

CITY OF ST. HELENA

EMPLOYEES' HANDBOOK

Adopted by the
St. Helena City Council
Resolution 90-4

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SECTION I

APPLICABILITY

The personnel rules contained within this Employees' Handbook apply to terms and conditions of employment of employees of the City of St. Helena, excepting that for any employee or group of employees for which there is a separate Memorandum of Understanding or other formal, written agreement, specific provisions of such other agreement shall take precedence.

These Rules will apply to the extent that they are not in conflict with applicable laws, and Federal and State Rules and Regulations.

This Employees' Handbook supersedes and replaces previous Resolutions that may have been adopted from time-to-time by the City Council, including but not limited to Resolutions 79-27, 79-44, 81-23, 82-7, 85-32, and 88-38. This Handbook may be amended by Resolution of the Council, giving representatives of affected groups of employees reasonable opportunity to review and comment on proposed changes that will affect terms and conditions of employment. **(Res. 92-175)**

These rules:

1. are for the informational benefit of the employee;
2. do not constitute an employment contract between the City and the employee, individually or collectively;
3. may be changed or amended at the sole discretion of the City; and
4. will remain in effect regardless of any previous waiver. Any waiver of these rules for a particular circumstance will be taken to be neither an amendment nor a permanent waiver of these rules.

SECTION II

DEFINITIONS

The words and terms herein defined have the following meanings:

"Manager": The City Manager of St. Helena

"Anniversary": The date upon which service time is computed for purposes of step advancement and accrual of vacation and sick leave benefits. (Usually the date of first employment.)

"Benefits" or "Benefit Package": City-paid Insurance, paid leaves, holidays, and other non-salary items which are part of the compensation paid to any employee.

"City": The City of St. Helena, California.

"City Service": All positions in all departments and agencies of the City that are subject to control and regulation by the City Council of the City of St. Helena.

"Classification": A particular type of employment in the City Service designed to include all positions having duties and responsibilities sufficiently similar so that the same requirements as to education, experience, knowledge, and ability may be required of incumbents and the same schedule or compensation may fairly be made to apply.

"Continuous Employment": Period of uninterrupted employment including holidays and authorized leave but not including periods of leave without pay or times on suspension.

"Compensation": The salary, wages, allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of his or her service in a position, but not including reimbursement for expenses incurred in the course of employment.

"Council": The City Council of the City of St. Helena.

"Department Head": A member of the managerial staff of the City, consisting of the City Manager, the Fire Chief, the Police Chief, the City Clerk, the Director of Public Works, the City Planner, the Library Director, the Recreation Director, the Finance Director, and the City Attorney.

"Emergency:" Emergency shall include an event that damages or continues to threaten damage to the public health, safety, welfare, or property and shall include but not be limited to the following:

1. The repair or clearance of streets necessary for continued access to properties, including street sweeping.
2. The repair of public utility facilities.
3. The repair of City equipment necessary to maintain public safety services.
4. Activities associated with natural or man-made catastrophe.
5. On-going investigation, surveillance, or similar police activities and the obtaining and serving of search warrants.
6. Shortage of personnel necessary to maintain public safety services.

"Employee": A person legally occupying a position or office in the City Service and receiving compensation for services, other than an independent contractor.

"Employee, Full time": An employee who regularly works thirty or more hours per week and is paid a monthly salary.

"Employee, Miscellaneous": An Employee other than a Department Head, a Safety Employee, an elected official, or an appointed member of an advisory board or

commission.

"Employee, Part-time:" An employee regularly scheduled to work fewer than thirty hours per week. Part-time employees are included in the term "Temporary Employee."

(Res. 90-126)

"Employee, Probationary": A full-time employee who has not yet completed a prescribed Probationary Period.

"Employee, Regular": A full time employee who has successfully completed a prescribed Probationary Period.

"Employee, Safety:" An Employee serving in the Police Department, other than a Department Head, with the powers, duties and responsibilities reserved to sworn peace officers by the laws of the State of California. **(Res. 90-126)**

"Employee, Temporary": A person in a temporary or irregular position, such as an elected officer of the City, a contract employee, temporary help, or any other employee paid on an hourly or fee basis.

"Overtime": Work in excess of eight (8) hours per day or forty (40) hours per week. Overtime does not include such work done in accordance with a flexible work schedule approved by the City Council.

"Personnel Officer": The City official responsible for the administration of employee rules; the Manager unless designated otherwise by the City Manager.

"Position": The title of an occupation along with a group of duties and responsibilities assigned or delegated by competent authority, which requires the full or part time service of one person.

"Probationary Period": The length of continuous service for which a full-time employee other than a Department Head must serve in order to attain the status of regular employee.

"Salary" or "Pay": The monetary portion of compensation paid to an employee.

"Standby": A period or condition which requires that an employee be able to readily report to work and be prepared to undertake work tasks. This will normally include either remaining at his/her home telephone or otherwise arranging for the immediate and convenient notification of an emergency condition, and being prepared to immediately report to the site of the emergency.

"Supervisor": The mid-management staff of the City to include the designated assistant to a

Department Head or the head of a sub-department or division of a department.

"Title:" The name applied to a classification or to each position included in the classification.

"Work Day:"

1. One calendar day during which an employee is normally scheduled to work. If the employee is engaged in shift work that begins on one calendar day and ends on the following day, only one work day is denoted.
2. The number of hours of work contained in a calendar day for a given employee, in no case more than eight hours for a full-time employee unless specified otherwise.

"Work Day, Average": For a part-time employee, an "Average Work Day" (in hours) is the average number of hours actually worked per day, considering a five day work week.

In any case for which the time period to be considered is twelve calendar months, the average work day is the number of hours worked in the preceding twelve months, divided by two thousand eighty, then multiplied by eight. **(Res. 91-104)**

SECTION III

GENERAL PROVISIONS

- A. **BUSINESS HOURS:** The normal business hours of the City are from 8:00 A.M., to 5:00 P.M., Monday through Friday, except for the Library for which hours will be set by the Library Board and may vary from time to time, and the Police Department. Special hours may be established for any office or department in order to meet the needs of the City government and the citizens of St. Helena.
- B. **HOURS OF WORK:** Eight hours per day and forty hours per week constitute the normal work week for all employees. To the maximum extent practicable, work schedules for employees not working normal business hours shall be arranged so that employees will work for five consecutive days, followed by two days off. Employees are expected to be at their assigned place of work and prepared to commence work with tools at hand at the time assigned.
- C. **DEPARTMENT HEADS:** Department Heads will ordinarily observe the same work schedule as the employees under their direction. In addition, they shall work any additional hours that are necessary to fulfill the requirements of their position rather than be bound by any specified number of hours per week.
- D. **MEAL BREAKS:** Full-time employees are generally scheduled a period, generally in the middle of the work day, during which they are free to eat a meal or do personal errands. Unless directed otherwise, employees are not paid for this time and are free to leave the work place.
- E. **REST BREAK:** For each four hours of work, conditions permitting, employees are granted a fifteen minute rest break, during which they may engage in personal conversations, move about, and otherwise "take a break" from the normal duties of their assignments. This time will be paid by the City as part of the work day. The lack of opportunity to take advantage of the rest break at the appropriate time does not imply either additional pay for that time nor that rest breaks may be deferred to another time.
- F. **EMPLOYER/EMPLOYEE RELATIONSHIP:** Employees of the City serve at the pleasure of the City. Terms and conditions of employment may be changed at the discretion of the City.
- G. **DISTRIBUTION OF MATERIAL:** No employee may, without specific approval of the Manager, distribute or make available on City property or while on duty any literature or other material not furnished by the City for that purpose.
- H. **DRUG-FREE WORK PLACE:** As adopted in Resolution 89-48, the City certifies that it will provide a drug-free work place.
 - a. Employees are hereby notified that unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the work place is prohibited and any violation will result in disciplinary action, which may include termination of employment.
 - b. Any employee convicted of any criminal drug statute for a violation occurring in the work place must report that conviction to his/her Department Head no later than five days after the conviction. Failure to so notify the Department Head may result in separate disciplinary action up

to and including termination of employment.

- c. If at the time of the violation the City is the recipient of Federal funds, the City is required to and will notify the Federal agency providing the funds within ten days of the time notice is received under subsection (2), above. The City will also take appropriate personnel action within thirty days of notification, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. **(Res. 90-12)**

- I. **HARASSMENT POLICY:** The City of St. Helena in compliance with Title VII of the Civil Rights Act of 1964 (42 U.S.C. SEC. 200E-2(A)) and the California Fair Employment and Housing Act (Government Code Sec. 12940 (a), (h), and (i)) repeals Section III(I) regarding Sexual Harassment of the Employees Handbook and adopts the following policy:

1. Purpose.

The City is committed to providing a work environment that is free of discrimination and unlawful harassment.

2. Unlawful harassment prohibited.

The City has a strict policy prohibiting all forms of unlawful harassment of any kind, including sexual harassment and harassment based on race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, or any other characteristic prohibited by the state or federal employment discrimination laws.

The City strongly disapproves of and will not tolerate unlawful harassment of City employees by elected or appointed officials, managers, supervisors, or co-workers. The City also strongly disapproves of unlawful harassment of City employees by persons with whom the City has a business, service or professional relationship.

The City also will attempt to protect employees from unlawful harassment by any non-employees in the workplace.

3. Unlawfully harassing conduct can take many forms and includes, but is not limited to, the following:
 - a. Speech, such as slurs, jokes, stories, statements, epithets, derogatory comments, unwanted sexual advances or invitations, inappropriate comments on appearance (including dress or physical features), based on sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, or sexual orientation.
 - b. Visual conduct, such as derogatory posters, cartoons, drawings, or gestures based on sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, or sexual orientation.

- c. Physical acts, such as offensive touching, assault, or any physical interference with normal work or movement when directed at an individual on the basis of sex, race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, or sexual orientation.
- d. Threats and demands to submit to sexual request in order to keep one's job or avoid some other loss, and offers of job benefits in return for sexual favors.
- e. Retaliation for having reported or threatened report of unlawful harassment, for having objected to harassment or for having assisted another employee report harassment.

4. Reporting Unlawful Harassment.

Any employee who believes he or she has been unlawfully harassed should promptly report the facts of the incident and the names of the individuals involved and any witnesses or other relevant facts to their Department Head. Any supervisor or manager who receives a complaint of unlawful harassment or who observes or otherwise learns about unlawfully harassing conduct shall notify the City Manager immediately, with a copy to his/her respective Department Head.

