

CITY OF LOMPOC

PERSONNEL

ORDINANCE

AND RULES

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PERSONNEL ORDINANCE AND RULES

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CITY OF LOMPOC
PERSONNEL RULES AND REGULATIONS

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CITY OF LOMPOC PERSONNEL ORDINANCE

Sec. 20-1. Adoption of Personnel System.

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

Sec. 20-2. Personnel Officer.

The City Administrator shall be the Personnel Officer. The City Administrator may delegate any of the powers and duties conferred upon him as Personnel Officer under this chapter to any other officer or employee of the city or may recommend that such powers and duties be performed under contract with a qualified person or agency. The Personnel Officer shall:

- (a) Administer all the provisions of this chapter and of the Personnel Rules not specifically reserved to the City Council or the Personnel Appeals Board.
- (b) Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules. The City Attorney shall approve the legality of such rules and amendments prior to their submission to the City Council.
- (c) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan, and any revisions thereof, shall become effective upon approval by the City Council.
- (d) Prepare or cause to be prepared a plan of compensation, and revisions thereof, covering all classifications in the competitive service and the plan and any revisions thereof, shall become effective upon approval by the City Council.
- (e) Provide for the recruiting, examination and certification to the appointing power of a list of persons eligible for appointment to the appropriate positions in the competitive service.

Sec. 20-3. Personnel Appeals Board.

There is hereby created a Personnel Appeals Board to consist of three persons to be selected from a panel of six members to be appointed by the City Council. Three members of the panel shall be appointed to serve for a term which will expire June 30, 1971 and three members of the panel shall be appointed to a term which will expire

June 30, 1973. At the expiration of each of the terms so provided for, a successor shall be appointed by the City Council for a term of four years. The Personnel Appeals Board of three persons shall be selected from the six-member panel as follows: one member to be selected by the appellant employee; one member to be selected by the City Administrator; and the third member to be selected by mutual agreement of the first two selected. The Personnel Appeals Board shall adopt rules of procedure and shall select a chairman from among its membership who shall act as presiding officer.

Vacancies on the board shall be filled by appointment by the City Council for the unexpired term. Each member shall serve until his successor is appointed and qualified. A majority vote of the City Council shall be required to appoint a member of the Personnel Appeals Board, but a four-fifths vote shall be necessary to remove any member of the Personnel Appeals Board from office prior to the expiration of his term.

Members of the Personnel Appeals Board shall be residents of this city. No person shall be appointed to the board who holds any salaried office or employment of the city.

The functions of the board shall be to hear appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this chapter or the Personnel Rules and to certify its findings and recommendations to the City Council, which body shall finally determine the appeal as provided in the Personnel Rules.

Sec. 20-4. Competitive Service

Except as otherwise specifically provided, the provisions of this chapter shall apply to all offices, positions and employments in the service of the city, except:

- (a) Elective officers.
- (b) Members of appointive boards, commissions and committees.
- (c) The City Administrator, City Attorney, City Clerk and City Treasurer who are appointed by and serve at the direction of the City Council. Those positions, other than the secretary, appointed by and serving at the direction of the City Administrator.
- (d) Employees assigned to the city library.
- (e) Persons engaged under contract to supply expert, professional, technical or other services.
- (f) Volunteer personnel, such as volunteer firemen.

- (g) Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (h) Employees who are employed less than half time which is hereby defined as employees who are expected to or do work less than 1040 hours in any one fiscal year.

Notwithstanding the provisions of this Section, and unless otherwise provided by contract or agreement, the provisions of this chapter and of the Personnel Rules relating to Attendance and Leaves (reference Personnel Rule X), Authorization and Procedures for Expense Reimbursement (reference Personnel Rule XVII) and Assignment and Use of City Property (reference Personnel Rule XVII) shall apply for the City Administrator, City Attorney, City Clerk and City Treasurer, and those positions, other than the secretary, appointed by and serving at the direction of the City Administrator.

Sec. 20-5. Adoption and Amendment of Rules.

Personnel Rules shall be adopted by resolution of the City Council after notice of such proposed action has been publicly posted, in city hall and all other official bulletin boards, at least five days prior to City Council consideration. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the Personnel Rules. The rules shall establish regulations governing the personnel system including:

- (a) Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.
- (b) Preparation, revision, and administration of a plan of compensation, directly correlated with the position classification plan, providing a rate or range of pay for each class.
- (c) Public announcement of all tests and acceptance of applications for employment.
- (d) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- (e) Certification and appointment of persons from employment lists, and the making of provisional and emergency appointments.
- (f) Evaluation of employees during the probationary period.
- (g) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.

- (h) Separation of employees from the city service.
- (i) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.
- (j) The establishment of adequate personnel records.
- (k) The establishment of grievance and appeal procedures.

Sec. 20-6. Appointments.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination.

Examinations shall be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. Physical and medical tests may be given as a part of any examination.

In any examination the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

Appointments shall be made by the Personnel Officer, or by the officer in whom the power to make appointments is vested.

When appointment is to be made to a vacancy in the competitive services, the Personnel Officer shall transmit to the appointing power the names of all persons on the appropriate certified employment list, in the order in which they appear on the list.

In the absence of appropriate employment lists, a provisional appointment may be made not to exceed six months by the appointing authority of a person meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of an employee, such vacancy may be filled by the appointing authority subject to the provisions of this chapter and the personnel rules.

Sec. 20-7. Probationary Period.

All regular appointments shall be for a probationary period of six months, except employees specified to serve for a probationary period of one year or more. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing.

Promotional appointments shall be for a probationary period of six months. During the probationary period of promotional appointments, an employee may be rejected, but shall have the right of appeal or hearing.

An employee rejected during the probationary period from a position to which he has been promoted, shall be reinstated to a position in the class from which he was promoted unless he is discharged from the city service as provided in this chapter and the rules.

Sec. 20-8. Status of Present Employees.

Any person holding a position included in the competitive service who, on the effective date of this ordinance, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

Any other person holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of employment.

Sec. 20-9. Demotion, Dismissal, Reduction in Pay, Suspension.

The Personnel Officer shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend without pay for up to thirty calendar days, any permanent employee in the competitive service, volunteer employee, emergency employee or part-time employee. Notice of such action must be in writing and served personally on such employee within three working days of the action taken. Such notice shall specify the penalty and contain a statement of the reason or reasons therefor.

The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

Sec. 20-10. Right of Appeal.

Any employee in the competitive service shall have the right to appeal to the personnel appeals board any disciplinary action, adverse interpretation or alleged violation of this chapter or the rules adopted thereunder, except in those instances where the right of appeal is specifically prohibited by this chapter or the rules adopted thereunder.

The Personnel Appeals Board shall have the power to examine witnesses under oath, the power to compel the attendance of witnesses by subpoena and the power to

require the production of evidence by subpoena. Subpoenas shall be issued in the name of the city and attested by the City Clerk.

Each member of the Personnel Appeals Board shall have the power to administer oaths to witnesses.

All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the Personnel Rules adopted pursuant to this chapter.

Sec. 20-11. Abolition of Position.

