



Town of Yountville

"The Heart of the Napa Valley"

**PERSONNEL RULES
AND
POLICIES**

TABLE OF CONTENTS

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TABLE OF CONTENTS

SECTION 1 - INTRODUCTION AND GENERAL PROVISIONS	1
A. Purpose.....	1
B. Adoption and Amendment of Rules	1
C. Application of Rules and Policies	1
D. Administration	2
E. Delegation of Responsibility	2
F. Revisions and Distribution of the Rules.....	2
G. Compliance	2
H. Right to Contract for Services	3
I. Severability.....	3
SECTION 2 - DEFINITIONS	3
SECTION 3 - WORKING CONDITIONS	7
A. Hours of Work	7
B. Hours of Work – Department Heads / Mid-Management Groups.....	8
C. Work Week and Work Hours	8
D. Attendance	8
E. Meal Periods	8
F. Rest Breaks.....	8
G. Lactation Accommodation	8
H. Solicitation and Distribution	9
I. Care of Tools and Equipment	9
SECTION 4 - RECRUITMENT, SELECTION, AND APPOINTMENT	9
A. Employment Policy.....	9
B. Equal Employment	9
C. Employment At-Will	10
D. Recruitment Process	10
1. Authorization to Recruit	10
2. Manner of Filling Vacancies	10
3. Announcement	10
4. Posting of Announcements.....	11

TABLE OF CONTENTS

5.	Qualification of Applicants	11
6.	Applications	11
7.	Submitting Applications	12
8.	Disqualification	12
9.	Competitive Examinations	12
10.	Offer of Employment.....	12
11.	Appointing Authority	13
12.	Medical or Psychological Examination	13
13.	Employment Oath.....	14
14.	Legal Authority to Work	14
15.	Public Employees as Disaster Service Workers	14
16.	Volunteers	14
SECTION 5 - ADMINISTRATION OF PAY PLAN		15
A.	Salary Schedule	15
B.	Temporary Employees and Special Salaries	16
C.	Hourly Rates	16
D.	Overtime.....	16
1.	General Policy	16
2.	Overtime Compensation.....	16
3.	Department Head	16
4.	Overtime in Multiple Positions	16
E.	Compensation for Holidays	16
F.	Anniversary Dates	17
G.	Anniversary Date upon Transfer.....	17
H.	Salary upon Appointment	17
I.	Salary upon Reclassification	17
J.	Salary Upon Promotion	18
K.	Salary Upon Demotion	18
L.	Salary Upon Transfer	18
M.	Salary Upon Reinstatement	18
N.	Salary Upon Reemployment	18
O.	Step Increases	18
P.	Qualifications for Step Increase	19

TABLE OF CONTENTS

Q.	Bilingual Pay	19
R.	Out-of-Class Pay	19
S.	Pay Periods.....	19
T.	Reporting Time Worked/Time sheets	19
U.	Issuance of Pay Checks/Direct Deposit	20
SECTION 6 - TERMS OF EMPLOYMENT.....		20
A.	Probationary Period	20
B.	Probationary Period - Promotional Positions.....	21
C.	Transfer	21
D.	Promotion.....	21
E.	Demotion.....	21
F.	Reinstatement	22
G.	Classification Plan.....	22
1.	Class Specifications	22
2.	Reclassifications.....	22
3.	Request for Classification Review	22
4.	Interpretation of Class Specification	23
H.	Employee Evaluations.....	24
I.	Personnel Files	24
J.	Internship Program.....	25
SECTION 7 - HOLIDAYS, VACATION LEAVE, SICK LEAVE, AND LEAVES OF ABSENCE		25
A.	Holidays	25
1.	Eligibility	26
B.	Vacation	26
1.	Vacation Accrual.....	26
C.	Sick Leave.....	27
1.	Sick Leave Accrual for Eligible Full-time and Part-time Employees.....	27
2.	Sick Leave Accrual for Temporary Employees	27
3.	Use of Sick Leave Hours	27

