 24 hours.

4.02 CARELESSNESS POLICY

The City of Rio Dell prohibits and does not tolerate carelessness, substandard or hazardous work practices within its facility, on its property, or while conducting organization business.

The City expects and demands that its employees perform their employment duties with care and attention to the customer, client, and citizen needs, the safety and welfare of fellow employees and to the City of Rio Dell quality standards and requirements. Employees who are careless or negligent in performing their jobs duties will be subject to disciplinary action, up to and including immediate discharge.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

If you know of a careless or negligent act or behavior, you must report the act or behavior to your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

4.03 CONCEALED WEAPONS

The City of Rio Dell prohibits, forbids, and does not tolerate weapons at the City's facility, on the organization's property, or at any event sponsored by the City.

Weapons include visible and concealed weapons, including those for which the owner has necessary permits. Weapons can include firearms, knives with a blade longer than three (3) inches, explosive materials or any other object that could be used to harass, intimidate, or injure another individual, employee, manager, supervisor or department head.

Positions that by their classification are required to carry weapons or equipment defined as a weapon by City policy are excluded from discipline.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed.

If you know of any employee possessing a weapon, you must discuss your question, problem, complaint, or reports with your Supervisor/Department Head. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make violence and threats of violence known should they exist.

4.04 EMPLOYEE HEALTH AND SAFETY

The City of Rio Dell is committed to providing a healthy and safe work environment. The City wants each employee to recognize his/her responsibilities to safe employment and requires that each employee live up to these responsibilities.

If you observe conduct that creates an unsafe workplace, you must report the conduct to your Department Head immediately. If you feel uncomfortable doing so or if your Supervisor/Department Head is the source of the problem, condones the problem, or ignores the problem, report to the City Manager.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make unsafe conditions known should they exist.

4.05 VIOLENCE/THREATS OF VIOLENCE

The City of Rio Dell prohibits and does not tolerate violent acts within its facility, on its property, or while conducting City business.

Acts of violence, threats, or threatening behavior against employees, visitors, guests or other individuals by anyone on City property will not be tolerated. This includes, but is not limited to, intimidation, harassment, assault, battery, stalking, or conduct that causes a person to believe that he or she is under a threat of death or serious bodily injury. All threats of violence will be viewed with the assumptions that they will be carried out.

Violators of this policy are subject to disciplinary action, up to and including discharge, for any violation reasonably believed to have been committed. Violations of this policy may also result in arrest and/or prosecution. Immediate threats should be reported to security and the Supervisor of the area of occurrence.

If you know of a violent act or behavior, you must report the act or behavior to the Department Head. If you feel uncomfortable doing so or if your Supervisor is the source of the problem, condones the problem, or ignores the problem, refer to the Whistleblower Policy.

You are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed. Nevertheless, you are required to make a reasonable effort to make violence and threats of violence known should they exist.

SECTION 5: BENEFITS AND LEAVE

5.01 ADMINISTRATIVE PAY CORRECTIONS

The City of Rio Dell tries to make sure that you are paid correctly and on scheduled paydays. In case you find a mistake in your pay, tell the Payroll Department immediately so that the error can be corrected as quickly as possible. Any overpayment to an employee may be adjusted from future compensation, where permitted by law.

5.02 BEREAVEMENT LEAVE

The City of Rio Dell provides bereavement leave to employees who need to take time off because an immediate family member has died. To ask for bereavement leave, see your Department Head.

Regular full-time employees are eligible for up to five (5) days of accumulated sick leave within a calendar year for bereavement leave with pay. An additional five days may be allowed at the discretion of the Department Head.

While you are on a paid bereavement leave, you will get your base pay rate but you will not get any special forms of pay, such as incentives, or shift differentials.

We normally will give you bereavement leave unless there are business reasons that require you to be at work. With your Department Head's approval, you can use any available paid leave benefits you have, such as vacation, if you need more time off.

For bereavement leave, "immediate family" means your spouse, parent, child, brother, or sister; your spouse's parent, child, brother, or sister; your child's spouse; your grandparent or your grandchild.