An employee is not required to complain first to their Department Head, if that person is the individual who is harassing the employee. Instead, the employee may report the harassment to the City Manager or any other member of management. In the situation where a complaint is filed against the City Manager, the City Attorney shall receive the complaint and conduct the appropriate investigation in consultation with the City Council.

5. Investigation and Remedial Action.

Every report of unlawful harassment will be investigated thoroughly, promptly, and in a confidential manner.

If, as a result of the investigation, the City determines that unlawful harassment occurred in violation of this policy, the City will take prompt remedial action, including discipline of an offending employee, as provided below, or other corrective action if the harasser is not an employee.

6. No retaliation.

Employees should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind. The City will not retaliate against or tolerate retaliation against employees for making any complaint of unlawful harassment in good faith, or against any employee for cooperating in an investigation.

7. Discipline.

If the City determines that a City employee has engaged in unlawful harassment, the City will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including termination.

8. DFEH and EEOC.
 - a. In addition to notifying the City about unlawful harassment or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing (DFEH), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (FEHC) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and nonmonetary relief in meritorious cases. You can contact the nearest DFEH office or the FEHC at the locations listed in the City's DFEH poster or by checking with the state government listings in the local telephone directory.
 - b. An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).
- J. **EMPLOYEE BONDS, CERTIFICATES, MEMBERSHIP DUES, AND LICENSE FEES:** Excepting a California driver's license, the City will pay the cost of any bond, certificate, membership dues, or license fee for a full time employee when such cost is incurred by a requirement of the City or when it's determined by the Manager that the bond, certificate, membership, or license is a benefit to the City. **(Res. 90-33)**
- K. **SPECIALIZED SCHOOLS AND TRAINING:** The Manager may approve City payment of some or all expenses for a specialized school or training when he/she finds that employee participation in such specialized school or training is in the best interest of the City. This provision does not include payment of fees or tuition for course work taken in pursuit of an academic degree. **(Res. 90-33)**
- L. **COLLECTIVE BARGAINING UNITS:** Full-time regular employees may petition the City Council to be recognized as a collective bargaining unit for the purposes of bargaining with regard to compensation and working conditions. It will be at the sole discretion of the City Council whether and under what conditions such bargaining unit will be recognized by the City, subject only to already-existing agreements and applicable State and federal laws and regulations. Department Heads and temporary employees, including part-time and contract employees, are not eligible for formation of, membership in, or representation by a City employees' bargaining unit. **(Res. 90-126)**
- M. **ELIGIBILITY FOR EMPLOYEE BENEFITS:** City employees will receive only those employment benefits delineated in this Handbook (as it may be amended from time to time) or as formally approved by the City Council in a Memorandum of Understanding or individual contract. Temporary employees, including part-time

employees, are not eligible for any benefits beyond the hourly wage and any benefits required by applicable State or federal laws and regulations, unless specifically granted to those employees in this Handbook. **(Res. 90-126)**

- N. **CARE OF TOOLS AND EQUIPMENT:** Each employee having care or custody of City-owned property (including money) or equipment has a responsibility to take appropriate care of the property or equipment, including safeguarding it against theft or damage. Any employee becoming aware of the theft of, or malicious damage to, City-owned property or equipment shall immediately report it to the Police Department. **(Res. 92-49)**

SECTION IV

APPOINTMENT

- A. EMPLOYMENT POLICY:** Selection of new employees to fill existing vacancies within the City service shall be on the basis of qualifications for the job to be done. The City shall require all the applicants to complete and submit applications, agreements, or statements pertinent to their employment, as may be prescribed by the Manager. In accordance with Federal law, applicants must furnish proof of citizenship status prior to employment.
- B. DISCRIMINATION:** The City does not discriminate on the basis of age, color, race, religion, sex, marital status, national origin, or handicap not related to job performance. The City will attempt to make reasonable provision for handicapped employees who are otherwise the best qualified for a position.
- C. EMPLOYMENT OF RELATIVES:**
1. Definitions: For the purpose of this section:
 - a. "Direct Supervision" means exercising supervision duties such as leading and controlling the work of a subordinate, preparing and discussing performance evaluations, initiating disciplinary action if necessary, and resolving subordinate complaints.
 - b. "Relative" means spouse, parent, brother, sister, aunt, uncle, niece, nephew, child (including stepchild or adopted child), grandparent, grandchild, mother or father-in-law, sister or brother-in-law, son- or daughter-in-law.
 2. Policy: No relative of any City employee or City Council member shall be employed, or continue to be employed, in a position which would place one relative under or over the direct supervision of another relative. For business reasons of supervision, safety, security, or morale, the City may refuse to place, or refuse to allow to continue, relatives in the same department, division, or facility if the work involves a potential conflict of interest or has the potential for creating an adverse impact on supervision, safety, security, or morale.
 3. Exceptions:
 - a. Employment of Spouses: An employment decision shall not be based on whether an individual has a spouse presently employed in the City, except in accordance with the following criteria:
 - (1) Upon the City's case-by-case assessment of the work performed by spouses and a determination that one or more of the business reasons of supervision, safety, security, or morale would be adversely affected, the City may refuse to place one spouse under the direct supervision of another spouse.
 - (2) Upon the City's case-by-case assessment of the work performed by spouses assigned to the same department, division, or facility for potential conflicts of interest or potential hazards greater for married couples than for other persons, the City may refuse to place both spouses in the same department, division, or facility for business reasons of supervision, safety, security, or morale.

(3) Accommodation for Co-Employees Who Marry: If co-employees marry, the City shall make a reasonable effort to assign job duties so as to avoid problems of supervision, safety, security, or morale. If such an assignment cannot be made, the co-employees will be given sixty (60) days from the date of their marriage to decide which spouse will be transferred (if a transfer is possible), or terminated. If the spouses do not decide within sixty days, the City will make the determination.

(4) Scope of Policy: This policy shall apply to all hire and rehire actions. Nothing in this policy shall preclude any relative of a City employee from applying for and competing in an examination, being placed on an employment list, or being certified to an appointing authority for employment consideration.

(5) Procedure: To the extent known when certifying an employment list, the personnel officer shall provide the appointing authority with information regarding relationship statuses governed by this policy, to the extent known by that office.

- D. AUTHORIZATION TO RECRUIT:** Authorization to fill a vacancy shall be by inclusion of the position in the most recently approved City Budget or by other action of the Council creating a position. The Council may from time-to-time request prior justification for filling some or any vacancy that may arise, in which case recruitment will not be done until approved by the Council.
- E. RECRUITMENT:** An announcement of a vacancy shall be published by posting notices at the City Hall on the official bulletin board, by classified advertising in at least one newspaper of general circulation in the City, and through other methods at the discretion of the Department Head or the Manager.
- F. PROMOTIONAL POSITIONS:** The Manager, on the recommendation of a Department Head and considering benefits to the City of doing so, may designate a vacant position as a "Promotional" position and open only to current City employees, whether all employees or employees of one or more particular classifications if there is a reasonable connection between work experience and the position to be filled. In the case of a promotion of an employee, the six months following the promotion will be a period of "qualifying for status," during which time the employee may be reclassified into his or her former classification, at either the option of the Manager or the written request of the employee, without prejudice and with all rights and benefits being restored to the employee as if the promotion had not occurred. **(Res. 91-72)**
- G. COMPETITIVE EXAMINATIONS:** The method of application, evaluation and pre-employment examination shall be subject to the approval of the Manager at the recommendation of the Department Head. **(Res. 92-50)**
- H. APPOINTMENT:** Appointment to a full-time, permanent position shall be normally made from the top three candidates on a list of qualified applicants, except that in the event of a declination, successive candidates may be raised into the top three positions. An appointment may also be made from a previous list of successful candidates which is not more than one year old. An appointment by a Department Head to fill a temporary (including part-time) position may be made in

such manner as may be approved by the Manager. **(Res. 90-126)**

I. APPOINTING AUTHORITY:

1. Appointment of temporary and part-time employees shall be by the Department Head with the approval of the City Manager.
2. Appointment of full time employees shall be by the City Manager.
3. Appointment of Department Heads shall be by the City Manager in accordance with provisions of the City Code.

J. UNIFORMS AND EQUIPMENT:

1. As a condition of employment the City may prescribe appropriate apparel or uniforms to be worn during work hours.
2. For Miscellaneous Employees, except the City Mechanic, all items of essential equipment and tools will be provided by the City, except that an employee may elect to provide all or any part of his own equipment and tools. **(Res. 91-103)**
3. For Safety Employees, uniforms and equipment will be furnished according to the relevant provisions of the Government Code.
4. City-owned equipment and tools shall be used solely in the exercise of official city business.
5. The City Mechanic will personally furnish all hand tools necessary for normal general maintenance to vehicles and equipment. The City will reimburse the Mechanic for one half the Mechanic's cost of hand tools, up to one hundred fifty dollars per year. **(Res. 91-103)**

K. MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC EXAMINATIONS:

1. A medical examination shall be required prior to the final appointment of any new employee to determine whether the employee can carry out the duties of the position or to establish any limitation that should be placed on the employee's duties because of a physical condition or disability. This medical examination will be at the direction of the City, performed by a physician or other qualified medical professional selected by the City.
2. At the option of the Manager, a health examination may be required prior to any reclassification or promotion in the City service.
3. The Manager may require special examinations of any City employee or group of employees based on a reasonable expectation that such examination is in the best interest of the City.
4. The Manager may require a psychological or psychiatric examination of any applicant for employment or of any employee if there is reason to believe that such examination is in the best interest of the City.
5. Any examination required by the provisions of this section will at the expense of the City.
6. Any appointment or offer of employment is considered to be tentative pending a report of the satisfactory results of any examination required under this section. The appointment or offer of employment may be withdrawn if the applicant is found to be medically, physically, psychologically, or psychiatrically unsuited for the position, and reasonable accommodation, as determined by the City.