Whenever in the judgment of the City Council it becomes necessary, the City Council may abolish any position of employment in the competitive service. Employees transferred, demoted or laid off because of the abolishment of positions, shall not be subject to written charges nor shall they have the right of appeal in such cases.

Seniority shall be observed in effecting such reductions in personnel and the order of lay-off shall be in the reverse order of total cumulative time with the city and shall include time served on military leave of absence.

The names of probationary and permanent employees laid off shall be placed on re-employment lists for classes which, in the opinion of the Personnel Officer, require basically the same qualifications and duties and responsibilities of those of the class of positions from which lay-off was made.

Names of persons laid off shall be placed upon re-employment lists in order of total cumulative time served in probationary and permanent status, and shall remain on such lists for a period of one year unless re-employed sooner.

Failure to adhere to the above provisions with respect to the administration of effecting transfers, demotions or lay-offs shall be subject to the Personnel Appeals procedures.

Sec. 20-12. Recruitment and Training of Law Enforcement Officers - Intention of City to Receive State Aid.

The City desires to qualify to receive aid from the State under the provisions of chapter 1, title 4, part 4 of the Penal Code of the State.

Sec. 20-13. Same -- Adherence to state standards.

Pursuant to section 13522 of chapter 1, title 4, part 4 of the Penal Code of the State, the City, while receiving aid from the State pursuant to such chapter 1, will adhere to the standards for recruitment and training established by the State Commission on Peace Officer Standards and Training.

Sec. 20-14. Improper Political Activity. .

The political activities of city employees shall conform to pertinent provisions of state law.

SECTION 6. Section 20-15 of the Lompoc City Code is hereby repealed.

SECTION 7. This ordinance and the personnel rules adopted pursuant thereto shall become effective July 1, 1969.

PERSONNEL RULES OF THE CITY OF LOMPOC

RULE I. DEFINITION OF TERMS

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

SECTION 1. "Advancement": A salary increase within the limits of a pay range established for a class.

SECTION 2. "Allocation": The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

SECTION 3. "Appointing Power": The officers of the city who, in their individual capacities, or as a board, commission, or city council, have the final authority to make the appointment to the position to be filled.

SECTION 4. "Board": The Personnel Appeals Board established in pursuance of the ordinance creating a personnel system for the city.

SECTION 5. "Class": All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.

SECTION 6. "Competitive Service": All positions of employment in the service of the city except those specifically excluded by ordinance.

SECTION 7. "Demotion": The movement of an employee from one class to another class having a lower maximum rate of pay.

SECTION 8. "Eligible": A person whose name is on an employment list.

SECTION 9. "Employment List":

- (a) Open employment list: A list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
- (b) Promotional employment list: A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

SECTION 10. "Examination":

- (a) Open-competitive examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.

- (b) Promotional examination: An examination for a particular class, admission to the examination being limited to permanent and probationary employees in the competitive service who meet the qualifications for the class.
- (c) Continuous examination: An open-competitive examination which is administered periodically and as a result of which names are placed on an employment list for a period of not more than six months.

SECTION 11. "Part-time Employee": An employee who is expected to or does work less than 1040 hours in any one fiscal year.

SECTION 12. "Permanent Employee": An employee who has successfully completed his probationary period and has been retained as hereafter provided in these rules.

SECTION 13. "Personnel Ordinance": Ordinance No. 848 which creates a personnel system for the city. Said ordinance has been incorporated in the City Code as Chapter 20.

SECTION 14. "Probationary Period": A working test period during which an employee is required to demonstrate his fitness for the duties to which he is appointed by actual performance of the duties of the position.

SECTION 15. "Promotion": The movement of an employee from one class to another class having a higher maximum rate of pay.

SECTION 16. "Provisional Appointment": An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles.

SECTION 17. "Reinstatement": The re-employment without examination of a former permanent or probationary employee.

SECTION 18. "Suspension": The temporary separation from the service of an employee without pay, for disciplinary purposes.

SECTION 19. "Temporary Employee": An employee who is hired for a term certain which is or is expected to be less than one year in length.

SECTION 20. "Transfer": A change of an employee from one position to another position in the same class or in a comparable class.

RULE II. GENERAL PROVISIONS

SECTION 1. Fair Employment: Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the Personnel Officer, is not justifiably linked to successful job performance.

SECTION 2. Residence: All permanent city employees are encouraged to establish residence within the city. All permanent city employees shall reside in such location as to enable them to respond to a directive that they appear at their assigned work station within thirty (30) minutes following a notification to so appear. Said thirty minutes' response time shall mean actual driving time, based upon compliance with vehicle speed regulations and normal traffic conditions, between the employee's residence address and his assigned work station. Provided, however, that individual exceptions to this section may be recommended by the City Administrator and granted by the City Council, upon the basis of employee hardship or convenience to the city.

SECTION 3. Violation of Rules: Violation of the provisions of these rules shall be grounds for rejection, suspension, demotion or dismissal.

SECTION 4. Amendment and Revision of Rules: Amendments and revisions may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer. Proposed amendments or revisions to these rules, excluding amendments and revisions to the Classification Plan and Compensation Plan as provided in Rule III, Section 2 and Rule IV, Section 2, respectively, shall be publicly posted in the City Hall and all department bulletin boards for at least ten (10) consecutive days prior to consideration by the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council, unless otherwise specified within the Resolution.

SECTION 5. Conflicts Between Rules and Other Provisions: In cases where these rules are in conflict with an approved compensation plan, or a current memorandum of understanding enacted between the City and a recognized employee organization, the current memorandum of understanding or approved compensation plan shall take precedence.

RULE III. CLASSIFICATION

SECTION 1. Preparation of Plan: The Personnel Officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consulting with appointing authorities and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to

duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The classification plan presently in operation shall be designated as Exhibit "A" attached to the Personnel Rules.

SECTION 2. Adoption, Amendment and Revision of Plan: The classification plan shall be adopted and may be amended from time to time by resolution of the City Council. At the time of consideration any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted, in city hall and all department bulletin boards, at least five days prior to City Council action.

SECTION 3. Allocation of Positions: Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.

SECTION 4. New Positions: When a new position is created, before the same may be filled, the appointing power shall notify the Personnel Officer, and, except as otherwise provided by ordinance or these rules, no person shall be appointed, employed, or transferred to fill any such position until the classification plan shall have been amended to provide therefor and an appropriate employment list established for such position.

SECTION 5. Reclassification: Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

RULE IV. COMPENSATION

SECTION 1. Preparation of Plan: The Personnel Officer or the person or agency employed for that purpose shall prepare a pay plan covering all classes of positions in the competitive service. In arriving at salary rates or ranges, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and in private employment, to current costs of living, to suggestions of department heads, to the city's financial condition and policies, and to other relevant factors. The Personnel Officer or the person or agency employed for that purpose shall thereafter make such further studies of the pay plan as may be requested by the City Council. The pay plan presently in operation shall be designated as Exhibit "B" attached to the Personnel Rules.