TABLE OF CONTENTS

4.	Family Member Defined	28
5.	Sick Leave Notice	28
6.	Sick Leave Verification of Illness	28
7.	Sick Leave Coordinated with Workers' Compensation Benefits	29
8.	Sick Leave Upon Separation from Employment	29
D.	Leaves of Absence	29
1.	Administrative Leave	30
2.	Bereavement Leave	30
3.	Jury Duty and Court Appearances	30
4.	School Activity and Required School Attendance Leave	31
5.	Military Leave	32
6.	Time Off for Volunteer Firefighters, Reserve Peace Officer or Emergency Rescue Personnel	32
7.	Time Off for Voting	32
8.	Workers' Compensation Leave	33
9.	Leave for Victims of Violent Crimes or Domestic Violence	33
10.	Other Authorized Leaves	33
11.	Unpaid Leave of Absence	33
12.	Pregnancy Disability Leave (PDL)	34
13.	California Parental Leave Policy	36
14.	Family Medical Leave	38
	SECTION 8 - SAFETY	46
A.	Safety	46
1.	General Statement	46
2.	Employee Responsibilities	47
3.	Incident Reporting	47
B.	Workplace Violence Prevention Policy	47
1.	Definitions	47
2.	Prohibited Behavior	48
3.	Procedures for Responding to Acts of Workplace Violence	49
4.	Investigation	49
5.	Corrective Action and Discipline	50
6.	Protective and Restraining Orders	50
7.	Searches	50
8.	Responsibilities	50
9.	Record Keeping	51

TABLE OF CONTENTS

SECTION 9 - COMPLAINT PROCEDURE	52
A. Complaint Procedure	52
1. Purpose	52
2. Procedure	52
SECTION 10 - GRIEVANCE PROCEDURE	53
A. Definition	53
B. Who May File a Grievance	53
C. Grievance Procedure:	53
D. General Conditions of Grievances	54
SECTION 11 - DISCIPLINARY ACTIONS	55
A. Town Expectation	55
B. Types of Disciplinary Actions	55
C. Grounds for Discipline	56
D. Disciplinary Procedures	56
1. Written Notice of Proposed Disciplinary Action	56
2. Pre-Disciplinary Meeting	56
3. Notice of Discipline	57
E. Right of Appeal	57
SECTION 12 - SEPARATION FROM SERVICE	57
A. Discharge	57
B. Resignation	57
C. Use of Accrued Leaves	58
D. Failure to Report to Work (Job Abandonment)	58
E. Medical Separations	58
1. Policy Statement	58
2. Right to Use Accrued Leaves	58
3. Rehire of Employee Retired or Separated for Disability	59
F. Layoff and Re-employment	59
1. Authorization	59
2. Order of Layoff	59
3. Return to Former Class	60

TABLE OF CONTENTS

4.	Seniority Defined	60
5.	Order of Re-employment	60
6.	Notice of Re-employment	60
SECTION 13 - POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS		60
A.	Employee Ethical Standards	60
1.	General Policy	60
2.	Employee Expectations	60
3.	Gifts on Behalf of the Town	61
4.	Use of Public Property	62
5.	Political Activities	62
6.	Interpretation	62
7.	Investigation	62
B.	Outside Employment	62
1.	Incompatible Outside Employment Prohibited	62
2.	Reporting Outside Employment	63
SECTION 14 - DRESS CODE AND WORK STATION APPEARANCE		64
A.	Dress Code	64
B.	Employee Hygiene	64
C.	Tattoos and Jewelry	65
D.	Public Areas and Workstations	65
E.	Policy Violations	65
SECTION 15 - CONFIDENTIALITY POLICY		65
A.	Policy	65
B.	Protecting Information	65
C.	Confidential Information	66
D.	Penalties for Disclosing Confidential Information	66
SECTION 16 - ANTI-NEPOTISM POLICY		66
A.	General Policy	66
B.	Definitions	66
C.	Employees Who Are Spouses and Registered Domestic Partners	67
D.	Employees Who Are Immediate Family Members	67

TABLE OF CONTENTS

E.	Policy Exceptions	68
F.	Appeals	68
G.	Immediate Family Members of Elected Officials	68
SECTION 17 - PERSONNEL FILES/MEDICAL INFORMATION		68
A.	Personnel File Access	68
B.	File Copies	68
C.	Disputed Information	69
D.	Confidentiality of Medical Information Act	69
E.	Medical Information Definition	69
F.	Authorized Use.....	69
G.	Utilization of Medical Information	69
H.	Protecting Employees Medical Information	70
I.	Release of Employee Medical Information	70
SECTION 18 - WORKPLACE ACCOMMODATIONS		70
A.	Accommodation of Disabilities	70
B.	Accommodation of Religious Beliefs and Practices	70
SECTION 19 - DRUG FREE WORKPLACE POLICY		71
A.	Purpose.....	71
B.	Policy	71
C.	Rights.....	72
SECTION 20 - PROHIBITION AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION		72
A.	Policy Statement	72
B.	Rule Coverage	72
C.	Definitions	73
D.	Retaliation	74
E.	Reporting and Investigation Procedures	74
F.	Dissemination of Policy	75