- L. PROBATIONARY PERIOD:** Each new full-time Miscellaneous Employee or Safety Employee shall be a Probationary Employee until successful completion of the prescribed probationary period, the purpose of which is to give the employee the opportunity to demonstrate that he or she is qualified, able, and willing to meet the expectations of the City with regard to the position. If at any time prior to successful completion of the probationary period the Manager determines that it is in the best interest of the City to terminate the employment of the Probationary Employee, it will be in his discretion to do so without further justification. (Sworn Safety Employees may have additional rights under State law, in which case those additional rights will also apply.) If it appears that the employee will not successfully complete the prescribed probationary period, the Manager also has the discretion of extending the probationary period once for an additional six months, if the Manager feels it is in the best interest of the City to do so. Temporary Employees, including part-time and contract employees, are not subject to a probationary period since those employees are subject to discharge at the discretion of the appointing authority, without further justification. **(Res. 90-126)**
- The prescribed probationary period for Miscellaneous Employees is twelve (12) months. For Safety Employees the prescribed probationary period is eighteen (18) months.
- M. VOLUNTEERS:** Department Heads may appoint volunteer workers who will serve without pay or other compensation. Prior to appointment as a volunteer worker, the Department Head must determine that the person is qualified and capable of performing the work to be done. **(Res. 91-71)**
1. Volunteer workers of a designated class or group who are registered as such shall be deemed to be employees of the City for purposes of workers' compensation while performing such voluntary service for the City without pay as authorized by Labor Code Section 3363.5. Volunteer workers who are not registered as such, or who do not belong to a designated class or group, shall not be deemed employees of the city for purposes of workers' compensation under Labor Code Section 3363.5. A designated class or group is a class or group of volunteer workers which the Council designates to contain employees of the City for purposes of workers' compensation.
 2. The following groups or classes of volunteer workers are designated to contain employees of the City for purposes of workers' compensation:
 - Library workers
 - Office or Clerical workers
 - Advisory Board or Task Force Members
 - Recreation coaches and leaders

All other groups or classes of volunteer workers, except members of the St. Helena Volunteer Fire Department and Reserve Officers of the St. Helena Police Department, for whom provision is made by State law, are not considered employees for purposes of workers' compensation.
 3. To be registered, a person must be listed on the roster of volunteer workers who are considered employees of the City for workers' compensation purposes. The City Manager or his or her designee will keep and maintain

the roster and shall promulgate procedures to register volunteer workers of designated classes or groups. The Manager shall not register volunteer workers who are not of a class or group designated. The roster shall contain the name, address, telephone number, nature of work to be performed, and approximate time during which such volunteer work is to be performed. Designated volunteer workers shall be registered on the roster for a maximum of six (6) months, at which time the registration must be renewed or the registration will expire.

4. The City reserves the right to terminate the volunteer service of any individual worker if such services are not needed or the specific volunteer is not performing the services satisfactorily. The City reserves the right to withdraw employee status from registered volunteer workers, either individually or as a group or class, by terminating either their designated or registered status, or both.

**SECTION V
INJURY AND ILLNESS
PREVENTION
PROGRAM
(Res. 91-133)**

- A. **OVERVIEW:** This safety program outline is developed to provide standards for sound, workable safety activities to assist the City of St. Helena in fulfilling its important function of leadership and public service. The success of the safety program depends upon the positive support of the City Officials, the cooperation of department heads and all employees toward the prevention of accidents. It is the responsibility of each department head to establish safety as a standard operating procedure, and to insure safe working conditions for all City employees. It is the obligation of all City personnel to strive to prevent accidents and work injuries. Failure to follow this program and safety directions will result in progressive disciplinary action up to and including discharge.
- B. **PURPOSE:** The basic purpose for the Injury and Illness Prevention program is the elimination of accidents and illness which cause occupational injuries or property damage. Each accident or injury is caused either by an unsafe act of an individual, an unsafe physical condition, or a combination of both. Accidents can be prevented by eliminating unsafe acts and correcting unsafe conditions.
- C. **BENEFITS:** The benefits of an active safety program touch on every phase of business, home and community. Specifically, these benefits include better working conditions, improved public relations, higher morale of workers, reduction of cost, increased production and harmonious employer-employee relations.
- D. **MANAGEMENT COMMITMENT:** The City agrees to make every reasonable provision for the safety and health of its employees while at work, to abide by applicable Federal, State, County, and City laws and to make available such protective equipment as is required by such laws.
- E. **THE PLAN:** The City of St. Helena hereby establishes, implements and agrees to maintain an effective Injury and Illness Prevention Program in accordance with Section 3203 of the General Industry Safety Orders as amended July 1, 1991. In

order to accomplish the above objectives, a Labor/Management Safety and Health Committee shall be maintained.

F. **SAFETY COORDINATOR:** The City Manager shall appoint a Safety Coordinator. The Safety Coordinator shall have the following powers and duties:

1. Assist in the implementation and coordination of an injury and illness prevention program for all City departments.
2. Assist in preparing and coordinating an overall educational and training program in accident prevention for all City departments and to assist them in the development of safe operating practices and in the elimination of unsafe conditions.
3. Review and analyze all reports and investigate or assist in investigating all employee accidents reported therein to determine causes and responsibilities, and at regular intervals prepare and distribute reports and summaries of the results for such investigations and review.
4. Act as Secretary to the Labor/Management Safety and Health Committee; assist said Committee on accident prevention and safety matters; and call quarterly meetings of said Committee.
5. Call upon any City officer or employee and the Labor/Management Safety and Health Committee as needed for assistance in investigating accidents.
6. Oversee the inspection of City property; make recommendations to City officers and departments for the unsafe operating practices and procedures and unsafe physical or mechanical conditions of City property and facilities; and require such officers and departments to report in writing to the Safety Coordinator as to the action to correct such unsafe conditions.
7. Maintain an internal CAL OSHA 200 LOG and CAL OSHA Supplementary File for the current year and the previous five (5) years at the City Manager's office, City Hall.
8. Post the right half of the CAL OSHA log every February 1st for the entire year.

G. **DEPARTMENTAL SAFETY COMMITTEE:** Each individual department head is hereby delegated the authority and responsibility for implementing the Injury and Illness Program within his/her department. Department heads must influence employee safety and provide the stimulus necessary to keep line supervisors active in their accident prevention efforts. The department head shall appoint a departmental safety committee consisting of one or more employees within his/her department or office.

It shall be the department head's responsibility to include those requirements as spelled out in SB 198, Statutes of 1989, Chapter 1369 Labor Code 6401.7 and Title 8 California Code of Regulations, General Industry Safety Orders 3203, Construction Safety Orders 1509. Compliance is to include but not necessarily be limited to:

1. Identifying safety and health hazards associated with occupations employed.
2. Developing a code of safe practices that effectively address identified hazards.
3. Implementing a system of periodic inspections, investigations and

incidents and correcting deficiencies.

4. Implementing a training program for all employees.
5. Establishing a system for communicating with employees on safety matters.
6. Complying with record keeping requirements for Injury and Illness Prevention Program.

H. **DUTIES OF DEPARTMENTAL SAFETY COMMITTEE MEMBERS:** It shall be the duty of each committee member to:

1. Assist the department in promoting safety and in developing an effective accident prevention program within every department or office.
2. Constantly inspect departments or offices for conditions that might cause accidents and bring them to the attention of the Safety Coordinator through the head of his/her department or office.
3. Investigate and make detailed reports to the department head of all industrial, automobile, fire and other accidents involving city property and/or personnel within the department.
4. Assist the Safety Coordinator and the Safety Committee in their reviews.
5. Attend all meetings at the call of the department head.
6. Report to respective department head.

I. **LABOR/MANAGEMENT SAFETY AND HEALTH COMMITTEE:** The City Manager shall establish a Labor/Management Safety and Health Committee. All field operations shall have the designated management safety representative and employee representative attend a monthly Safety Committee meeting. There will be equal representation of unit employees and supervisory management personnel. Unit employees will be nominated and elected by the employees of the department they represent. Supervisory management employees will be assigned by their appropriate department heads. All terms run on a fiscal year basis. Alternates may attend due to any absence.

Duties of the Labor/Management Safety and Health Committee:

1. Meet regularly on a monthly basis; (law requires at least quarterly).
2. Prepare and make available to all employees, written records of the safety and health issues discussed at the committee meetings and minutes of all meetings (minutes will be maintained by the Safety Coordinator).
3. Review results of periodic scheduled work site inspections (reports to be maintained by Safety Coordinator).
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness or exposure to hazardous substances and, where appropriate, submit suggestions to management for prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any Committee member. When determined necessary by the Committee, the Committee may conduct its own inspection and investigation to assist in remedial solutions;
6. Submit recommendations to assist in the evaluation of employee safety suggestions; and

7. Upon request from the Division, verify abatement action taken by the employer to abate citations issued by the Division.
 8. Encourage and facilitate employee-to-employer communications, either direct or anonymous.
- J. **EMPLOYEE PROTECTION:** There shall be no reprisals or discrimination for employee advising the City of unsafe conditions and practices, unrecognized hazards, and suggestions to improve workplace safety. No employee or employee organization shall be held liable for any act or omission in connection with a health and safety committee.

SECTION VI
EMPLOYEE CLASSIFICATIONS, JOB DESCRIPTIONS, EMPLOYEE
EVALUATIONS, AND PERSONNEL FILES

- A. **JOB DESCRIPTIONS:** The duties of positions in the City service shall be determined by the Department Head subject to the approval of the Manager. From time to time job descriptions may be revised to meet the needs of the City and to adequately describe the work to be done. Job descriptions shall be kept on file by the Manager, with a copy of his/her current job description being provided to each employee.
- B. **WORKING TITLES:** Recognizing that employees who share a job description may have slightly different duties, a Department Head may assign a working title to a particular position. Such working title shall be solely for convenience and shall have no effect on pay, employment status, or any other benefit or condition of employment.
- C. **CLASSIFICATION PLAN:** The sum of the job descriptions shall be the Employee Classification Plan of the City Service which shall be used as a basis for the arrangement and operation of each Department and as a basis for the Pay Plan.
- D. **EMPLOYEE EVALUATIONS:** Each employee shall be evaluated no less than annually by his/her supervisor, according to a system approved by the City Manager. Each employee's evaluation shall be reviewed with the employee by the Department Head, after which the employee is expected to sign the evaluation. Signing the evaluation does not indicate agreement with that evaluation, and the employee may submit reasonable comments in explanation or rebuttal of its contents. After review by the Manager, employee evaluations, including reasonable material submitted by the employee, will be placed in the employee's personnel file.
- E. **PERSONNEL FILES:** All employees' personnel files are under the care and custody of the City Manager. Subject to requirements and restrictions of California State law, all personnel files will be treated as confidential, with access to the information and material contained therein confined to:
1. The City Manager and any clerical support necessary for maintenance of the files, designated by him/her.
 2. The employee or his representative, who may review the contents of his/her personnel file under conditions approved by the City Manager.
 3. The City Council or any member(s) designated by a majority vote of the Council.
 4. The City's Attorney or a Department Head, to the extent necessary and reasonable for either in the exercise of his/her duties.