SECTION 2. Adoption of Plan: The pay plan shall be adopted and may be amended from time to time by action of the City Council. At the time of consideration any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer. Notice of City Council consideration of the proposed pay plan, amendments or revisions shall be publicly posted, in city hall and all department bulletin boards, at least five days prior to City Council action. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as herein provided for its adoption. Any person temporarily appointed to serve in a higher classification and serving continuously in said classification for 21 calendar days, shall receive the compensation established for the higher classification for the entire period of service in said classification.

Standby: Employees who are required to be on standby for emergency work shall be compensated at a rate of eight hours of pay or equivalent time off at straight time for each week of standby time.

SECTION 3. Emergency Personnel: All part-time, temporary personnel on an emergency basis, not included in the pay plan, shall be paid in accordance with rates of pay established by the Personnel Officer, which rates shall not exceed the prevailing rates for similar classes within the area. Such rates may be established upon any reasonable basis, such as hourly, weekly or monthly, and may be modified from time to time by the Personnel Officer as may be required by economic conditions.

SECTION 4. Overtime: It shall be the duty of all department heads to operate their respective departments with a minimum amount of overtime. However, in cases of emergency or when otherwise necessary, an employee of the city may be required to work overtime. Overtime work is that work performed by an employee during periods of time other than normally scheduled for his or her specific employment. Work in excess of forty hours per week or in excess of eight hours per day, except as otherwise specified in these rules, shall be considered overtime. Except for employee classifications not entitled to overtime, all employees shall be entitled to receive either regular hourly or hourly equivalent pay or equivalent time off, at a rate of 1-1/2 times pay or 1-1/2 times off at their current hourly rate for each hour of overtime worked. The decision whether an individual employee shall receive pay or equivalent time off shall be recommended by the department head and determined by the City Administrator. Overtime shall be distributed as equally as is practical within a given classification from among those employees who are qualified and available.

Personnel in the following classifications shall not be entitled to receive pay for overtime worked, but may receive equivalent time off for overtime worked subject to prior approval by the City Administrator.

Accountant	Park Maintenance Supervisor
Accounting & Revenue Manager	Parks and Recreation Director
Administrative Aide	Parks & Urban Forestry Manager
Administrative Analyst	Paralegal
Assistant City Administrator	Personnel Analyst
Assistant City Attorney I	Personnel Director
Assistant City Attorney II	Planning Manager
Assistant Public Works Director	Police Captain
Assistant to the City Administrator	Principal Planner
Assistant Public Works Director – City Engineer	Program-Network Analyst
Associate Planner	Public Works Director – City Engineer
Aviation/Transportation Administrator	Recreation Coordinator
Battalion Fire Chief	Recreation Manager
Building Official	Recreation Supervisor
Chief of Police	Recreation Superintendent
City Administrator	Redevelopment Program Coordinator
City Attorney	Senior Civil Engineer
City Clerk	Senior Deputy City Attorney
City Engineer	Senior Administrative Analyst
City Treasurer	Senior Personnel Analyst
Civil Engineer II	Senior Programmer-Network Analyst
Community Development Director	Solid Waste Superintendent
Community Development Programs Manager	Solid Waste Supervisor
Crime Analyst	Street Maintenance Supervisor
Economic Development Coordinator	Street Superintendent
Economic Development Manager	Supervising Account Clerk
Economic Development and Resources Management Coordinator	Systems Administrator
Electrical Estimator	Systems Analyst
Electrical Substation Supervisor	Treasury Staff Supervisor
Electrical Utility Engineer	Tree Maintenance Supervisor
Electrical Utility Manager	Utilities Accountant
Electrical Supervisor	Utilities Engineer
Fleet Maintenance Supervisor	Utilities Conservation Coordinator
Finance Director	Utility Accounting Supervisor
Financial Services Manager	Utility Billing Supervisor
Fire Chief	Utility Director
Human Resources Assistant – Confidential	Wastewater Supervisor
Human Resources Technician	Wastewater Superintendent
Information Systems Manager	Water Distribution Supervisor
Landfill Supervisor	Water Plant Supervisor
Management Services Director	Water Resources Manager
PEG Station Manager	Water Supervisor
	Water Superintendent
	Wireless Services Administrator

Personnel in the classification of Battalion Fire Chief may be required by the department head to work additional shifts over their regularly scheduled work week for the purpose of maintaining constant manning and shall be entitled to receive straight time pay or equivalent time off at the option of the department head.

All overtime work, to be eligible for overtime pay or equivalent time off, must have the approval of the City Administrator.

No credit shall be given for less than one-half hour of overtime work except that Fire Department shift personnel when responding to a fire alarm call shall be credited with one hour of overtime work regardless of the actual time involved in so responding. No employee shall accumulate more than forty hours equivalent time off, except for fire personnel assigned on a shift basis who shall not accumulate more than 56 hours equivalent time off.

SECTION 6. Incentive Awards for Employee Suggestions: There is hereby established a Suggestion Awards Program in order to give recognition to employees for the submission of original, constructive suggestions which reduce operating costs, improve city operations and provide better service to the community. Recognition shall be in the form of both monetary and non-monetary awards provided that no monetary award shall exceed a total of \$1,000 or 10% of the estimated first year's savings or net increase in revenue by reason of the award, whichever is less. The Suggestion Award Program shall be administered by the City Administrator in accordance with practices and procedures adopted by the City Council.

SECTION 7. Standby for Emergency Work: Standby for emergency work is defined as that period of time during which an employee is required to be available and on call for emergency work, which period of time shall be additional and not the same as the employee's normal work day. Employees who are required by the department head to be on standby for emergency work during off duty hours shall be compensated in accordance with provisions contained in the most current salary resolution. Said compensation shall be paid to such an employee when he is required, as a condition of his or her employment to remain at home or otherwise be available for immediate duty during said off duty hours. Standby personnel who are actually called out for work during such standby period shall be compensated for that work in accordance with Section 4, Overtime.

RULE V. APPLICATIONS AND APPLICANTS

SECTION 1. Announcement: All examinations for classes in the competitive service shall be publicized by posting announcements in the city hall, on official bulletin boards, and by such other methods as the Personnel Officer deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the

performance of the work of the class; the manner of making applications; and other pertinent information.

SECTION 2. Application Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training experience, and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprinting. All applications must be signed by the person applying.

SECTION 3. Disqualifications, In General: The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant is physically unfit for the performance of duties of the position to which he seeks appointment, is addicted to the habitual excessive use of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude; has made any false statement of any material fact, or practiced any deception or fraud in his application. Whenever an application is rejected, notice of such rejection with statement of reason shall be mailed to the applicant by the Personnel Officer. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

SECTION 4. Disqualification, Relative of City Employee: No two or more employees related within the second degree or kindred or affinity shall work within the same department of the City, where one relative is in a position to appoint or evaluate another. Divisions of the Public Works Department shall be deemed departments under this Section.

If any two City employees marry, one of whom appoints or evaluates the other, or if an employee is promoted into a position in which one will have appointment or evaluation authority over a relative, then the City Administrator may continue their employment, provided that such employment will not create adverse impact on supervision, safety, security, or morale, or involve potential conflicts of interest.

RULE VI. EXAMINATIONS

SECTION 1. Nature and Types of Examination: The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of education, training, experience, and work history, medical tests, or any combination of these or other tests.