TABLE OF CONTENTS

SECTION 21 - USE OF TOWN CREDIT CARDS	75
A. Usage.....	75
B. Business Travel.....	75
C. Misplaced or Lost Cards	76
D. Misuse of Town Credit Cards	76
SECTION 22 - TRAVEL AND TRAVEL REIMBURSEMENT	76
SECTION 23 - USE OF VEHICLES	76
A. Condition and Maintenance of Town Vehicles	76
B. Use of Town-Owned Vehicles.....	77
C. Use of Personal Vehicles	77
D. Automobile Use.....	77
E. Vehicle Accidents	78
F. Department of Motor Vehicles Pull Notice Program	79
G. Compliance with Laws and Regulations.....	79
H. Duty in Case of Accident	79
SECTION 24 - ELECTRONIC MEDIA POLICY.....	79
A. Purpose.....	79
B. Policy	80
C. Town's Right to Access Information.....	80
D. Radio Waves.....	81
E. Voice Mail.....	81
F. Email	81
G. Internet/World Wide Web Access	81
H. Computers, Computer Software, Laptops, Tablets and Computer Files	82
I. Confidential Information	82
J. Response to Public Records Requests.....	82
K. Virus Scanning	83
L. Prohibited Uses of the Town's Electronic Media.....	83
M. Violations of Policy	84

TABLE OF CONTENTS

SECTION 25 - Anti-Fraternization Policy	84
A. Purpose.....	84
B. Policy Statement	84
C. Reporting Requirements	84
D. Town Response.....	84
E. Appeal.....	85

SECTION 1 - INTRODUCTION AND GENERAL PROVISIONS

A. Purpose

The purpose of the Personnel Rules and Policies (“Rules and Policies”) is to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent work force 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.

B. Adoption and Amendment of Rules

The Rules and Policies shall be adopted by a resolution of the Town Council. Amendments and revisions may be proposed from time to time by any member of the Town Council, Town Manager, or the Town Attorney.

C. Application of Rules and Policies

These Rules and Policies shall apply to all officers and employees in the service of the Town except the following unless otherwise noted:

- Members of the Town Council.
- Members of appointive boards, commissions and committees.
- Persons engaged under contract to supply expert, professional, or technical or any other services.
- Volunteer personnel.
- Town Manager.
- Town Attorney.
- Department Heads and other management positions employed at-will with an employment agreement, except where expressly provided.
- Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake, etc., which threatens life or property.
- Employees, other than those listed elsewhere in this section, who are not regularly employed in regular full-time or regular part-time positions.
- Temporary or seasonal employees, whether part-time or full-time.
- Any position primarily funded under a State or Federal employment program.

- Any new position hereafter created by the Town Council, unless declared by the Town Council to be in the competitive service at the time of creation or thereafter;
 - Employees not included in the competitive service under this section shall serve at the will of the Town Manager and may not utilize Section 9 (Complaint Procedure), Section 10 (Grievance Procedure) or Section 11 (Disciplinary Actions) of these Rules and Policies.
 - The portions of the Rules and Policies relating to Leaves and Leaves of Absence, Policies Governing Employment and Working Conditions, Travel and Travel Reimbursement and Use of Vehicles shall apply to the incumbents of full-time positions allocated by the Town Council, not otherwise covered by these Rules and Policies.

D. Administration

The Town Manager is responsible for implementing, administering, and ensuring compliance with the provisions of these Rules and Policies. In the event any provision of these Rules and Policies needs clarification, the Town Manager may issue administrative instructions clarifying the intent of said provisions as adopted by the Town Council. The Town Manager may develop and issue procedures, consistent with these Rules and Policies, to facilitate the implementation.