SECTION VII
LEAVES AND OTHER ABSENCES

- A. **VACATION LEAVE:**
1. Rate of accrual or award: Vacation leave with pay shall accrue or be awarded to Miscellaneous Employees, unrepresented full-time Safety Employees, and Department Heads based on their continuous employment at the following rates (**Res. 91-102**):

- a. Less than five years employment: Employees earn vacation at the rate of ten days per year (six hours and forty minutes per month), excepting the Chief of Police, who will earn at the rate of fifteen days per year.
- b. After five years employment: Employees will be awarded eighteen days of vacation on their fifth anniversary of employment with the City. Upon completion of each of years six through ten, employees will be awarded an additional eight (8) hours per year. (Nineteen days on the sixth anniversary, twenty days on the seventh, twenty-one days on the eighth, twenty-two days on the ninth, and twenty-three days on the tenth and each anniversary thereafter.) The maximum vacation that can be accrued by any employee in one year is twenty-three (23) days.
Commencing July 1, 1993, the foregoing paragraph will no longer apply, being replaced with: After five years of continuous employment with the City, Miscellaneous Employees, Department Heads, and full-time unrepresented Safety Employee will accrue vacation at the rate of fifteen days per year; after six years, sixteen days; after seven years, seventeen days; eight years, eighteen days; nine years, nineteen days; and ten years, twenty days per year. The maximum rate at which vacation may be accrued by any employee is twenty (20) days per year. **(Res. 92-175, 93-1)**
2. Part-time Employees: On July 1 of each year, a part-time employee will be awarded vacation hours in an amount determined by multiplying the employee's "average work day" by ten, provided that:
 - a. In computing the "average work day," no time worked prior to the employee's first anniversary date shall be considered.
 - b. Vacation leave awarded to part-time employees will not accrue from year-to-year.
 - c. Administration of the use of vacation leave by part-time employees will be by the same rules as regular employees. **(Res. 91-104)**
3. Administration:
 - a. Approving Authority: Department Heads shall have the authority to schedule vacation leave according to the needs of the service and the wishes of the employee, in that order.
 - b. Leave Requests:
 - (1) An employee's request for approval of vacation leave shall be made in writing to the Department Head. Except in the case of an emergency, a request for leave in excess of three days should be made at least three days prior to the date of starting.
 - (2) A Department Head's request for approval of vacation leave shall be made in writing to the City Manager.
 - c. Holidays: If a holiday recognized by the City occurs during vacation leave, absence for that holiday shall be charged as holiday

leave and not as vacation leave.

- d. Leave Accumulation: Except with the approval of the Council, accumulated vacation leave shall not exceed forty-five days and all employees who have accumulated at least ten (10) days of vacation shall expend at least ten vacation leave days per calendar year with at least five days being consecutive.
- e. Leave Award and Compensation: Vacation leave shall begin to be earned by an employee upon employment. In the event of a separation from the City service, any unused accrued or awarded vacation leave shall be compensated with a lump sum payment.
- f. Eligibility and Use: Vacation time off shall not be allowed by any employee until after the completion of six months of continuous employment and shall be taken in not less than fifteen minute increments.

B. ADMINISTRATIVE LEAVE WITH PAY:

1. Administrative Leave with Pay may be granted to a Police Officer who injures or shoots an individual while in the line of duty. The decision to grant such leave shall be made by the Chief of Police. The Chief of Police shall notify the City Manager when such action is taken, who shall notify and request confirmation from the Council at it's next regular meeting.
2. Administrative Leave with Pay may be assigned to other employees by the City Manager if it appears to be in the best interest of the City. In the event such leave is assigned, the Manager will report to the Council the facts and circumstances of such leave as soon as is practicable.

C. FIXED HOLIDAYS:

1. The following holidays shall be recognized for Miscellaneous Employees, unrepresented full-time Safety Employees, and Department Heads (**Res. 91-102**):
 - (a) New Year's Day (January 1st)
 - (b) President's Day (Third Monday in February)
 - (c) Good Friday (4 hrs) (Traditional Observance)
 - (d) Memorial Day (Last Monday in May)
 - (e) Independence Day (July 4th)
 - (f) Labor Day (First Monday in September)
 - (g) Veteran's Day (November 11th)
 - (h) Thanksgiving Day (Fourth Thursday in November)
 - (i) Friday after Thanksgiving
 - (j) Christmas Eve Day (December 24th)
 - (k) Christmas Day (December 25th)
2. Exception: When a holiday falls on a Saturday, the preceding Friday shall be deemed a holiday. When a holiday falls on a Sunday, the following Monday shall be deemed a holiday. When Christmas Eve falls on a Friday, the preceding Thursday shall be deemed a holiday. When Christmas day falls on a Monday, the following Tuesday shall be deemed a holiday. When Christmas falls on a Thursday, the following Friday shall be a holiday in lieu of Christmas Eve Day.

3. **Observance:** Except for emergency services, all City offices shall be closed on recognized holidays and all Full-time Employees shall receive full pay provided they are employed and in a paid status on the first working day prior to and following the holiday. In the event an unrepresented full-time Safety Employee is required to work a full regularly scheduled shift on a recognized holiday, the employee will receive an additional eight hours of pay for working the holiday in lieu of receiving time off. **(Res. 91-102)**
4. **Part-time Employees:** Part-time employees who have been continuously employed by the City for at least twelve months will receive pay for days designated as fixed holidays, in an amount determined by multiplying the employee's Average Work Day by the employee's hourly rate. If a part-time employee who is eligible for pay for holidays is required to work on a holiday, then in lieu of paid time off the employee will receive additional pay equivalent to the employee's Average Work Day or the actual number of hours worked, whichever is greater, but not to exceed eight (8) hours. **(Res. 91-104, 97-134)**

D. PERSONAL CONVENIENCE HOLIDAY: Each Miscellaneous Employee, unrepresented full-time Safety Employee, and Department Head shall be eligible for two (2) Personal Convenience Holidays of eight (8) hours each. Commencing January 1, 1994, each Miscellaneous Employee, Department Head, and full-time unrepresented Safety Employee who has been continuously employed by the City for at least five years will be granted three additional Personal Convenience Holidays. Personal Convenience Holidays must be used prior to the end of the calendar year and will not accrue. They may be taken at the employee's convenience, subject to the Department Head's approval. These Holidays shall not incur additional expense to the City, e.g., causing another employee to work overtime, etc. Each of these holidays must be taken as a full day. **(Res. 90-106, 91-102, 92-175, 93-1)**

E. SICK LEAVE:

1. **Accrual:** Sick leave with pay shall accrue to all full-time employees and Community Service Officers at the rate of one work day for each calendar month of service, with no limit to its maximum accumulation.
2. **Administration:** An employee who must be absent from work shall personally (if able) notify his/her immediate superior or Department Head prior to or within the first thirty minutes of the absence and may be required to provide a physician's certificate for absence due to illness of more than three working days or at the request of the Department Head. An employee may be required to submit to an examination by a licensed physician designated by the City and at its expense to determine the state of her/his health at the request of the City Manager.
3. **Reasons for Granting:** Sick leave shall be granted to eligible employees in the following cases:
 - a. Personal illness or incapacity resulting from causes beyond the employees control or from maternity. In the event of absence from work due to a work-related injury, an employee may receive pay

for accrued sick leave to the extent necessary to supplement worker's compensation payments to effectively raise the employee's pay received to the level of full-time pay. For any employee who, at the time of a work-related injury, has not yet earned three days of sick leave, up to three days of sick leave may be advanced from anticipated future sick leave accruals as required to meet this described use. **(Res. 92-175)**

- b. Illness of a member of an employee's immediate family (defined as father, mother, sister, brother, spouse or children) and of sufficient nature to require his personal care and attention and only until other adequate arrangements can be made.
 - c. Medical appointments and preventive medical, dental, and optical examinations for the employee and the employee's minor children or incapacitated spouse where appointments are unavailable or impractical during non-working hours.
 4. Limitations:
 - a. Sick leave with pay for illness of a family member shall be limited to five (5) working days for each occurrence.
 - b. Sick leave credits shall not accrue to an employee while in receipt of the sick leave benefit for periods of more than five days.
 5. Sick Leave Abuse: When it is determined that sufficient evidence exists to demonstrate an employee has or is abusing the sick leave privilege, the Department Head upon approval by the Manager may suspend that employee's use of the sick leave benefit for such period of time as it is determined necessary to deter future abuse, in addition to any other action that may be appropriate as a result of the abuse.
- F. BEREAVEMENT LEAVE:** All permanent employees shall be allowed a leave of absence with full pay, not to exceed three (3) working days, or five (5) working days if death outside of State, when such absence is due to death in the immediate family. Those in immediate family are: mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.
- G. EXECUTIVE LEAVE:** Executive leave shall be awarded to Department Heads who have completed one year of City service. Such leave shall be awarded on January 1 of each year in the amount of 5 days (.42 days per month or portion of a month when prorated for less than one year of service) and shall be utilized within the calendar year awarded. If not so used, it will be forfeited.
- H. MISCELLANEOUS LEAVES:**
1. Leave with full pay shall be granted in accordance with provisions of State Law for mandatory reserve military duty.
 2. Leave with full pay shall be granted for jury duty or when called as a witness for a job related law suit.
 3. Any compensation received for military or jury duty, excluding mileage and similar expense reimbursements, shall be remitted to the City.
- I. FAMILY AND MEDICAL LEAVE:** The City of St. Helena in compliance with

Family Medical Leave Act and the California Medical Leave Act, repeals the "Maternity Leave" Policy found at Section VII (I) of the Employee's Handbook and adopts the following policy:

1. Family and medical leave is provided:
 - a. for an eligible employee's serious health condition;
 - b. for the serious health condition of an eligible employee's child, spouse, or parent;
or
 - c. for an eligible employee to bond with the employee's newborn, adopted or foster care child, in accordance with state and federal law in effect at the time the leave is granted.

Leave granted for bonding purposes shall be conducted within 12 months following the child's birth, or placement for adoption or foster care.

2. Eligibility.

Employees shall be eligible for leave under this section when:

- a. The employee has at least 12 cumulative months of City service; and
- b. The employee has worked at least 1,250 actual hours during the 12 months immediately preceding the commencement date of the leave.