5.03 CATASTROPHIC LEAVE

The City allows employees to transfer sick leave, vacation or compensatory leave to a sick leave bank to be donated to an employee who is experiencing a catastrophic illness and has exhausted all personal sick leave, vacation leave and comp time. The following rules shall apply:

- The use of catastrophic leave is for catastrophic illness or injury (not covered by Workers' Compensation Insurance) such as, heart attack, cancer, serious automobile accident or major surgery. A catastrophic leave bank may also be established if an employee's immediate family member has suffered a catastrophic illness/injury and there is demonstrable need for the employee to attend to the affected family member.

- The employee must request use of the Bank in writing and describe the nature of the need generally and the expected length of the need for leave. (Confidential health information is not required.)

- The employee shall state in the request whether the nature of the need can be disclosed to other employees.

- The donation of leave to the Sick Leave Bank may be in increments of no less than 8 hours.

- The employee must provide verification of the catastrophic illness or injury by providing a statement from their attending physician.

- An employee may not receive Catastrophic Leave donations of more than 160 hours in any 12-month period.

- The donating employee must retain a minimum of 80 hours of Sick Leave in their Sick Leave bank at the time of any Sick Leave transfer.

- All Catastrophic Leave transfers are irrevocable.

5.04 COMPENSATION PLAN

The City Manager, or a person or agency employed for that purpose, shall prepare a pay plan covering all positions in the competitive service, showing the rates of pay. The City Manager shall submit the proposed pay plan to the City Council in conjunction with the annual proposed operations budget. The City Council shall adopt or amend and adopt the plan. Thereafter, no position shall be assigned a higher or lower salary for that position, unless the salary schedule is amended in the same manner as herein provided for its adoption.

The pay plan shall be adopted and may be amended or revised from time to time by resolution of the City Council, after the meet and confer process with recognized employee organizations.

~~*In establishing the salary schedule, the City Council and the City Manager may give appropriate consideration annually to:*~~

~~*a. Maintenance of equitable pay based on relative duties and responsibilities.*~~

~~*b. The general level of rates paid in appropriate labor markets for comparable work under similar conditions of employment.*~~

~~*c. Current experience and need.*~~

5.05 COMPENSATORY TIME OFF POLICY

A. A non-exempt employee may opt to accrue compensatory time-off (CTO) in lieu of cash payment for overtime worked if his or her Supervisor agrees prior to overtime work being performed.

B. CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO cannot be accumulated in excess of the number of hours allowed under the employee's Memorandum of Understanding or written Employment Agreement at any given time.

C. The City will grant an employees' request to use accumulated CTO provided that: (1) the department can accommodate the use of CTO on the day requested without undue disruption; and (2) the employee makes the request in writing to the Supervisor no later than five (5) days prior to the date requested. If the employee does not provide five (5) days' notice, or if the department cannot accommodate the time off, the City will provide the employee the opportunity to cash out the CTO requested at the end of the current pay period.

D. The City reserves the right to cash out accumulated CTO at any time.

E. During employment, CTO is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials). Employees separating from City service shall be compensated for all accrued, unused compensatory hours at the current FLSA regular rate of pay, or the average regular rate for the prior three years, whichever is higher.

5.06 EDUCATIONAL ASSISTANCE

The City of Rio Dell may provide educational assistance to encourage employees to maintain and improve their job-related skills through formal education.

Regular full-time employees are eligible for educational assistance.

There is no waiting period once you are in an eligible classification. When you start getting educational assistance, you must continue to be an active employee and perform your job satisfactorily to stay in the program.

Not every course is eligible for the educational assistance. To be eligible, a course or a group of courses that are part of a degree, licensing, or certification program must be related to your current job duties or to a position you might have at the City of Rio Dell in the foreseeable future. The City of Rio Dell will make the final decision about whether a course or program is eligible for educational assistance and is related to your current job or a future one. If you have questions about educational assistance, contact the City Manager for more information.

We hope that educational assistance will develop your skills but we do not promise or guarantee that more education will result in promotions, new job assignments, or pay increases.