If there is any conflict between these Rules and Policies and any department rules and policies, these Rules and Policies shall take precedence. If there is any conflict between these Rules and Policies and any Memorandum of Understanding between the Town and the Employee Association, the provisions contained in the Memorandum of Understanding shall take precedence.

E. Delegation of Responsibility

The Town Manager may, at his or her discretion, delegate the responsibilities assigned in these Rules and Policies, as he or she may deem appropriate and necessary.

F. Revisions and Distribution of the Rules

Each current employee will receive a copy of these Rules and Policies. New employees will be given a copy of these Rules and Policies at the time of employment. Each employee is responsible for reading and complying with them.

G. Compliance

All employees must comply in carrying out the provisions of these Rules and Policies, and comply with other such management memoranda that the Town Manager may from time to time issue.

H. Right to Contract for Services

The Town Manager shall consider and make recommendations to the Town Council regarding the extent to which the Town should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The Town Council may contract with any qualified person or public or private agency for the performance of all or any Town service.

I. Severability

If any section, subsection, sentence, clause, phrase or portion of these Rules and Policies is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Rules and Policies.

SECTION 2 - DEFINITIONS

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

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

Anniversary Date: The month and day of an employee's appointment upon which service time is computed for purposes of step advancement and accrual of vacation and sick leave benefits.

Appointing Authority: Shall be Town Manager or designee.

Appointment: The employment of a person by the Town in a position. The types of appointments are detailed in these rules.

At-Will Employees: Employees who serve under the Town Manager with individual employment agreements are not entitled to the right of appeal in the event of termination or other disciplinary action.

Class or Classification: A position or group of positions sufficiently similar with regard to duties, authority and responsibilities to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion, and salary.

Class Specification: A written description of a class which identify factors and conditions that are essential characteristics of the class including the minimum qualifications for performing work in the class as well as typical duties, responsibilities, and tasks.

Compensation: The salary, wage, allowance and all other forms of valuable consideration earned by or paid to an employee by reason of his or her service in a position, including cash in lieu benefits, but does not include any reimbursement for any expenses incurred in the course of employment.

Competitive Service: All regular and probationary full-time and regular and probationary part-time employees and positions which are covered by these Rules and Policies as specified in Section 1.C of these Rules. At-will, temporary, and seasonal employees are not included in the Competitive Service.

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

Contract Employee: An employee whose employment is designated by contractual agreement for specific services and duration of time, and who is exempt from the Competitive Service.

Day: Means calendar day unless otherwise stated.

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

Disciplinary Action: Disciplinary action may include a written reprimand, suspension, demotion, reduction in pay, or discharge of an employee for punitive reasons and not for any non-punitive reasons.

Dismissal: The involuntary termination of an employee.

Domestic Partnership or Registered Domestic Partnership: Domestic partner or registered domestic partner is as defined in California Family Code section 297.

Elected Officials: The elected Town Council Members.

Employee: A person legally occupying a position in Town service.

Town Manager: The Town Manager of the Town of Yountville with duties and responsibilities as specified in Municipal Code Section 2.08.

Employment Status:

- **Temporary/seasonal employee:** A part-time or full-time employee whose position is funded on a seasonal or other special time period basis. A temporary employee is paid on an hourly basis and is not entitled to paid vacation, holidays, or benefits established for regular employees, unless required under applicable law.
- **Exempt employee:** Employees whose duties allow them to be designated as not being eligible for overtime pay in accordance with the Fair Labor Standards Act.
- **Full-time employee:** An employee who works a schedule in accordance with State and Federal law, which is at least forty (40) hours of work within a period of seven (7) consecutive days.