Eligible employees are entitled to up to 12 work weeks of family and medical leave during the 12-month leave year. However, eligible employees taking leave to bond with the employee's newborn, adopted or foster care child, employees shall be entitled to up to 16 work weeks of leave during the 12 month leave year.

3. Use of Paid Leave.

Family and medical leave is unpaid leave, except under the following circumstances:

- a. Accrued vacation may be used at the employee's option for leave granted for the employee's own serious health condition or for pregnancy disability. Accrued vacation shall be used during a leave granted for any other covered reason.
- b. Accrued sick leave may be used during a family and medical leave granted for an employee's own serious health condition and to the extent permitted by these policies during a family and medical leave granted to care for a child, spouse, or parent with a serious health condition.

4. Reduced work schedule.

When medically necessary, an employee may take family and medical leave on a reduced work schedule or on an intermittent basis when the leave is for the employee's own serious health condition, or for the serious health condition of the employee's spouse, parent or child. The City may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position, with the same pay and benefits, if the alternative position better accommodates the required work schedule than the employee's own position.

5. Designation of leave.

The City Manager with Department Head consultation shall designate all paid and unpaid leaves as family and medical leave if the leave meets the requirements set forth in Sections 1 and 2 above.

6. Procedure for requesting family and medical leave.

a. Advance notice. An employee shall provide at least 30 days advance notice of the need for family and medical leave, whenever possible. If 30 days notice is not practicable, the employee shall give notice as soon as practicable. If the employee fails to give the 30 days advance notice for foreseeable events without any reasonable excuse for the delay, the City reserves the right to postpone the leave until at least 30 days after the notice.

b. Medical certification of need for leave. The City may require an employee requesting family and medical leave to provide medical certification from a health care provider. The City will not require the certification to disclose the underlying diagnosis without the consent of the employee pursuant to the California Confidentiality of Medical Information Act.

7. Reinstatement.

To the extent provided in state or federal law, an employee returning from family and medical leave is entitled to reinstatement to the same or a comparable position.

8. Return to work certification.

An employee who is granted leave for the employee's own serious health condition may be required to present medical certification before returning to work. The City will not require the certification to disclose the underlying diagnosis without the consent of the employee pursuant to the California Confidentiality of Medical Information Act.

9. Effect on benefits.

An employee on an approved family and medical leave is entitled to continue participation in health plan coverage as if on paid status for a period of up to 12

workweeks in a 12 month period. When an employee is substituting paid leave for approved family and medical leave, the employee accrues sick leave, vacation leave, seniority and other benefits to the same extent the employee would accrue those benefits while on other paid leave.

10. Pregnancy Disability.

If an employee on an approved family and medical leave is also eligible for pregnancy disability leave, up to 16 work weeks of federal family and medical leave shall run concurrently with pregnancy disability leave pursuant to the St. Helena Pregnancy Disability Leave Policy. Upon termination of the pregnancy disability leave that runs concurrently with federal family and medical leave, the employee is also entitled to up to 12 work weeks of state family and medical leave for any covered reason except pregnancy or related medical conditions.

J. PREGNANCY DISABILITY LEAVE POLICY: The City of St. Helena in compliance with Family Medical Leave Act and the California Medical Leave Act, repeals the “Maternity Leave” Policy found at Section VII (I) of the Employee’s Handbook and adopts the following policy:

1. An employee who is disabled from working because of pregnancy, childbirth, or related medical conditions shall be granted, upon request, a leave of absence for up to 4 months during the period of disability. A pregnancy disability leave is unpaid, except that an employee taking pregnancy disability leave may use accrued sick leave or, at her option, substitute accrued vacation time.
2. Family and medical leave.

If an employee on an approved pregnancy disability leave is also eligible for family and medical leave under the City’s family and medical leave policy, up to 12 workweeks of pregnancy disability leave shall run concurrently with family and medical leave under federal law and the St. Helena Family and Medical Leave Act Policy. Upon termination of a pregnancy disability leave that runs concurrently with federal family and medical leave, an employee is also entitled to up to 12 workweeks of state family and medical leave for any covered reason except pregnancy or related medical conditions.

3. Reduced work schedule.

When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The City may require an employee who is on a reduced schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the required work schedule than the employee’s own position.

4. Advance notice.

Whenever possible, an employee shall provide at least 30 days advance notice of need for pregnancy disability leave. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable.

5. Reinstatement.

To the extent provided in the state or federal law, an employee returning from pregnancy disability leave is entitled to reinstatement in the same or a comparable position.

6. Reasonable accommodation.

An employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions, upon request and with medical certification from her health care provider.

7. Light duty.

As an alternative to or in addition to pregnancy disability leave, the City shall temporarily modify a pregnant employee's own position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the advice of the employee's health care provider, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to 4 months pregnancy disability leave.

K. LEAVE WITHOUT PAY:

1. Leave without Pay may be granted by the City Manager as follows:
 - a. For personal reasons which are acceptable to the City Manager.
 - b. For reason of illness in the event Sick Leave has been exhausted.
 - c. In conjunction with Maternity Leave
 - d. To pursue a course of education which will increase the employee's usefulness as a City employee.
2. The procedure for allowing leave without pay shall be as follows:
 - a. Except in the cases of illness or maternity an employees' request for Leave Without Pay shall be submitted to the City Manager, accompanied by a recommendation or an explanation from the Department Head as to how an adequate level of service can be maintained during the employee's absence. The City Manager has the discretion of approving or rejecting the request.
 - b. In the case of extended illness the Department Head shall notify the City Manager at such time as the employee has expended all Sick Leave and shall submit a regular status report thereafter pending consideration of termination, disability, retirement, or temporary replacement.
3. Regulations relative to Leave Without Pay are as follows:

- a. Granting of Leave without Pay is discretionary with the Manager. Except in conjunction with Maternity Leave, it will only be granted when, in the opinion of the Manager, it is in the best interest of the City.
- b. In the case of illness, Leave Without Pay shall commence at such time as Sick Leave is expended except that the employee may elect to expend any other leave prior to utilizing Leave Without Pay.
- c. Except in cases of absence due to illness or maternity, Leave Without Pay shall be deducted from service time for purposes of computing longevity, time in service, seniority, or for any other purpose.
- d. Vacation or Sick Leave shall not be accrued nor shall Holiday Pay be awarded during periods of leave without pay.
- e. Unless the employee notifies the Manager at the time of the request for leave without pay that he or she elects to pay the premiums for continuation of Health, Dental, and Insurance Benefits, those benefits will be terminated beginning with the calendar month following the start of the unpaid leave. If that election is made and the leave is approved, it is the responsibility of the employee to submit payment to the City such that it is received prior to the City processing payment to the insurance carrier. The City will not make a premium payment in anticipation of receipt of the payment from the employee. **(Res. 90-126)**
- f. Reinstatement of all benefits shall occur at the first opportunity following the employee's return to duty.
- g. Leave Without Pay will not normally be approved until Sick Leave (if medically justified), Compensatory time off, Vacation leave, and Executive Leave have been exhausted.
- h. Retirement benefits shall be adjusted for leave without pay in accordance with Public Employees' Retirement System's (PERS) regulations.
- i. An employee shall, upon completion of authorized leave without pay, be reinstated to the position held at the time of commencement of leave and at the salary range and step previously held.

SECTION VIII

EXPENSE AND USE OF PUBLIC RESOURCE POLICY

- A. APPLICABILITY:** All employees, appointed and elected officials may be reimbursed for actual mileage, transportation, lodging, meals, and other expenses for attending conferences, training sessions, meetings, and other official business, subject to such limitations as are prescribed below. If a meeting or conference is part of a larger program, which may be funded or reimbursed by another agency, then reimbursement may be for less than specified herein, but only with the prior agreement and understanding of the employee.
The purpose of the expenditure is to assist the employee or official in the performance of his or her official duties. Employees and officials are advised, by virtue of this policy, that not attending the conference is unethical and a dereliction of duty.
- B. AUTHORIZED EXPENSES:** City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:
1. Communicating, including lobbying, with representatives of regional, state, and national government on City adopted policy positions;
 2. Attending educational seminars designed to improve employee's or official's skill and information levels;
 3. Participating in regional, state and national organizations whose activities affect the City's interests;
 4. Recognizing service to the City;
 5. Attending City events;
 6. Implementing a St. Helena City Council-approved strategy for attracting or retaining businesses to St. Helena, which will typically involve at least one staff member.
- C. DEFINITIONS:**
1. Conference means an official function of a professional or governmental organization or agency normally requiring attendance for more than one (1) day.
 2. Meeting means a meeting with one or more persons for the conduct of City business or an official meeting of a professional or governmental organization or agency not requiring overnight accommodations or meals other than those related to the meeting.
 3. Local Area Travel means travel within an area generally within 300 miles of, or five hours travel time from, St. Helena.
- D. REIMBURSABLE EXPENSES:** To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines:
1. Registration Fees: The City will reimburse employees in full for such registration fees as may be required for attendance at authorized

- conferences and meetings.
2. Transportation:
 - a. City vehicles shall be used for local area travel in connection with official City business whenever practical. Any necessary out of pocket expenses incurred with the operation of a City vehicle shall be reimbursed.
 - b. If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, as reimbursement for all costs incurred while operating such vehicle such as gasoline, wear and tear on the car, insurance coverage, and other incidental items. The City will additionally reimburse reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be "in-kind" by the provision of fuel, parts, service, or any other thing of value at City expense. No additional reimbursement will be allowed except in writing by the City Manager, and then only when extraordinary and unforeseeable expenses not under the control of the City or the employee are encountered.
 - c. Prior to operating a personal vehicle in the course of employment, the employee must show proof of liability insurance on that vehicle and possess a valid California driver's license.
 - d. Travel outside of the local area shall normally be by common carrier air transportation. No employee may act as Pilot in Command of a private aircraft on City travel.
 - e. Use of a City vehicle outside of the local area shall require approval by the City Manager except an employee may request to use his or her personal car. Any additional time required for travel by vehicle at the employee's option outside of the local area shall be on the employee's own time. In addition, any additional expenses necessary as a result of the employee choosing that option shall not be reimbursable.
 - f. Reasonable and necessary expenditures will be allowed for parking and toll charges incurred in connection with official travel.
 - g. Air transportation expenses will be paid or reimbursed at the coach class fare, using the most direct and time efficient route. If an employee elects to travel by personal car where adequate public air service is available, the maximum allowable mileage will be the coach air fare rate or mileage, whichever is less.
 - h. Incidental transportation expenses for airport limousine, bus, or taxi service will be reimbursed if incurred as a necessary part of officially approved travel. Other travel expenses, including car rental, will be limited to circumstances where less expensive intra-city travel service is not available or practical. The guiding principle should be the most cost effective and efficient use of public resources.