SECTION 2. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require same. Promotional examinations may include any of the selection techniques mentioned in Section 1 of this rule, or any combination of them. Only employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

SECTION 3. Continuous Examination: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VII.

SECTION 4. Conduct of Examination: The City Council may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall have broad discretion in determining the time, place and manner of conduction of examinations including the power to have examinations conducted outside the city, if necessary.

SECTION 5. Scoring Examinations and Qualifying Scores: A candidate's score in a given examination shall be the average of his scores on each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicants as failing in the entire examination or as disqualified for subsequent parts of an examination.

The Personnel Officer may, at his discretion, include as part of the examination, tests which are qualifying only.

SECTION 6. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given written notice of the results thereof, and if successful, of his/her certification to the employment list.

Any candidate shall have the right to inspect his/her own examination papers within five working days after the notices of examination results were mailed. No appointment shall be made within five days subsequent to notification of examination results. Any error in computation, if called to the attention of the Personnel Officer within this period, shall be corrected.

RULE VII. EMPLOYMENT LISTS

SECTION 1. Employment Lists: As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination.

SECTION 2. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect for six months unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Personnel Officer for additional periods, but in no event shall an employment list remain in effect for more than one year.

Open-competitive lists created as the result of continuous examinations shall remain in effect for not more than six months after the last administration of the examination, unless sooner exhausted. Names placed on such lists shall be merged with any others already on the list and shall remain on the list for not more than six months.

SECTION 3. Re-Employment Lists: The names of probationary and permanent employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and permanent status. Such names shall remain thereon for a period of one year unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the appointing power shall appoint such persons to fill the vacancies.

SECTION 4. Removal of Names from List: The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible requests in writing that his name be removed, if he fails to respond to a notice of certifications mailed to his last known address, or for any of the reasons specified in Rule V, Section 3 of these rules. The person affected shall be notified of the removal of his name by a notice mailed to his last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE VIII. METHOD OF FILLING VACANCIES

SECTION 1. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement or from eligibles certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with the Personnel Ordinance and these rules.

SECTION 2. Notice to Personnel Officer: Whenever a vacancy in the competitive service is to be filled, the appointing power shall notify the Personnel Officer in the manner prescribed. If there is no re-employment list available for the class, the appointing power shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

SECTION 3. Certification of Eligibles: If the appointing power does not consider it in the city's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligibles are available.

When the appointing power requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Personnel Officer should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the appointing power may make an appointment from among such eligibles or may request the Personnel Officer to establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.

SECTION 4. Appointment: After interview and investigation, the appointing power shall make appointments from among those certified, and shall immediately notify the Personnel Officer of the persons appointed. The person accepting appointment shall present himself to the Personnel Officer, or his designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and presents himself for duty within such period of time as the appointing authority shall prescribe, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment.

SECTION 5. Provisional Appointment: In the absence of there being names of one or more individuals willing to accept appointment on appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by provisional appointment. The City Administrator may extend the period for any provisional appointment for not more than thirty days by any one action.

No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any open-competitive promotional lists, for service rendered under a provisional appointment.

RULE IX. PROBATIONARY PERIOD

SECTION 1. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of six months, except for appointments of employees specified in Rule IV, Section 4 of these rules and safety members of the Police and Fire Departments, which shall be subject to a probationary period of one year. Provided, however, that said probationary period may be extended for a time not to exceed six additional months upon written request of the department head and approval of the Personnel Officer. The City Council may, by resolution, establish a longer probationary period for specified classes. The Personnel

Officer shall notify the appointing authority and the probationer concerned two weeks prior to the termination of any probationary period. If the service of the probationary employee has not been satisfactory to the appointing authority, the appointing authority shall file with the Personnel Officer a statement in writing to such effect and stating that the retention of such employee in the service is not desirable. If such a statement is not filed, the employee will be deemed to be satisfactory.

SECTION 2. Objective of Probationary Period: The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his position.

SECTION 3. Rejection of Probationer: During the probationary period of an original appointment, an employee may be rejected at any time by the appointing power without cause and without the right of appeal. During the probationary period of promotional appointments, an employee may be rejected, but shall have the right of appeal or hearing. Notification of rejection in writing shall be served on the probationer and a copy filed with the Personnel Officer.

SECTION 4. Rejection Following Promotion and Transfer: Any employee rejected during the probationary period following a promotional or transfer appointment, or at the conclusion of the probationary period by reason of failure of the appointing power to file a statement that his services have been satisfactory, shall be reinstated to the position from which he was promoted or transferred unless charges are filed and he is discharged in the manner provided in the Personnel Ordinance and these rules for positions in the competitive service.

RULE X. ATTENDANCE AND LEAVES

SECTION 1. Hours and Days of Work: All employees, except as otherwise provided in this section, shall work forty hours per week. The employees assigned to the Water Treatment Plant and Wastewater Treatment Plant as regularly or temporarily assigned Operators shall work on a rotating schedule of six shifts on and two shifts off, including lunch hours, as scheduled by the Public Works Director. The employees in the Fire Department assigned to a fire company shall work on a shift basis, 24 hours on and 24 hours off, as scheduled by the Fire Chief. Each such employee shall work an average of approximately 56 hours per week on duty as computed over a one year period.

SECTION 2. Annual Vacation Leave: All employees in the competitive service shall be entitled to vacation leave with pay except employees who have served less than six months in the service of the city. However, vacation credits for said time shall be granted to each such employee who later receives a permanent appointment. Eligible employees who work less than full time, but more than 1040 hours during a fiscal year, shall be credited vacation on a pro-rated basis on hours in excess of 1040.

Employees may take vacation leave in the amount of days accumulated at the time of such leave. Provided that for good cause shown and upon prior approval of the Personnel Officer, an employee may be advanced vacation in an amount not to exceed five additional days. For purposes of computing annual vacation leave, a working day shall be considered as one-fifth of the number of working or duty hours in the established work week.

Schedules for employees' vacation shall be prepared by each department head on an annual basis. Insofar as is practical, employees will be scheduled for periods of annual leave, based upon their preference and in order of length of tenure with the city. Any deviation from the schedule, once prepared, must be approved by the department head. Scheduled calendar dates for vacations may be transferred between employees in any manner that would increase or decrease the amount of vacation days allocated to each employee.

Schedules of vacations for the City Administrator, City Attorney, City Treasurer and City Clerk shall be submitted for approval to the Mayor or other member of the City Council, as may be designated by the City Council. Whenever possible, such schedule shall be submitted for approval in advance of the proposed absence. Upon approval, schedules may be distributed to the City Council.

In the event one or more municipal holidays falls within an annual vacation leave, such holiday shall not be charged as vacation leave, and the vacation leave shall be extended accordingly.

Employees who terminate employment whether voluntarily or involuntarily, shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination.

Accumulation of vacation time shall be computed annually effective the first pay period after January 1 of each year. On said date any employee who has accumulated vacation time in excess of the amount allocated for two years' continuous service shall forfeit such excess accumulation unless otherwise specifically approved. The City Administrator, or the City Council for positions appointed by the Council, may approve additional vacation accrual not to exceed the amount authorized for one year. Such additional vacation accrual must be taken by the employee prior to the expiration of one year from the date it is granted or it shall be forfeited. Vacation leave shall be earned in accordance with the following schedule and shall be credited in arrears:

For the first five years of service, employees shall earn and be credited with vacation leave at the rate of ten working days per year.