5.07 EMPLOYEE BENEFITS

The City of Rio Dell gives eligible employees many benefits. Some benefits are required by law and cover all employees. The legally required benefits include Social Security, Workers' Compensation, state disability, and unemployment insurance.

There are several factors that decide if you are eligible for benefits. One important factor is your employment classification. See your Department Head to find out which benefits you are eligible for.

The following benefit programs are available to eligible employees:

* Holidays
* Vacation
* Sick Leave Benefits
* Health Insurance
* Vision/Dental Care Insurance

You may have to pay part or all of the cost for some benefits.

5.08 FAMILY AND MEDICAL LEAVE (FMLA)

The City of Rio Dell is not required to follow the provisions of FMLA. However, as a matter of policy the City does follow the provisions of FMLA with regard to family and medical leave. If you feel that you need to apply for FLMA, please contact your Department Head, who will contact the City Manager.

5.09 HEALTH INSURANCE

Our health insurance plan offers medical, dental, and vision care benefits to eligible employees and their dependents. All permanent employees are eligible for certain benefits, to the extent stated in section 3.10 of these policies.

If you have questions about our health insurance plan, contact the Finance Director for more information.

5.10 HOLIDAYS

The City of Rio Dell gives time off to all employees on the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)
- The day before Christmas or the day after Christmas as requested 30 days in advance by a majority of the employees or as designated by the City Council if no request is made.
- All other days as may be proclaimed by the president of the United States or Governor of the State, when approved by the City Council.

Eligible employees will be paid for holiday time off. If you are eligible, your holiday pay will be calculated at your straight-time pay rate as of that holiday multiplied by the number of hours you would normally have worked that day.

If a recognized holiday falls on a Saturday, the City of Rio Dell will observe it on the Friday before the holiday. If a recognized holiday falls on a Sunday, the City of Rio Dell will observe it on the Monday after the holiday.

If you are eligible for paid holidays and a holiday occurs during the time of your vacation, you will be paid holiday pay not vacation pay.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus their wages at one and one-half times their straight-time rate for the hours they worked on the holiday.

In addition to the recognized holidays previously listed, eligible employees (non-exempt) will receive one (1) floating holiday in each anniversary year. To be eligible for floating holidays, you must complete one (1) year of service as a regular full time employee. To use a floating holiday, you should first ask for advance approval from your Supervisor.

5.11 JURY DUTY

The City of Rio Dell encourages you to fulfill your civic responsibilities by serving jury duty if you get a summons. Employees in an eligible classification may request up to two (2) weeks of paid jury duty leave over any two (2) year period. Employee must endorse to the City any checks or warrants received in payment for jury duty exclusive of mileage for personal vehicle or other out-of-pocket expenses incurred due to jury duty. Upon being excused from jury duty, if four (4) or more hours are left in the employee's workday, the employee shall report back to work.

Regular full-time employees are eligible for jury duty. A full-time employee will be paid at their base rate of pay for the number of hours you would normally have worked that day.

If you stay on jury duty longer than paid jury duty allows, you may use any available paid time off benefits you have, such as vacation, to be paid for the unpaid jury duty leave.

If you get a jury duty summons, show it to your Supervisor/Department Head as soon as possible. This will help us plan for your possible absence from work. We expect you to come to work whenever the court schedule permits.

Either you or the City may ask the court to excuse you from jury duty if necessary. We may ask that you be relieved from going on jury duty if we think that your absence would cause serious operational problems for the City of Rio Dell.

Subject to the terms, conditions, and limitations of the applicable plans, the City of Rio Dell will continue to provide health insurance benefits for the full period of unpaid jury duty leave. Your vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

5.12 LEAVE OF ABSENCE

A. Department Heads may grant a permanent or probationary employee leave of absence without pay. No leave of absence shall be granted except upon written request of the employee setting forth the reasons for the request, and the approval, if granted, will be in writing. The convenience of the City of Rio Dell shall be a primary consideration in deciding whether or not to grant a leave of absence.

The City Manager may determine that an employee's anniversary date, for purpose of merit pay increase, vacation accrual, or sick leave accrual, may change if leaves of absence taken by the employee exceed ten (10) working days in any one year.