- **Independent Contractor:** is a non-employee of the Town of Yountville and scope of duties are governed by a separate written contract.
- **Intern:** A full-time or part-time student enrolled in a high-school, college-level degree program, or graduate-level degree program and may work up to nine hundred sixty (960) paid hours part-time or seasonally per year.
- **Management Employee:** Employees other than contract employees, who hold managerial positions in Town service and are appointed by and serve at the pleasure of the Town Manager. These are FLSA exempt positions.
- **Non-exempt employee:** Employees whose duties allow them to be designated as eligible for overtime pay in accordance with the Fair Labor Standards Act (FLSA).
- **Part-time employee:** An employee who works a schedule in accordance with State and Federal law, which is twenty (20) hours a week or more, but less than forty (40) hours of work within a period of seven (7) consecutive days. Part-time employees are normally appointed on a temporary basis.
- **Probationary employee:** A new or promoted employee who has been appointed to a regular full-time or regular part time position, (specifically excluding non-regular part-time, temporary, and seasonal employees) and who is serving the probationary period provided for in these Rules and Policies.
- **Regular employee:** An employee who has completed probation and is assigned to a position that has been established on a regular, year-round basis.
- **Regular part-time employee:** An employee who has completed probation and is assigned to a position which has been established on a regular, year-round basis and is regularly assigned to work twenty (20) hours a week or more, but less than forty (40) hours of work within a period of seven (7) consecutive days.
- **Volunteer:** An individual who has agreed to provide a service to the Town with full knowledge that monetary compensation will not be provided. Such individuals must be approved for voluntary appointment by the Town Manager.

Examination: The process of recruitment for employment, including the testing, selection, and evaluation processes used to measure the relative fitness of persons applying for a position with the Town.

- **Open-Competitive Examination:** A recruitment for a particular class which is open to all persons meeting the qualifications for the class.
- **Promotional Examination:** A recruitment for a particular class which is open only to existing regular employees meeting the qualifications for the class.

- **Continuous Examination:** An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.

Group - Department Head: Consists of the Town Manager, Planning Director, Finance Director, Parks & Recreation Director, and Public Works Director. These positions are FLSA exempt, and under individual employment agreements.

Group - Mid-Management Group: Consists of Associate Planner, Community Facilities Supervisor/Manager, Management Analyst, Public Works Manager, Recreation Supervisor/Manager, Town Clerk I/II, and Utility Operations Manager. These are FLSA exempt positions structured as professional, technical and supervisorial positions.

Lay-Off: The indefinite termination of employees without fault on the part of employees from the active work force due to lack of work or funds, or to the abolition of positions by the Town Council for the above reasons or due to organizational changes.

Leave of Absence: Authorized absence, with or without pay, by an employee from work.

Position: A group of current duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of one person.

Probationary Period: The length of continuous service for which a full-time or part-time employee must serve in order to attain the status of regular employee in a regular position. At-will employees do not serve a probationary period.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay. Movement within a class series is not considered a promotion.

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 no instance shall a provisional appointment exceed six (6) months.

Overtime: Work accomplished within a period of seven (7) consecutive days which exceeds forty (40) hours within the period. All Overtime, regardless of employee position, class or status must receive prior approval from the employee's manager.

Overtime Rate: A compensation rate paid of one and one-half (1-1/2) times the employee's regular rate of pay for all hours worked in excess of eight hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek.

Reclassification: The reassignment of a position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level as measured by change in the kind, difficulty, and responsibility of the work performed. Movement within a class series is considered to be a reclassification.

Reemployment: The reappointment, without examination, of a former employee who had permanent status and who resigned in good standing to the last class the employee previously held.

Reinstatement: The restoration without examination of a former regular employee to a classification in which the employee formerly served.

Relief of Duty: The temporary assignment of an employee to a status of leave with pay.

Salary Range: The minimum, maximum, and intermediate salary steps that are assigned to a class and the positions within a class.

Seniority: The total consecutive length of service of an employee with the Town in regular status adjusted for any periods during which the employee was on unpaid status as provided by these rules.

Supervisor: An employee in a position that has responsibility for organizing, directing, and evaluating the work of subordinate employees.

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

Termination: The separation of an employee from the Town service because of retirement, resignation, death, or dismissal.

Town: The Town of Yountville.

Town Service: Means all positions and departments and agencies of the Town that are subject to control and regulation by the Town Council of the Town of Yountville.

Transfer: Either (1) the movement of an employee from one position to another position in the same class, but to another department; or (2) the movement of an employee from one position to a position in another class with the same salary range and with the same minimum qualifications.

Vacancy: An authorized position that is not occupied.

SECTION 3 - WORKING CONDITIONS

A. Hours of Work

Eight (8) hours per day and forty (40) hours per week constitute the normal workweek for all regular full-time 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 (5) consecutive days, followed by two (2) 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. Overtime eligible employees, however, are not permitted to log in

and begin work more than five (5) minutes before their assigned shift and they are not permitted to log out more than five (5) minutes after their assigned shift.