Commencing with the sixth year and continuing through the fourteenth year, employees shall earn and be credited with vacation leave at the rate of ten working days per year plus one additional day for each year of service in excess of five years.

From and after the fifteenth year of service, employees shall earn and be credited with vacation leave at the rate of twenty working days per year.

The employees in the Fire Department assigned to a fire company on a shift basis shall earn and be credited with annual vacation leave on an hourly basis, prorated in accordance with employees assigned to a forty hour work week.

SECTION 3. Sick Leave: Sick leave with pay shall be granted to all probationary and permanent employees within the competitive service except those who work less than 1040 hours per year. Sick leave shall not be considered as a right which an employee may use at his discretion, but shall be allowed only in case of necessity and actual personal sickness or disability.

In order to receive compensation while absent on sick leave, the employee shall notify his immediate supervisor or the Personnel Officer prior to, or within four hours after the time set for beginning his daily duties, or as may be specified by the head of his department. In those situations which have rendered the employee incapable of reporting as specified above, the employee shall report at the earliest possible time. When absence is for more than one work day, the employee may be required to file a physician's certificate or a personal affidavit with the Personnel Officer, stating the cause of his absence.

For purpose of computing sick leave, a work day shall be considered as 1/5 of the number of working days or duty hours in the established work week for each employee except those assigned on a shift basis in the Fire Department.

Sick leave shall be earned by employees on a forty hour week at a rate of one work day for each calendar month of service. Those employees in the Fire Department assigned to a fire company on a shift basis shall earn sick leave at a rate of 12.0 hours per month. Accumulation of unused sick leave shall not be limited. Payment for accumulated sick leave at the time of termination of employment shall be provided for by a memorandum of understanding or compensation plan.

An employee receiving temporary disability payments under the Workmen's Compensation laws may use a pro-ration of accumulated sick leave in order to continue to maintain his regular income. However, all employees receiving full salaries in lieu of temporary disability payments pursuant to Section 4850 of the Labor Code are entitled to accumulate sick leave during such period of disability.

Sick leave is not allowed for compensated retirement and shall cease to be paid whenever the employee voluntarily retires or the City Council establishes a retirement date, except that sick leave shall be paid after retirement as may be specifically provided in the City Code, an approved compensation plan, these rules, or under a current memorandum of understanding between the City and a recognized employee organization.

SECTION 4. Bereavement Leave: Each employee is entitled to a bereavement leave following the death of his or her spouse or the following relatives, whether by kindred or affinity: child, father, mother, brother or sister. The period of such leave shall be determined by the City Administrator or other appointing power. In determining the period of such leave the relationship of the deceased to the employee and the amount of necessary travel involved, if any, shall be considered. In no event shall bereavement leave exceed five working days.

SECTION 5. Military Leave: Military leave shall be granted in accordance with the provisions of applicable law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken. The Personnel Office shall maintain current account of veterans re-employment rights, and shall make such information available to employees upon request.

SECTION 6. Leave of Absence Without Pay: The City Administrator may grant a permanent or probationary employee leave of absence without pay or seniority for not to exceed three months. Leaves in excess of three months must be approved by the City Council. No such leave shall be granted except upon written request of the employee, setting forth the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge.

SECTION 7. Witness and Jury Leave: Every employee of the city who is called or required to serve as a trial juror or as a witness under subpoena shall be entitled to absent himself from his duties with the city during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall be paid the difference between his full salary and any payment received by him, except travel pay, for such duty.

SECTION 8. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees which shall be reported in the form and on the dates specified. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice of return shall be cause for immediate discharge, and such employee automatically waives all rights under the Personnel Ordinance and these Rules. A certified letter, mailed to the last address provided to the City's Human Resources Department by the employee, shall be deemed sufficient notice of return.

SECTION 9. Holidays: The holidays to be observed in this city are as follows: January 1, the third Monday in February, the last Monday in May, July 4, the first Monday in September, November 11, known as Veteran's Day, Thanksgiving Day and the Friday following, December 25 and every day proclaimed by the President or Governor, and Mayor of this city as a public holiday.

Every permanent and every probationary employee in the competitive service except members of the Fire Department, Water Treatment Plant and Wastewater Treatment Plant who are required to be on duty for 24 hour period, shall not be required to be on duty on holidays unless the employee's services are needed and required in the interests of the public health, safety or general welfare, in which latter event any such employee shall be entitled to equivalent time off at such time as in the discretion of the department head his services are not needed and required.

City employees in departments operating on a continuous 24 hour basis or schedule shall be entitled to equivalent time off in lieu of holidays in the same number of hours as is commensurate with the holiday time hereby granted to other employees.

SECTION 10. Outside Employment: Employees may engage in outside employment, in addition to their city employment, only under the following conditions:

- (a) There shall be no conflict of interest or incompatibility with the employee's city employment.
- (b) The time involved in outside employment shall not adversely affect the employee's attitude or efficiency in his or her city employment.
- (c) No telephone calls or personal contacts concerning the outside employment shall be made during the hours of city employment.
- (d) Each employee shall report all outside employment to his or her department head and shall secure the written approval of such department head and Personnel Officer prior to the commencement of outside employment.

SECTION 11. Employee Status While On Out-of-Town Trips: Employees are covered by California Workers' Compensation Laws while on the City's business out of town. This rule states when the employee (while operating as such a "commercial traveler") is deemed to be working for the City and when the employee is deemed to be on his or her own time.

The employee is on the City's business when doing the following:

1. Traveling directly from the employee's home or work site in the City to the site of an out-of-town meeting, conference, or place where the employee will stay overnight while attending such a meeting or conference. "Traveling directly" does not mean the route selected has to be the shortest or most "direct"; the employee may select any route going to and from the out-of-town location providing that the route selected is not unreasonably out of the way or extra long or through hazardous territory. "Traveling directly" also includes short side trips for the purpose of servicing the automobile or eating meals while traveling. (It should be

remembered that reimbursement for use of a private automobile is only allowed for the most direct route.)

2. While traveling directly between any place the employee stays overnight and the site of the meeting or conference. While taking meals, or going to or coming from the site of a restaurant or place where food is purchased, in the general area of any place the employee stays overnight or the meeting or conference site or in between.
3. While at, in, or about the premises of the meeting or the conference.
4. While on the premises of the hotel/motel when the employee is required to stay overnight for the purpose of attending the meeting or conference.
5. While traveling under the direction of the meeting or conference leaders or directors when such traveling is to view or visit premises in connection with the purposes of the meeting or conference. (This would include, for example, a visit to an electric plant should the Electrical Superintendent be attending a meeting or conference on electrical department matters.)
6. While in the general area of the meeting or conference or hotel/motel when the employee is required to stay overnight, provided that the employee is not voluntarily engaged in a hazardous activity.