Upon expiration of an approved leave of absence, the employee shall be returned to the same position held at the time leave was granted. Failure on the part of an employee to report promptly at the expiration of such leave may be just cause for disciplinary action, including, but not limited to, discharge.

After an investigation instituted upon his/her own motion or upon complaint, the City Manager may deny or revoke such leave of absence upon determination that it was for the purpose of accepting other employment; enabling the employment of a temporary employee in the same position; improper influence; or for any other purpose contrary to the good of the City of Rio Dell; and appropriate disciplinary action may be instituted.

B. An employee who is absent from duty for any reason shall report the reason thereof to his/her Department Head or an employee of the City immediately on the day of absence or before, if possible.

C. All unauthorized and unreported absences shall be considered as absence without leave and a deduction of pay shall be made for each period of such absence. Voluntary absence without leave for five (5) consecutive working days shall be considered as an automatic resignation from City service.

5.13 OVERTIME POLICY

Overtime-eligible employees are not permitted to work overtime except as the Department Head authorizes or directs. Overtime-eligible employees directed to work overtime must do so. Working overtime without advance approval is grounds for discipline.

Unless otherwise stated in a Memorandum of Understanding, "overtime" is all hours an overtime-eligible employee actually works over 40 in his or her work week. Overtime is compensated at 1.5 times the Fair Labor Standards Act (FLSA) regular rate of pay. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay. No overtime shall be recorded or reported for less than 15 minutes of work.

5.14 PAYDAYS

The pay periods at the City of Rio Dell run from Saturday through a 14 day period and end on the following Friday. Time sheets are due in the City Hall office on Monday following the end of the pay period by 9 a.m. Paydays are every other Friday. All employees are paid by check or direct deposit on the above-mentioned payday.

5.15 SICK LEAVE

Sick leave with pay shall be granted by the City at a rate of 3.69 hours per payroll period. Payroll is every two weeks. Temporary or intermittent employees or employees who work part-time shall not be entitled to sick leave.

An employee shall be allowed to use one half of their yearly accrual of sick leave for the illness or injury of a parent, child, spouse, or domestic partner. (Labor Code Sections 233 and 234)

Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall be allowed in cases of necessity or actual sickness, disability or bereavement leave. Sick leave may be used, with prior Supervisor's approval for dental, eye, and doctor appointments. Employees may accumulate earned sick leave hours without limitations as to maximum number of sick hours accumulated. Holidays occurring during the first thirty (30) days of sick leave shall not be taken as days of sick leave. For the purposes of computing sick leave, each employee shall be considered to work not more than five (5) days each week, and the minimum sick leave chargeable in hourly increments.

Sick leave credit shall continue to accrue while an employee is on sick leave in excess of thirty (30) days or on worker's compensation leave.

In order to receive compensation while absent on sick leave, the employee shall notify his/her Department Head or any employee of the City Clerk's Department prior to or within one (1)

working hour after the time set for beginning his/her daily duties or as may be otherwise specified by the employee's Department Head. The City Manager or the employee's Department Head may, if he/she deems it necessary, require of the employee a doctor's certificate of fitness to return to employment and fitness to perform the regular duties of the employee from any employee who has taken three (3) or more consecutive days of sick leave or six (6) or more days during a thirty (30) day period. The Department Head shall not make unreasonable demands for such certification. The Department Head shall revoke pay and sick leave time if the employee has engaged in private or public work while on such leave. Misuse of sick leave privileges is grounds for disciplinary action.

If an employee has not recovered by the time his/her accumulated sick leave is exhausted, he/she may utilize accrued vacation; or a leave of absence without pay may be granted if requested by the employee in accordance with this Employee Handbook.

5.16 TIMEKEEPING

Non-exempt employees are responsible for accurately recording the hours they work. The law requires the City of Rio Dell to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" means all the time that non-exempt employees spend performing their assigned work.

If you are a non-exempt employee, you must accurately record the time you start and stop work, when you start and end any meal periods or split shifts, and when you leave the workplace for personal reasons. Before you work any overtime, you must always get advance approval.