- i. Airport Parking – long-term parking should be used for travel exceeding 24 hours.
 - j. Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations.
 3. Meals:
 - a. Payment for meals while on City business shall be \$50.00 per diem for each full day. On travel days, when the employee is not out of the City for the full day, the following schedule is applicable:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	\$25.00
 - b. Meal expense in excess of the per diem may be approved by the City Manager where metropolitan costs are considerably higher. In that event, all meals will be strictly on a reimbursement basis, with an accounting of all meal expenses for the entire conference. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations (*see* Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem).
 - c. Meal charges in excess of the specified listed amounts are allowed for special luncheons, banquets, and other meals if part of a previously approved conference or meeting program. When such luncheons, meals, and other meals are included in the registration fee or otherwise paid by the City, the per diem will be reduced accordingly.
 - d. The City will customarily not pay for alcohol/personal bar expenses. In recognition of St. Helena community standards that meals associated with lobbying events typically include consumption of donated wine this policy recognizes corkage costs are an appropriate expense. Any other alcohol expenses require the prior written authorization of the City Manager.
 4. Lodging and Incidental Expenses:
 - a. Lodging costs will be reimbursed or paid for when travel on official city business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed the group rate published by the conference sponsor for the meeting in question. For overnight stays in other contexts, another helpful source of guidance is Internal Revenue Service per diem rates for lodging, which include adjustments for higher cost locations (*see* Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem). All properties within that location that are approved by the Federal Emergency Management Agency (FEMA) as being fire safe and in compliance with the Hotel Motel

Fire Safety Act of 1990 and are categorized by as upper-upscale, upscale, and mid-price lodging properties. A factor in considering hotels in metropolitan areas is their proximity to the offices where business will be conducted – the cost of transportation away from the business center can exceed the higher cost of the closer hotel. The guiding principle should be the most cost effective and efficient use of public resources in selecting lodging with a degree of sophistication while serving the business needs of the trip.

In the event that arrangements have been made for the City to be billed directly for hotel or motel rooms, incidental charges should be paid for by the employee at the time of checkout and appropriate reimbursement requested.

- b. Reasonable incidental expenses, such as tips, cab fare, parking fees and telephone charges, when required in connection with official City business, will be reimbursed on the basis of actual expenditures.

E. NON-REIMBURSABLE EXPENSES

Examples of personal expenses that the City will not reimburse include, but are not limited to:

- a. The personal portion of any trip;
- b. Political or charitable contributions or events;
- c. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
- d. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), alcoholic beverages, tours, personal amusements or other cultural events;
- e. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- f. Personal losses incurred while on City business.
- g. The City will not be responsible for, nor reimburse for, citations and parking tickets.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

F. AUTHORIZATION: Travel at City expense will be undertaken only upon approval of the City Council, City Manager, or Department Head and in accordance with guidelines outlined herein. Any deviation from the specific provisions may be granted only by the City Council.

- 1. Conferences: Attendance at conferences shall be subject to the following:
 - a. Funds must be available in the proper departmental budget category to cover the anticipated costs of the conference.
 - b. Out-of state travel requires City Council approval.
 - c. Following return from a conference the employee may be required to submit to the City Manager a brief report containing an

- overview of the conference and an assessment of the value of attendance at the conference.
2. Meetings: Attendance at meetings shall be subject to the following:
 - a. Sufficient funds are available in the appropriate budget for the meeting expenses.
 - b. Approval of the employee's Department Head or supervisor. Attendance of a Department Head at any meeting requiring absence from the City for all or most of a work day shall be subject to prior notification to the City Manager.
 3. Lobbying
 - a. Sufficient funds are available in the appropriate budget.
 - b. City Council approval prior to the trip. Agenda item to identify Council adopted policy decision or strategy, identification of the City delegation, the officials or agencies to be contacted and estimated costs of the trip.

G. CASH ADVANCES:

1. From time to time, it may be necessary for an employee or official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such requests for an advance should be submitted to the Finance Director five (5) days prior to the need for the advance with the following information:
 - i. The purpose of the expenditure(s);
 - ii. The benefits of such expenditure to the residents of the city;
 - iii. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
 - iv. The dates of the expenditure(s).

Any unused advance must be returned to the Finance Department within two business days of the employee's or official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Finance Director is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Manager and/or City Council.
2. Cash advances not exceeding \$25.00 for official City business expenses may be made from petty cash, with Department Head approval. All advances exceeding \$25.00 shall be approved by the ~~City Manager~~ Finance Director.

H. REIMBURSEMENT PROCEDURE/EXPENSE REPORT:

1. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official shall explain whose meals were purchased, what issues were discussed and how those relate to the City adopted legislative positions and priorities.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.

2. Receipts are required for all expenditures for airline tickets, hotel rooms, conference/meeting registration fees, parking, and other expenses for which receipts normally are obtainable, unless those expenses have been prepaid in full through the City. Inability to provide such documentation in a timely fashion may result in the expense being borne by the employee/official.
3. Receipts are not required for per diem payment for meals, unless the employee/official requests payment in excess of the per diem amounts specified, in which case the employee/official is required to furnish receipts for all meals.
4. Expenditures in excess of any amounts authorized by this policy shall be at the risk of the employee/official with respect to reimbursement.
5. A recap of all expenses reimbursed to an elected or appointed official will be distributed to all members of the same board.

I. CREDIT CARD USE POLICY: City does not issue credit cards to elected or appointed officials but does have agency credit cards for selected city expenses. The use of the City's credit card for such purposes as airline tickets and hotel reservations shall follow the same procedures as cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within two business days of use. City credit cards may not be used for personal expenses, even if the employee or official subsequently reimburses the City.

J. AUDITS OF EXPENSE REPORTS: All expenses are subject to verification of compliance with this policy.

K. REPORTS TO GOVERNING BOARD: At the following City Council meeting, each official should briefly report on meetings attended at city expense. If multiple officials attended, a joint report may be made.

In making a joint report, officials should be mindful about open meeting laws governing communications among members of a legislative body. There is a conference exception to the Brown Act, as long as a majority of the members of a legislative body does not discuss among themselves business that is within the subject matter jurisdiction of the local agency (other than as part of the scheduled program).

L. COMPLIANCE WITH LAWS: City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

- M. VIOLATION OF THIS POLICY:** Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges; (2) a demand for restitution to the City; (3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; and (4) prosecution for misuse of public resources.

**SECTION IX
USE OF VEHICLES**

A. CONDITION AND MAINTENANCE OF CITY VEHICLES:

1. Except for one vehicle, all City vehicles will be clearly identified as City-owned vehicles and reasonably uniform in color and appearance.
2. All vehicles will at all times be kept in good repair, serviced, and clean. Any vehicle found to be in an unsafe condition should be immediately removed from service until all safety defects have been corrected.
3. All maintenance and repair work will be done by City personnel at City facilities unless authorized otherwise by a Department Head or the City Manager, except emergency repairs necessitated by extraordinary circumstances.
4. All fuel purchased locally will be through retail outlets designated by the City Manager and according to established procedures. If fuel must be purchased outside of the City, the driver will be reimbursed on presentation of proof-of-purchase.

B. USE OF CITY-OWNED VEHICLES:

1. No employee may operate a City-owned vehicle unless he/she possesses a valid California driver's license.
2. Vehicles will at all times be operated in a lawful and prudent manner, with due regard for the safety and convenience of others on the streets and highways.
3. No-one may operate a City vehicle, or a personal vehicle in the course of his/her employment, while under the influence of drugs or alcohol, or under any other influence that would render him/her unsafe to operate a motor vehicle.
4. Unless expressly authorized otherwise by the City Manager, City vehicles may be used only for City business and must remain on City property at any time they are not being used on City business, except:
 - a. Because they are subject to call in serious situations, when transportation and radio communication are critical, the Senior Water Plant Operator, Senior Waste Water Treatment Plant Operator, Water Foreman, Street Foreman, Chief of Police, and Superintendent of Public Works are authorized to drive a marked vehicle between home and work for the convenience of the City. These vehicles may not be used for personal errands, but may be used only for official business.

(NOTE: See Appendix A)

- b. In order to have tools and materials on-hand and to provide timely transportation to emergency or problem areas, personnel designated as "on-call" may drive a City vehicle between work and home during those times they are "on-call." These vehicles may not be used for personal errands, but may only be used for official business, other than the trips to and from work.

(NOTE: See Appendix A)

C. **USE OF PERSONAL VEHICLES:**

1. Personal vehicles may not be used for City business unless such use is approved in advance by the City Manager.
2. If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, for no more than the actual number of miles driven, plus reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be "in-kind" by the provision of fuel, parts, service, or any other thing of value at City expense. No additional reimbursement will be allowed except in writing by the City Manager, and then only when extraordinary and unforeseeable expenses not under the control of the City or the employee are encountered.
3. Prior to operating a personal vehicle in the course of employment, the employee must show proof of liability insurance on that vehicle and possess a valid California driver's license.

D. **COMPLIANCE WITH LAWS AND REGULATIONS:** Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations. The City will not be responsible for nor reimburse for citations and parking tickets.