When the employee is not covered by Workers' Compensation:

Basically, the employee is not covered by Workers' Compensation when the employee is doing anything or is in any place not covered by the above rules. It is presumed that when the employee is at some other place than as stated in the above rules, that the employee is there for private purposes and not for the City and if the employee is injured while driving or walking to or from a theater or restaurant, home of a friend, or sightseeing trip, etc., outside the general area of the place of the meeting or conference, then the employee is on personal business, and not that of the City. Employees who enter into such activities or take such side trips must assess the hazards thereof while remembering that the risks are theirs and not those of the City.

"General area", as used in this rule, means (1) metropolitan area if the meeting or conference is in a city or metropolitan area or (2) within 30 miles of the meeting or conference site in any other case.

RULE XI. PAY ADJUSTMENTS

SECTION 1. Application of Rates: Employees occupying a position in the competitive service shall be paid a salary or wages established for that position's class under the pay plan as provided by Rule IV. The minimum rate, if provided, for the class

generally shall apply to employees upon original appointment. However, the City Administrator may, when circumstances warrant it, authorize original appointment or reinstatement at other than the minimum rate.

SECTION 2. Advancement: No salary advancement shall be made so as to exceed any maximum rate established in the pay plan for the class to which the advanced employee's position is allocated. Advancements shall not be automatic but shall depend upon increased service value of an employee to the city as exemplified by recommendations of this supervising official, length of service, performance, record, special training undertaken or other pertinent evidence within the advancement policy established by the pay plan.

Following appointment, promotion or advancement, each employee may be granted a one-step salary increase at the completion of the probationary period, and police and fire personnel and other persons serving a one year probationary period, at the mid point of the probationary period, and additional one-step increases at the completion of yearly increments thereafter. The City Administrator may grant a special meritorious increase prior to the expiration of the required time, provided that the City Administrator shall forthwith notify the City Council of the granting of meritorious increases. An employee who is promoted from one class to another class which is allocated to a higher salary range shall receive no less than the equivalent of a one step increase in the class to which he is promoted providing the salary ranges are sufficiently different to allow it.

RULE XII. TRANSFER. PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

SECTION 1. Transfer: No person shall be transferred to a position for which he does not possess the minimum qualifications. Upon notice to the Personnel Officer, an employee may be transferred by the appointing power at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Administrator orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules.

SECTION 2. Promotion: Insofar as consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the Personnel Officer, a vacancy in the position could be filled better by an open-competitive examination instead of promotional examination, then he shall arrange for an open-competitive examination and for the preparation and certification of an open-competitive employment list.

SECTION 3. Demotion: The department head, with the approval of the Personnel Officer, may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the appointing power, demotion may be made to a vacant position. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Written notice of the demotion shall be given the employee before or within three days after the effective date of the demotion, and a copy filed with the Personnel Officer.

SECTION 4. Suspension: The department head, with the approval of the Personnel Officer may suspend, without pay, an employee from his position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty calendar days, nor shall any employee be penalized by suspension for more than thirty calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than three working days without approval of the Personnel Officer at any one time, and not more than once in a thirty-calendar-day period.

SECTION 5. Reinstatement: With the approval of the appointing power and the Personnel Officer, a permanent or probationary employee who has resigned with a good record may be reinstated within two years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as though he had received an original appointment.

RULE XIII. SEPARATION FROM THE SERVICE

SECTION 1. Discharge: An employee in the competitive service may be discharged at any time by the department head. Whenever it is the intention of the department head to discharge an employee in the competitive service, the Personnel Officer shall be notified and his prior approval obtained. Any employee who has been discharged shall be entitled to receive a written statement of the reasons for such actions and to a hearing if he so requests, as provided in the Personnel Ordinance and these rules.

SECTION 2. Layoff: The department head, with the approval of the Personnel Officer, may lay off an employee in the competitive service because of material change in duties or organization or shortage of work or funds. Ten working days before the effective date of the layoff, the department head shall notify the Personnel Officer of the intended action with reasons therefore, and a statement certifying whether or not the service of the employee has been satisfactory. A copy of such notice shall be given the employee affected. If certified as having given satisfactory service, the name of the

employee laid off shall be placed on the appropriate re-employment list as provided by these rules.

If not certified as having given satisfactory service, the employee laid off may interpret the action as a discharge and request a hearing as provided by the Personnel Ordinance and these rules.

SECTION 3. Resignation: An employee wishing to leave the competitive service in good standing shall file with the department head, a written resignation stating the effective date and reasons for leaving at least two weeks before leaving the service, unless such time limit is waived by such official. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. The Personnel Officer may require the employee to report to him for an exit interview. Failure to comply with this section may be cause for denying future employment by the city.

RULE XIV. GRIEVANCE PROCEDURES

SECTION 1. Purpose of Rule:

- (a) To promote improved employer-employee relations by establishing grievance procedures on all matters whether or not appeal or hearing is provided by other regulations.
- (b) To afford employees individually or through qualified employee organizations a systematic means of obtaining further considerations of problems after every reasonable effort has failed to resolve them through discussion.
- (c) To provide that grievances shall be settled as near as possible to the point of origin.
- (d) To provide that appeals shall be conducted as informally as possible.

SECTION 2. Matters Subject to Grievance Procedures: Any employee in the competitive service shall have the right to a conference under this rule, on any matter affecting his employment over which his appointing power has partial or complete jurisdiction.

SECTION 3. Informal Grievance Procedures: An employee who has a problem or complaint should first try to get it settled through discussion with his immediate superior without undue delay. Such discussion shall be initiated within fifteen (15) calendar days from the date of the incident complained of, or within fifteen (15) calendar days from the date of which the employee became aware of the incident, whichever is later. If, after this discussion, he does not believe the problem has been satisfactorily resolved, he

shall have the right to discuss it with his supervisor's immediate superior, if any, in the administrative service. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is not in agreement with the decision reached by discussion, he shall have the right to file a formal appeal in writing ten (10) calendar days after receiving the informal decision of his immediate superior. The informal discussion shall not be taken above the department head.

SECTION 4. Formal Grievance Procedure:

- (a) First Level of Review: The grievance shall be presented in writing to the employee's immediate supervisor, who shall render his decision and comments in writing and return them to the employee within ten (10) calendar days after receiving the appeal. If the employee does not agree with his supervisor's decision, or if no answer has been received within ten (10) calendar days, the employee may present the grievance in writing to his department head. Failure of the employee to take further action within ten (10) calendar days after receipt of the written decision of his supervisor, or within a total of 25 calendar days if no decision is rendered, will constitute a dropping of the grievance.
- (b) Department Review: The department head receiving the grievance should discuss the grievance with the employee, his representative, if any, and with other appropriate persons. The department head shall render his decision and comments in writing, and return them to the employee within ten (10) calendar days after receiving the grievance.

If the employee does not agree with the decision reached, or if no answer has been received within ten (10) calendar days after receipt of the decision, or within a total of 25 calendar days if no decision is rendered, will constitute a dropping of the grievance.