Falsifying time records is a serious matter. You may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. If you do any of these actions, you may be subject to disciplinary action, up to and including termination.

Non-exempt employees must sign their time records to say they are accurate. Each Supervisor/Department Head will review and initial the time record before submitting it for payroll processing. In addition, if corrections or changes are made to the time record, both you and your Supervisor/Department Head must initial the changes on the time record.

5.17 VACATION BENEFITS

The City of Rio Dell offers vacation time off with pay to regular full-time and part-time employees who have been employed with the City for one year. Vacation benefits vary, depending on various MOU's and employment agreements. If an employee asks for time off before their one year anniversary, the City Manager will make the decision as to whether it will be granted with or without pay.

You may accrue your vacation up to a maximum of 120 hours. After that time you will only be able to earn and accrue additional vacation time after utilizing some portion of the previously accrued maximum of 120 hours. The smallest amount of vacation time you may use at once is in one (1) hour increments.

5.19 WORKPLACE INJURIES

Upon injury notify your Supervisor/Department Head IMMEDIATELY. Employees with work-related injuries will be asked to submit to post-injury drug testing within 24 hrs.

The City of Rio Dell provides a comprehensive Workers' Compensation Insurance Program to our employees. This program does not cost you anything.

The Workers' Compensation Program covers injuries or illnesses that might happen during the course of your employment that require medical, surgical, or hospital treatment. Subject to legal requirements, Workers' Compensation Insurance begins after a short waiting period, or if you are hospitalized, the benefits begin immediately.

It is very important that you tell your Supervisor/Department Head immediately about any work-related injury or illness, regardless of how minor it might seem at the time. Prompt reporting helps to make sure that you qualify for coverage as quickly as possible and let us investigate the matter promptly.

Workers' Compensation covers only work-related injuries and illnesses. Neither the City of Rio Dell nor its insurance carrier will pay Workers' Compensation benefits for injuries that might happen if you voluntarily participate in an off-duty recreational, social, or athletic activity that we might sponsor.

SECTION 6: TERMS & DEFINITIONS

6.01 TERMS AND DEFINITIONS

As used in this handbook, the following terms shall have the meanings indicated:

ADVANCEMENT: A salary increase within the limits of a pay range, usually the result of an annual step increase resulting from satisfactory or better performance..

ANNIVERSARY DATE: Established for the purpose of calculating step increases and vacation and sick leave accrual, and shall be twelve (12) months from the first day of permanent employment and annually thereafter.

ANNOUNCEMENT: All examinations for employment by the City shall be publicized by posting announcements in the City Hall, on official bulletin boards, and by such other methods as the City Manager deems appropriate.

APPLICATION FORMS: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians' references and fingerprinting. All applications must be signed by the person applying. (see Section 3.11)

APPOINTMENT: After interview and investigation, the Department Head may make appointments from among those qualified candidates under consideration. If the applicant accepts the appointment and presents himself for duty within such period of time as the City Manger shall prescribe, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment

AT-WILL EMPLOYEE: Except for employees who are employed under express written employment agreements executed by the designated employee and the City, all employees are employed on an "at-will" basis as defined and described in Section 3.08 of these policies, above.

BARGAINING UNIT: A group of employees represented by a labor union or employees' association engaged in bargaining with the City.

CLASS: All positions grouped under a common job title.

CLASSIFIED SERVICE: Position classifications approved by Resolution of the City Council in a table of allocated positions.

CLOSED EXAMINATION: An examination for a particular class which is open only to employees meeting the qualifications for the class who have permanent status.

DEMOTION: The movement of an employee to a lower rate of pay or a lower level of responsibility.

DEPARTMENT HEAD: Means the City Manager, Chief of Police, Public Works Director, Finance Director, City Clerk and Community Development Director.

DISQUALIFICATION: The Department Head may reject any application which indicates on its face that the application does not possess the minimum qualifications required for the position.

EMPLOYMENT LIST: An open employment list is a list of names of persons who have taken an open-competitive examination and have qualified.