E. **DUTY IN CASE OF ACCIDENT:** In the event of an accident involving a City vehicle, or a personal vehicle being used for City business, the employee operating or having custody of the vehicle shall within twenty-four hours report the accident to a law enforcement agency of appropriate jurisdiction. In the event the contacted agency declines to investigate, the employee should include in his or her report the agency contacted and the date and time of contact. The employee shall cooperate fully in any accident investigation and shall, as soon as practicable, furnish to the City Manager and to the City's insurance carrier (the Redwood Empire Municipal Insurance Fund, or "REMIF") a written report of the accident. **(Res. 92-60)**

**SECTION X
PAY PLAN**

- A. **SALARY SCHEDULE:** Salaries paid and any special compensation shall be in accordance with this Handbook and the most recent applicable Salary Resolution adopted by the City Council and any amendments thereto. Such Resolutions are hereby incorporated as part of this document and are available from the City Clerk.
- B. **TEMPORARY EMPLOYEES AND SPECIAL SALARIES:** Salaries for Temporary Employees and special salaries and incentive payments shall be in accordance with a Salary Resolution to be adopted by the Council or as set forth in the State or City Code.
- C. **HOURLY RATES:** Where any monthly pay rate is to be converted to a salary hourly equivalent, the monthly rate of pay shall be divided by 173.33 to determine the hourly rate. Daily rates are equivalent to the appropriate hourly rate multiplied by eight hours.
- D. **OVERTIME:**
1. **General Policy:** It is the policy of the City that overtime is to be discouraged and used only in cases of emergency. Except for an emergency a Department Head shall not obligate the City to compensate for overtime without specific advance authorization.
 2. **Overtime Compensation:** Work in excess of eight (8) hours per day by those employees eligible for overtime pay, shall be paid at the rate of one-and-one-half (1+1/2) times the regular rate of pay; work in excess of twelve (12) hours per day shall be paid at the rate of twice the regular rate of pay. If the employee so requests, a Department Head may, at his/her discretion, approve the accumulation of compensatory time to be taken off in lieu of overtime pay. Such compensatory time may be accumulated by an employee up to a maximum of twenty-four hours. When earned, compensatory time is accumulated at the same rate as if it were to be paid. **(Res. 90-106)**
 3. **Compensatory Time Off:** An employee who has accumulated Compensatory Time as described in subparagraph (2), above, may request time off, to be charged against the accumulated Compensatory Time accumulated. Approval of the request for time off is at the discretion of the Department Head, who will consider the needs of the City as well as the desire of the employee.
 4. **Holiday Pay on Holidays:** When required to work on a Holiday, an employee shall be paid at the rate of straight time for the hours worked plus straight time for the holiday hours.

5. Department Heads: A Department Head is considered to be compensated for a "complete job" by his/her regular salary, and so shall not be compensated for extra hours worked either through overtime pay or the accumulation of compensatory time off.
 6. Standby Pay: Compensation as set by the City Council shall be paid to those employees in the Public Works Department who are required to be on "standby" on weekends and holidays.
 7. Minimum Call Out Time: The minimum time charged for being called to work for an emergency shall be two hours (home to home). In addition, such Call-Out Time shall be paid at the overtime rate.
 8. Reporting of Overtime Used: The Manager shall file a monthly report with the City Council summarizing the total overtime used by each Department.
- E. **SALARY UPON APPOINTMENT:** Employees appointed to a position in the City service shall normally be placed in Step "A" of the range. Subject to approval of the Manager for reasons of an applicant's outstanding qualifications or for the needs of the City, appointment may be at a higher step. A current City employee being promoted into a range with a higher top step will normally receive at least a five percent (5%) increase.
- F. **STEP INCREASES:** Upon completion of the following periods of service an employee becomes eligible for the next higher step as follows:
- 6 months at Step A to become eligible for Step B;
 - 6 months at Step B to become eligible for Step C;
 - 6 months at Step C to become eligible for Step D;
 - 12 months at Step D to become eligible for Step E
- G. **QUALIFICATIONS FOR STEP INCREASE:**
1. A Safety Employee shall be granted a step increase after having served satisfactorily for the designated qualifying period and after a performance evaluation. Basis for denial or delay of a step increase shall be a finding by the Manager (after considering a written report from the Department Head) that the employee's performance has not been satisfactory. A Miscellaneous Employee may be granted a step increase after having served for the designated qualifying period and after a performance evaluation finding that the employee's performance was not less than satisfactory. **(Res. 92-175)**
 2. In unusual cases, upon recommendation of the Department Head, where special ability or aptitude is demonstrated, the Manager may approve advancement of an employee to a higher step before completion of the normal qualifying period.
- H. **LONGEVITY PAY:** Longevity pay shall be granted to any regular employee, except a Department Head, beginning on the fifth anniversary of continuous employment at the rate of two and one half percent of current salary. **(Res. 92-123)**
At the tenth anniversary the rate shall be five percent; at the fifteenth anniversary, seven and one half percent; and at the twentieth anniversary, ten percent.
- I. **BILINGUAL PAY:** Bilingual pay for fluency in both English and Spanish will

be paid to employees assigned to City Hall who are normally available for translation for City business. Such pay will be five percent of the employee's base salary. Only employees assigned to City Hall are eligible for this additional pay. **(Res. 90-12)**

- J. **OUT-OF-CLASS-PAY:** When, because of the absence of a Department Head or other supervisory personnel, a Miscellaneous employee performs substantially all of the functions (full-time) of the higher classification, the employee will receive an increase of no less than ten percent of his or her base hourly equivalent wage. The increase will be effective after the third week of the assumption of those duties and continue during the period those duties are being performed by the employee on a full-time basis. **(Res. 90-106)**
- K. **PAY PERIODS:** The official pay periods for full-time City employees are from the first to the fifteenth day, and from the sixteenth to the last day of the month inclusively, provided that at the option of the City the official pay period for Miscellaneous Employees may be changed to biweekly. Full-time employees will be paid on the last work day of each pay period for time worked during the pay period. Employees other than full-time employees will be paid at least monthly for any pay due to the employee. **(Res. 90-12, 91-72, 92-175)**
- L. **REPORTING TIME WORKED:** Employees are responsible for reporting on a prescribed form all hours worked and leave taken during the pay period. The employee is responsible for securing the signature of his immediate supervisor on the form, indicating approval of the hours submitted. The employee is also responsible for seeing that all required documentation for approved leave or over-time worked is attached to the time report. In the event employees are unable to accurately report all time, due to the need to submit the time report prior to the end of the pay period, they shall be responsible for bringing that fact to the attention of their Department Heads as soon as practicable, so the payroll records can be adjusted accordingly. **(Res. 90-12, 91-72)**
- M. **ISSUANCE OF PAY CHECKS:** Pay checks will be distributed on the last work day of the pay period by the Department Heads. In the process of distributing pay checks, Department Heads and other personnel necessarily involved in the process will take due care to preserve the confidentiality rights of employees. **(Res. 90-12, 91-72)**

**SECTION XI
OTHER EMPLOYEE BENEFITS**

- A. **PUBLIC EMPLOYEE RETIREMENT SYSTEM (PERS):** In addition to the employer's contribution, the City will pay for each full-time employee the employee's PERS contribution.
- B. **SOCIAL SECURITY PAYMENT:** Employee contributions for Social Security are the responsibility of the employee and will not be reimbursed by the City. **(Res. 93-1)**
- C. **HEALTH INSURANCE:** For any full-time Miscellaneous Employee, unrepresented full-time Safety Employee, or Department Head, the City will pay the full cost of medical insurance of the City's choice, for the employee, dependents, and domestic partners as defined in California Family Code Section 297. For part-time Community Service Officers, the City will pay health insurance for the employee, with the employee having the option of purchasing through the City additional health coverage for dependents, according to the rules of the various health plans. **(Res. 91-102, 2002-101)**
- D. **DENTAL INSURANCE:** The City will pay for each full-time employee and elected official the full premium for Dental Insurance Benefits covering the employee, dependents, and domestic partners as defined in California Family Code Section 297.
- E. **LIFE INSURANCE:** The City will pay for each full-time employee and elected official the full premium for a Life Insurance Plan to cover that employee, with the option of the employee to increase the amount of coverage over the \$25,000 provided by the City (\$50,000 for Department Heads and City Council) up to an additional \$20,000. **(Res. 00-85)**
- F. **DISABILITY INSURANCE:** The City will pay for each full-time employee the full premium for a disability insurance plan covering the employee.
- G. **DEFERRED COMPENSATION PLAN:** The City offers a deferred compensation plan under which employees may designate portions of their salaries to be deferred for tax purposes.
Effective July 1, 2004, the City will equally match Department Head's deferred compensation contribution not to exceed one hundred fifty dollars (\$150) per month. Effective July 1, 2005 the City will equally match Department Head's deferred compensation contribution not to exceed two hundred dollars (\$200) per month.
- H. **UNIFORMS AND UNIFORM ALLOWANCES:** Uniforms or uniform allowances will be provided by the City as follows:
1. Police Reserves shall be provided with a clothing allowance of \$250.00 per year.
 2. The Chief of Police and Police Lieutenant will be provided with an annual clothing allowance of \$400.00. **(Res. 91-102)**
 3. Public works employees working outside, including but not limited to Parks, Water Plant and Water personnel, will be provided three (3) sets of uniforms (shirts and pants) per year, plus appropriate foul-weather clothing, by the City. Any additional uniforms needed shall be supplied at employee's expense. **(Res. 90-106)**

4. The City will provide regular uniform service for the City Mechanic, and Waste Water Treatment Plant and Street Department employees. **(Res. 90-106)**
- I. **SUPPLEMENTAL LIFE INSURANCE:** For full-time Miscellaneous employees and Department Heads the City will pay \$10.00 per month on behalf of the employee either:
1. Towards a separate whole life insurance policy with a licensed insurance company. Such payment will be at the request of the employee and paid directly to the insurance company. Or:
 2. Into the deferred compensation plan.
- J. **BENEFITS ON TERMINATION/RETIREMENT:** Upon termination of employment all benefits provided by the City to an employee shall be terminated excepting that:
1. A terminated employee may be entitled to certain insurance coverage opportunities under the federally mandated COBRA program.
 2. Upon retirement, an employee enrolled in an insurance program (other than life insurance) maintained or sponsored by the City may continue to be enrolled in such program subject to the following conditions:
 - a. That continued enrollment has the approval of the insurance company concerned.
 - b. Enrollment will cease at such time as the City terminates or converts an insurance program.
 - c. The retired employee shall either regularly reimburse the City for the full premium payment or make payments directly to the insurance company.
 - d. Unused sick leave may be credited toward Health Insurance premium in a manner set forth elsewhere in this Employees' Handbook.
 3. Sick Leave Accrual Incentive:
 - a. Upon separation in good standing from City employment, the City will pay a regular Miscellaneous employee, unrepresented full-time Safety Employee, or Department Head for unused sick leave in the following amount: the total number of hours of sick leave accumulated multiplied by the hourly rate of pay of the employee at the time of separation, divided by two, shall be paid to the separating employee. An employee is not "separating in good standing" if proceedings have been initiated or concluded in accordance with the provisions of sections XII-C, XII-D, or XII-F of this Handbook. **(Res. 91-102)**
 - b. Retiring employees have the option that the number of hours of accumulated sick leave times the hourly rate of the employee at the time of retirement may be applied towards health insurance premiums until such amount is depleted.
 - c. An employee terminating employment for reasons of illness, verified by doctor certifications relative to the nature, gravity, and

duration of the illness (including maternity) may be paid a lump sum for all sick leave accrued and unused at the time of such termination.