- (c) City Administrator Review: The City Administrator receiving the grievance or his designated representative shall discuss the grievance with the employee, his representative, if any, and with other appropriate persons. If the City Administrator fails to render a decision to the satisfaction of the aggrieved, a fact-finding committee may be appointed. The committee shall be comprised of a representative appointed by the City Administrator, a representative appointed by the aggrieved, and a third member appointed by mutual agreement of the other two. The fact-finding committee shall render a recommendation on the grievance to the aggrieved and the City Administrator within (20) calendar days. The City Administrator shall render a decision and comments in writing, and return them to the employee within fifteen (15) calendar days after receiving the recommendations of the fact-finding committee.

SECTION 5. Conduct of Grievance Procedure:

- (a) The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- (b) The employee may request the assistance of another person of his own choosing in preparing and presenting his appeal at any level of review.
- (c) The employee and his representative may be privileged to use a reasonable amount of work time as determined by the appropriate department head in conferring about and presenting the appeal.
- (d) Employees shall be assured freedom from reprisal for using the grievance procedure.

SECTION 6. No Prejudice to Personnel Appeal: Any action taken by an employee pursuant to this rule shall in no way jeopardize the right of such employee to an authorized hearing before the Personnel Appeals Board if such a hearing and review is otherwise authorized by the Personnel Ordinance and Rule XIV.

RULE XV. PERSONNEL APPEALS

SECTION 1. Meetings: The Personnel Appeals Board shall hold meetings upon call at such time and place within the city as shall be designated by the chairman or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Personnel Appeals Board.

SECTION 2. Right of Appeal: Any employee in the competitive service shall have the right to appeal to the Personnel Appeals Board any disciplinary action, interpretation or alleged violation of the Personnel Ordinance or these rules except in instances where the right of appeal is specifically prohibited by the Personnel Ordinance or these rules.

SECTION 3. Method of Appeal: Appeals shall be in writing, subscribed by the appellant and filed with the Personnel Officer, who shall, within five days after receipt of the appeal, inform each member of the Personnel Appeals Board, the appointing power and such other persons or officers named or affected by the appeal or the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Appeals Board, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant, with his reasons therefor. The formality of a legal pleading is not required.

SECTION 4. Notice: Upon the filing of an appeal, the Personnel Appeals Board shall set a date for the hearing on the appeal not less than ten days, nor more than thirty

days from the date of filing. The Personnel Officer shall notify all interested parties of the date, time and place of the hearing at such places as the Personnel Appeals Board shall prescribe.

SECTION 5. Investigation: Upon the filing of an appeal, the Personnel Appeals Board may make such independent investigation of the matter as it may deem necessary. The result of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to have a reasonable time within which to answer or to present evidence in opposition to the findings of this independent investigation.

SECTION 6. Hearings: The appellant may appear personally, unless physically unable to do so, before the Personnel Appeals Board at the time and place of the hearings. He may be represented by any person or attorney as he may select and may at the hearing produce, on his behalf, relevant oral or documentary evidence. If the appellant elects to be represented by an attorney, he shall so advise the city prior to two days before the hearing.

The City Attorney shall act as a hearing officer and shall advise the Personnel Appeals Board regarding procedural aspects of the hearing. Provided that if the appellant is represented by an attorney the City Attorney shall represent the city administration at the hearing. Appellant shall state his case first and, at the conclusion, opposition matter may then be presented. Rebuttal matter not repetitive may be allowed in the discretion of the Personnel Appeals Board. Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Personnel Appeals Board by its chairman, with due regard to the rights and privileges of the parties appearing before it. Hearings conducted by the Personnel Appeals Board shall be subject to the "Brown Act, Government Code Sections 54950 et seq." They shall be conducted in private unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated. The hearing need not be conducted according to technical rules to evidence and witnesses.

SECTION 7. Findings and Recommendations: The Personnel Appeals Board shall, within ten (10) days after the conclusion of the hearing, forward its recommendation to the appellant, the person, officer or body from whose action the appeal was taken, and to the City Council. Any member of the Personnel Appeals Board may submit a minority or supplemental recommendation. The City Council shall review the evidence submitted at the hearing before the Personnel Appeals Board and the recommendation of the Personnel Appeals Board and may then affirm, revoke or modify the action appealed from as, in its judgment, seems warranted, and the Council's action shall be final. The City Council may require the parties to submit legal or factual briefs or oral arguments before the Council. In case of suspension, discharge or demotion, the employee shall be reinstated to his former status if satisfactory proof is made that the action was for political, religious or racial reasons.

RULE XVI. TRAINING OF EMPLOYEES

SECTION 1. Responsibility for Training: The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Officer and department heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 2. Credit for Training: Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer.

RULE XVII. ASSIGNMENT AND USE OF CITY PROPERTY

SECTION 1. Inventory and Identification of Property: The Purchasing Agent shall maintain a current inventory record of all personal and real property owned by the city, constituting a capital item. A capital item shall include property having any of the following characteristics: (1) its useful life under normal operations can be expected to be more than one year; (2) its original cost is \$50.00 or more; (3) bound technical or professional volumes with an original cost of \$25.00 or more; (4) certain items of less than \$50.00 cost which the Purchasing Agent shall designate as being subject to inventory because such items are particularly subject to pilferage or demand accountability to satisfy legal requirements. Whenever practicable, the Purchasing Agent shall affix an identification number upon each unit of inventoried property on the receipt thereof. The identification number shall be constantly maintained upon each unit of inventoried property.

SECTION 2. Assignment of Inventoried Property: The Purchasing Agent shall make assignments of inventoried property to departments requesting property and he shall keep a permanent, current record of each unit so assigned. Upon receipt of inventoried property the department head shall record and inventory each unit assigned to his department. The department head shall thereafter be required to properly maintain the property, report any changes or loss of the property or its identification number to the Purchasing Agent, and instruct and enforce the proper use of such equipment by the employees under his direction and control. As far as practicable, all property shall be kept and maintained within the physical confines of the department to which it has been assigned. No property shall be kept or maintained on real property not subject to control by the city, unless authorized by the City Administrator. Such authorization shall be oral regarding occasional use of motor vehicles and in writing regarding all other property.

SECTION 3. Inter-Departmental Transfers: Property may be transferred from one city department to another. Before making any such transfer a written record must be

prepared by the transferring department, describing the property, stating the name of the transferee, the place of use and the expected date of return. The record shall be signed by both the transferor and the transferee.

SECTION 4. Employees not to be Party to Purchase or Sale of Property: City property shall not be purchased by city employees nor shall the city purchase any property from city employees. Provided, however, that city employees shall be allowed to purchase from the city by open bid or public auction procedure, unless such purchase constitutes a conflict of interest.

SECTION 5. Use of City Property: All City property, including vehicles, shall only be used by City employees and for City business only. Individuals other than City employees shall not be transported in City vehicles except those individuals required to be transported in connection with City business.

SECTION 6. Modification of City Property: City property shall not be modified or altered in any manner that will decrease the effective use of the property. Each proposed modification or alteration shall be approved by the department head prior to making same.

RULE XVIII. AUTHORIZATION AND PROCEDURES FOR EXPENSE REIMBURSEMENT

SECTION 1. Purpose and Application: This rule sets forth uniform provisions for the authorization and reimbursement procedure for both travel and non-travel expenses, educational expenses and memberships in professional organizations. This rule shall apply to all City officers and employees, whether part-time, non-salaried, or otherwise, including members of the City Council, Planning Commission, and all other members of City boards and commissions.