GREVIENCE: The definition and procedure for a grievance may be found under section 3.16 of this handbook (page 17)

LAY-OFF: The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council due to organizational changes. (See Section 3.19)

MEMORANDUM OF UNDERSTANDING: An agreement between the City of Rio Dell and any duly recognized employee association concerning the terms and conditions of employment.

MEET AND CONFER: Contract negotiations for contract employees. The City Manager shall meet and confer with any duly recognized employee association under the Meyer-Milias-Brown Act, on those matters which are subject to the "Meet and Confer" process specified under Section 3505 of the California Government Code or as otherwise agreed to between the City of Rio Dell and any duly recognized employee association pursuant to the terms of any Memorandum of Understanding then in effect.

PART-TIME PERMANENT EMPLOYEE: An employee working in a position that is allocated at less than full-time.

PAY RANGE: Each allocated position is assigned a range of pay by the City Council.

PERSONNEL ALLOCATION TABLE: Annually the City Council shall adopt and include a table of allocated positions, by department, in the budget. The Finance Department is responsible for the administration of the table and the position control function. All appointments to allocated positions must conform to the allocation table. The City Council may amend the table by Resolution as it sees fit.

PERSONNEL OFFICER: City Manager

PROBATIONARY PERIOD: A working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position. Ordinarily one (1) year, but may be extended by the Department Head if warranted.

PROMOTION: The movement of an employee to a position of greater responsibility and a higher rate of pay.

PROVISIONAL /TEMPORARY APPONTMENT: A provisional appointment may be made by the Department Head, with City Manager concurrence, from a hiring list for the position. Such ~~an~~ appointment may be made during the period of suspension or relief from duty of an employee or pending final action on proceedings involving suspension, demotion or discharge of an employee. Provisional appointments for up to 6 months do not earn or accrue benefits. Provisional appointments for a period of 6 to 12 months do earn and accrue benefits beginning at 6 months, excluding seniority and participation in the City Deferred Compensation Plan. Such appointments are limited to no more than 12 months (2080 hours).

RELIEF FROM DUTY: The temporary separation from service of an employee.

RULES OF CONSTRUCTION: Any applicable Memorandum of Understanding entered into between the City and any employee or employee organization shall control over these Rules and Regulations where these Rules and Regulations are silent or inconsistent. These Rules and Regulations shall control where Memoranda of Understanding are otherwise silent.

SELECTION METHODS: In making a selection from among applicants for employment, use may be made of written, oral, or performance tests, evaluations of training and experience, and any combination of these, or any other forms or methods of evaluation which will determine fairly and thoroughly the qualifications of applicants. Investigations of the character, personality, education, experience, and physical and mental fitness may also be made as deemed appropriate.

SENIORITY: Seniority shall be defined as the employee's length of continuous uninterrupted service with the City since his/her date of hire into an allocated position.

SERVING AT THE CITY COUNCIL'S PLEASURE: The following employees shall serve at the pleasure of the City Council, in accordance with State Law and City Ordinance, unless this provision is contrary to a Memorandum of Understanding entered into between the City of Rio Dell and such employee:

1) City Manager
2) Management and Confidential employees as defined under the Meyer-Milias-Brown Act, as from time to time amended.

SUSPENSION: The temporary separation from service of an employee for disciplinary purposes.

TEMPORARY EMPLOYEE: An employee hired on a temporary basis to fill a position temporarily vacated or to fill a position temporarily required. Such appointments are not required to be from an employment list, but may be.

TRANSFER: A change of an employee from one position to another position.

TUITION REIMBRUSEMENT: Training which will be beneficial to the City for a permanent employee may be approved by the Department Head, with City Manager concurrence, for tuition reimbursement, up to $1,000 per fiscal year provided the operating budget of the City includes funds set aside for such expenses. Reimbursement occurs after completion of the course of study with evidence from the school of at least a "C" grade or higher.

VACANCY IN CITY SERVICE: If a vacancy in the City service is to be filled, and there is no re-employment list available for the class, the City Manager shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotion employment list, appointment from an open employment list or by undertaking such other means of recruitment as he or she deems necessary.

VIOLATION OF RULES: Violation of the provisions of these rules shall be grounds for disciplinary action including suspension, demotion, or discharge.