- K. **CERTIFICATION PAY:** In recognition of the fact that certain functions cannot be performed without special governmental certification or licensing, the City will pay:
1. \$50 per month:
 - a. for "operator cross-certification" (Class I or above) for employees assigned to the Water Treatment Plant or Waste Water Treatment Plant, enabling those employees to perform duties at the other plant;
 - b. for a necessary pesticide certificate, for one Public Works employee assigned to be responsible for applications programs for the City;
 - c. for certification for back-flow prevention devices for two Public Works/Water Department employees.
 2. \$15 per month and any required physical examinations for a Class B driver's license if the Director of Public Works, on a person-by-person basis, certifies the necessity to the City for such license. **(Res. 90-106)**
- L. **EMPLOYEES' APPRECIATION DINNER:** Each calendar year in December, the City will fund an Employees' Appreciation dinner to the extent of \$1,000. **(Res. 90-106)**
- M. **OVERTIME MEAL:** If a Miscellaneous employee is required to work more than 12 hours with no breaks longer than one hour, the City will provide a meal. **(Res. 90-106)**
- N. **HEALTH CLUB MEMBERSHIP PROGRAM:** The City will pay a one-time membership fee of \$25.00 for each full-time employee, City Councilmember, Planning Commissioner, and part-time employee who works 12 consecutive months, that enroll in a City approved health club. The employee shall be responsible for all dues related to membership, and said dues shall be deducted through payroll.
This program shall also apply to all Volunteer Firefighters, and shall expire on June 30, 1999, unless extended by resolution of the City Council. **(Res. 97-87)**
- O. **DEPENDENT CARE ASSISTANCE:** The City allows employees to deposit up to \$5,000 of their before-tax earnings into an account and pay themselves back for dependent care expenses with tax-free dollars pursuant to Internal Revenue Code Section 125. **(Res. 99-143)**
- P. **EMPLOYEE COMPUTER PURCHASE PROGRAM:** The City provides up to \$3,000 for the purchase of computer hardware and software. Repayment will be made through equal semi-monthly payroll deductions or monthly Fire Personnel call out deductions over a maximum period of 36 months. Employees may not have more than one loan outstanding at any time. Any remaining loan balance is due and payable upon termination, and will be deducted from the employee's final check. **(Res. 99-142)**
- Q. **VEHICLE ALLOWANCE:** Unless otherwise provided in separate employment agreement, any Department Head whose duties require that s/he shall have the use

of an automobile at all times during his/her employment with the City shall be reimbursed one hundred dollars (\$100) per month for the expenses of owning, maintaining, and insuring a personal automobile.

Department Heads are eligible for reimbursement at an IRS established cents-per-mile to cover operating costs (including gasoline and all taxes thereon, oil, tires and routine maintenance and repairs) for travel outside of Napa County incurred as part of their official duties. Such travel shall be approved in accordance with established policy.

SECTION XII
GRIEVANCE PROCEDURE

- A. **GRIEVANCE DEFINED:** A grievance is a formal allegation by a employee who believes that he/she, in the capacity of employee, has been adversely affected by an act or an alleged act by a supervisor or other agent of the City.
- B. **GRIEVANCE PROCEDURE:**
- Step 1: **Informal Discussion:** Within ten (10) calendar days of the occurrence of an act in dispute, an employee shall discuss it with his/her immediate supervisor, who shall investigate and attempt to resolve the matter. The supervisor shall give the employee an oral reply within five (5) calendar days after the discussion. If the employee is not satisfied with the response, she/he may proceed to the next step.
- Step 2: **Department Head's Determination:** Any dispute not resolved at Step 1 may be submitted to the employee's Department Head in writing within ten (10) working days after the supervisor's response citing the specific act or circumstance in dispute, the manner and extent to which the employee was adversely affected, and what steps the employee considers necessary to remedy the matter. A copy shall be provided to the immediate supervisor involved. Within five (5) working days after receipt of the grievance by the Department Head, a meeting shall be scheduled with the employee by the Department Head, who shall attempt to resolve the matter. The Department Head shall give the employee a written reply within five (5) working days after such meeting. If the employee is not satisfied with the response, she/he may proceed to the next step.
- Step 3: **City Manager Review:** Any dispute not resolved at Step 2 may be submitted in writing to the City Manager, with copies of the Step 2 response, within five (5) working days after the Department Head's response. In this event, the City Manager shall, within five (5) working days, schedule a meeting with the employee to discuss the matter. After consideration of the facts, the City Manager shall give his/her written decision to the employee within five (5) working days after the meeting.
- Step 4: **City Council Review:** If the employee is not satisfied with the decision of the City Manager in Step 3, the employee may request a hearing before the City Council. Such request for a hearing must be submitted within ten (10) calendar days of receipt of the City Manager's decision and shall include in detail the facts giving rise to the general grievance and all supporting documentation necessary for City Council consideration. The City Manager shall forward such request and supporting documentation to the City Council within ten working days, for City Council consideration.

The City Council shall have the following options:

1. Refuse to hear the appeal; or
2. Make a decision on the documentation submitted; or
3. Hold a hearing, in open or closed session as permitted by law and appropriate to the circumstances.

The decision of the City Council will be final.

SECTION XIII
RESIGNATION-DISCIPLINARY ACTION

- A. **RESIGNATION:** An employee wishing to leave the service in good standing shall file with the Department Head, at least two weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Personnel Office with a Personnel Action Form containing a statement by the Department Head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure to give two weeks notice shall be entered upon the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give the required notice, shall be reported immediately to the Personnel Officer by the Department Head.
- B. **EXIT INTERVIEW:** Any person leaving the City Service shall be interviewed by the Manager. The purpose of such interview shall be to allow the City Manager to receive, and the employee the opportunity to provide, the employee's candid observations of City employment in order to help improve personnel management and departmental functioning. Such interviews normally shall be conducted no earlier than 15 days prior to nor more than 15 days later than the employee's effective date of retirement or termination of employment. Such exit interview shall be private, involving only the employee and the City Manager. In addition, the employee may request a similar interview with any two members of the City Council. No one shall be present at this meeting except the employee and the members of the Council. No comments made during such interview shall be published nor revealed by those in attendance to any other persons except in Executive Session of the City Council.
- C. **DISCHARGE:** A Temporary or Part-time employee may be discharged by the Department Head. A full-time employee may be discharged only by the City Manager. Department Heads may be discharged only by the City Manager, with the exception of the Fire Chief.
- D. **NOTICE:** Whenever it is the intention to discharge a regular employee, the employee shall be provided written statement of reasons for such action. Grounds for discharge include, but are not limited to, those listed in paragraph H.
- E. **REPRIMAND:** An employee may be reprimanded by a department head or the City Manager. A reprimand may be either verbal or written. Note may be made of a verbal reprimand and placed in the employee's personnel file, and a written reprimand will be placed in the employee's personnel file. Grounds for reprimand include, but are not limited to, those listed in paragraph H.
- F. **SUSPENSION:** An employee may be suspended by the same responsible authority as enumerated in paragraph C, above. Suspension may be imposed for disciplinary purpose or may be imposed pending investigation and possible discharge. Suspension shall be for a fixed period of time during which time the employee shall receive no compensation from the City. Grounds for suspension include, but are not limited to, those listed in paragraph H.
- G. **APPEAL:** An employee who is suspended or discharged may appeal the action according to the provisions of the Grievance Procedure described in Section XII of this Employees' Handbook. If the action appealed is modified or reversed, the

City may compensate the employee for all or part of the pay lost during the suspension and/or appeal period.

H. **REASONS FOR REPRIMAND, SUSPENSION OR DISCHARGE INCLUDE:**

1. Absence without prior approval or tardiness.
2. Addiction to or being under the influence of illegal drugs.
3. Use of illegal drugs on City property, while on City business, or during work hours.
4. Engaging in harassment, including sexual harassment.
5. Termination of the employees position or function, or lack of City funds, materials, or work.
6. Loss of drivers license when possession is a prerequisite to employment.
7. Theft, pilferage, or misuse of City property.
8. Falsification of public records.
9. Conduct unbecoming an employee in the public service.
10. Dishonesty.
11. Disorderly or immoral conduct.
12. Incapacity due to mental or physical disability.
13. Incompetence.
14. Insubordination.
15. Drinking alcoholic beverages or being intoxicated while on duty.
16. Negligence or willful damage to public property.
17. Fraud in securing employment.
18. Discourteous treatment of the public or other employees.
19. Conviction of any act involving moral turpitude.
20. Violation of any reasonable regulation or order.

APPENDIX A
CITY OF ST. HELENA
MEMORANDUM

June 17, 1993

TO: Public Works Director Marty Oldford, Public Works Employees and Other Interested Employees
FROM: Gene Armstead, City Manager
RE: Use of City Vehicles

There have been recurring discussions of what parameters govern what the employee can do with a City vehicle when used for commuting to or from work. The following is my determination of appropriate uses of City vehicles during non-working hours under Section IX of the Employees' Handbook and is intended to resolve uncertainties that have been identified.

1. Employees may not deviate from a direct path between home and work or stop en route for personal business, except that employees may stop at a grocery store or similar brief stop so long as (a) there is no significant deviation (i.e., no more than three blocks) from the most direct reasonable route and (b) the vehicle is not left parked for a significant amount of time (i.e., no longer than fifteen minutes cumulative total time). Stops at a bar are specifically prohibited.
2. After 5:00 p.m. Monday through Friday and at any time on Saturday or Sunday, when any City vehicle is parked other than for City work or at the employee's home, the employee must notify the Police dispatcher by radio of the location of the vehicle and how long it will be left unattended.
3. Other than for City business, only City employees are allowed to ride in a City vehicle, except carrying an occasional (no more than once a week) passenger to meet an unusual situation will be permitted. More intensive use than that is prohibited, and the guidelines described in (1) still apply.
4. Use of City vehicles during off-duty time is limited to responding to emergency call-outs, scheduled rounds, and commuting between work and home. City vehicles may not be used for personal trips and errands, except as described in (1) above. During those times that an employee is designated as "on-call" and being compensated with stand-by pay, the employee is expected to be able to get to the vehicle and respond to the emergency within a reasonable time.
5. The vehicle used for commuting must be the most economical vehicle available appropriate to the anticipated work.
6. Whenever the employee is on vacation or other leave, or is on a trip away from home, the City vehicle must be left at its customary place on City property.