SECTION 2. Authorization of Travel Expenses: All expenses incurred during a trip taken in the course and scope of City business whereby a City officer or employee remains away from the city on an overnight or longer basis shall be considered travel expenses. Travel expenses must be authorized in advance in the following manner:

- (a) Travel requests by all City officers and employees other than members of the City Council, the City Administrator, the City Attorney, the City Treasurer and the City Clerk, shall be approved by the department head and the City Administrator.
- (b) Completed travel request and expense report forms by the City Administrator, the City Attorney, the City Treasurer and the City Clerk shall be approved by the Mayor or another member of the City Council, as may be designated by the City Council.

- (c) Notwithstanding Sections 2a and b, all out-of-state travel requests shall be submitted to the City Council for its review and approval, provided, however, that in the event of urgent need for such travel or other circumstances in which time constraints are such that prior City Council approval is impractical, such request shall be submitted to the Mayor for approval. Reports on out-of-state travel requests approved by the Mayor shall be put on the next City Council agenda for their review.

After proper authorization, all reasonable and actual expenses will be paid by the City for the following items of expense:

- (a) Public Transportation: Each officer and employee shall make an effort to obtain the most economical transportation available consistent with necessary time schedules and reasonable comfort. For example, tourist class airline passage shall be purchased when feasible. Paid receipts for the cost of public transportation must be submitted prior to reimbursement.
- (b) Private Automobile Expenses: When travel is to be by automobile, an effort should be made to obtain a City vehicle for such purpose. In cases of the non-availability of a suitable City vehicle, a private automobile may be used, if approved by the City Administrator. When so approved, an allowance for expenses thereof shall be made to the employee at a rate of 20 cents per mile. If a suitable City vehicle is available, but the employee desires to use a private vehicle, with the approval of the City Administrator reimbursement will be made for actual gasoline expenses only or the use of a City gasoline credit card may be allowed. Payment in any case shall be based on the most direct route to and from the destination. The total allowances shall not exceed the cost of tourist class air passage plus the cost of transfers to and from the airport. Garage, parking, toll and other similar trip expenses shall be reimbursed upon the submittal of acceptable evidence of such expenditures.
- (c) Lodging: Paid receipts for the cost of lodging must be submitted to the City prior to reimbursement.
- (d) Meals and Gratuities: Receipts will not be required for reimbursement for the reasonable expense of meals and gratuities.
- (e) Telephone and Telegraph: Telephone and telegraph expenses shall be allowed for calls and messages made and received in the course and scope of City business. Paid receipts for the cost thereof must be submitted to the City prior to reimbursement.
- (f) Registration Fees: When travel is authorized for seminar or conference purposes, fees for registration and other similar expenses will be allowed. Receipts or other proof of registration must be submitted to the City prior to reimbursement.

- (g) Miscellaneous Expenses: All other reasonable and actual expenses incurred by a City officer or employee while on an authorized city business trip shall be reimbursed to the individual upon submission of a paid receipt therefore and approval thereof by the person who authorized the travel.

SECTION 3. Procedure for Travel Expense Payment: Each officer and employee shall obtain "Travel Request and Expense Report" form from the Finance Department. Prior to embarking on the trip the officer or employee shall prepare Part I of said form, in detail, and obtain the necessary approval in accordance with Section 2 of this Rule. Advance payment may be authorized for the estimated expense of the trip. Within seven (7) days of return to the City the officer or employee shall prepare Part II of the form, totaling all expenses, and obtaining approval of the person who authorized the travel. If the advanced payment exceeds the amount of authorized actual expenditures, the officer or employee shall reimburse the City for the difference. If the amount of authorized actual expenditures exceeds the amount of advanced payment the City shall reimburse the officer or employee for the difference.

SECTION 4. Authorized Non-Travel Expense: Any expense incurred by an officer or employee in the course and scope of city business, but not on an overnight trip basis is considered a non-travel expense. All reasonable and actual expenses shall be paid by the city for the following non-travel items of expense: seminars or conference registration and miscellaneous fees; telephone and telegraph expense; meals and gratuities; parking and other automobile expense. In cases of the non-availability of a city vehicle a private automobile may be used on prior approval by the City Administrator. When so approved, reimbursement for expense thereof shall be made to the employee at a rate of fifteen cents per mile. Whenever possible, paid receipts shall be obtained and submitted to the city prior to reimbursement for said expenses. Expenses for meals and gratuities shall not be paid for meetings within the city unless the primary purpose thereof is a discussion of city related business and such meeting has been approved in advanced by the City Administrator.

SECTION 5. Procedure for Non-Travel Expense: All employees below department head level must obtain department head authorization prior to incurring any non-travel expense. All Officers and employees must obtain City Administrator authorization prior to incurring any non-travel expense in excess of \$10.00 per event. All expenses incurred on behalf of members of city boards and commissions must be incurred by a department head acting in behalf of such commission or board. Reimbursement for non-travel expense shall only be made by the City Treasurer and only upon receipt of a fully detailed and signed "Petty Cash Receipt."

SECTION 6. Partial Reimbursement for Job-Related Educational Courses: There is hereby adopted a policy of partial reimbursement to employees for job related educational courses. The city shall reimburse employees 50% of the cost of tuition or registration fees for approved courses, which are directly related to the employee's present position or expected promotional position but which courses are not required by the city and are attended upon the employee's personal volition. All books, supplies and

travel expenses shall be paid by the employee and the approved courses shall be taken outside of regularly scheduled working hours of the employee. This program shall be administered by the City Administrator in accordance with practices and procedures established by the City Council.

SECTION 7. Reserved

SECTION 8. Reimbursement for Memberships in Professional Organizations:
The City will reimburse officers or employees for costs of memberships in professional, job-related organizations provided, however, that the following criteria must be met:

Membership in professional organizations that will result in a general benefit to the City or a specific benefit to a department or section. Excluded are memberships in service organizations such as Elks, Kiwanis, Lions, Moose and Rotary Clubs.

RULE XIX. REPORTS AND RECORDS

SECTION 1. Personnel File: The Personnel Officer shall maintain a personnel file for each employee in the service of the city showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

SECTION 2. Change-of-Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as he may prescribe.

SECTION 3. Destruction of Records: Personnel files and payroll records shall be kept and maintained indefinitely. All other records relating to personnel, including correspondence, examinations and reports may be destroyed after a period of one year from their inception.

EXHIBIT "A"

The document entitled "Position Classification Plan, City of Lompoc, California, May, 1983 and adopted by Lompoc City Council by Resolution No. 3210(83) is the official classification plan for the City of Lompoc. A copy of this document is on file in the office of the City Clerk. A copy is also available in the Personnel Office for public perusal during normal business hours.

EXHIBIT "B"

The compensation plan adopted by City Council Resolution No. 1992 and amended thereafter is the official pay plan for the City of Lompoc. A copy of the most recent amendment is on file with the office of the City Clerk and is also available for public perusal at the Personnel Office during normal business hours.