B. Hours of Work – Department Heads / Mid-Management Groups

Department Heads and Mid-Management employees 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, as these positions are FLSA exempt.

C. Work Week and Work Hours

The workweek for the Town begins at 12:01 a.m. on Saturday and ends seven (7) days later at midnight on the following Saturday. The usual working hours for Town employees shall be 8:00 a.m. to 5:00 p.m.

D. Attendance

Unless modified by the Town Manager, employees shall be in attendance at their work in accordance with the rules regarding work hours, holidays, and leaves. Daily attendance records (i.e. time sheets) of employees shall be maintained which shall be reported to the Town Manager or designee in the form and on the dates he or she shall specify. Failure on the part of an employee who is absent without leave to return to work within twenty-four (24) hours, shall be cause for immediate dismissal.

E. Meal Periods

Employees who work six (6) or more hours in a day, are scheduled an unpaid thirty (30) to sixty (60) minute meal period, customarily taken in the middle of the workday, during which they are free to eat a meal or complete personal errands. Unless directed otherwise, employees are not paid for this time and are free to leave the work place.

F. Rest Breaks

For each four (4) hours of work, conditions permitting, employees are provided a fifteen (15) 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 Town as a part of the workday. 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 the rest break may be deferred to another time. Employees may not add rest break time to lunch hour or leave work early.

G. Lactation Accommodation

The Town shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child. The break time, if possible, must run concurrently with rest breaks and meal periods already provided to the

employee. If the break time cannot run concurrently with rest breaks and meal periods already provided to the employee, the break time will be unpaid.

The Town shall make a reasonable effort to provide the employee with the use of a room or other location (other than a toilet stall) in close proximity to the employee's work area so that the employee may express milk in private.

H. Solicitation and Distribution

Solicitation of any kind by one employee of another employee is prohibited while either person is on working time. Solicitation by non-employees on Town premises is prohibited at all times.

No employee may, without specific approval of the Town Manager, distribute or make available on Town property or while on duty advertising material, handbills, or printed or written literature of any kind not furnished by the Town for that purpose. Distribution of literature by non-employees on Town property is prohibited at all times.

I. Care of Tools and Equipment

Each employee which has care or custody of Town-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, Town-owned property or equipment shall immediately report it to the Town Manager.

SECTION 4 - RECRUITMENT, SELECTION, AND APPOINTMENT

A. Employment Policy

Any technique or procedure used in recruitment and selection of employees within the Town service shall be on the basis of merit and job-related qualifications for the position. No recruitment or selection technique shall be used which, in the opinion of the Town Manager, is not justifiably linked to successful job performance. The Town shall require all employees to complete and submit applications, agreements, or statements pertinent to their employment as determined by the Town Manager. In accordance with applicable state, federal and local laws, the Town does not discriminate against any protected class.

B. Equal Employment

The Town of Yountville is an equal opportunity employer. The Town prohibits discrimination against employees or applicants for employment on the basis of race, religion, color, sex, religious creed, national origin, ancestry, gender, gender identity, gender expression, sexual orientation, marital status, age, physical or mental disability, medical condition, pregnancy, military service and veteran status, pregnancy, childbirth and related medical conditions, genetic information, or any other basis protected by applicable state, federal or local law. The Town will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment,

including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure in Section 20.

C. Employment At-Will

Employees who serve under the Town Manager with individual employment agreements are not entitled to the right of appeal in the event of termination or other disciplinary action. At-will employees are free to leave their employment with the Town at any time, with or without a reason and with or without notice. The Town also has the right to end at-will employment at any time, with or without a reason and with or without notice. Although the Town may choose to end employment for a cause, cause is not required. Further, the Town has the right to manage its at-will work force and direct its employees. This includes the right to hire, transfer, promote, demote, reclassify, lay off, terminate, or change any term or condition of employment at any time, with or without a reason and with or without notice, unless otherwise required by law.

D. Recruitment Process

1. Authorization to Recruit

Authorization to fill a vacancy shall be by the inclusion of the position in the most recently approved Town Budget or by other action of the Town Council in creating a position. The Town 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.

2. Manner of Filling Vacancies

Vacancies may be filled either by an open recruitment or by a promotional recruitment. In an open recruitment, members of the public and current Town employees may apply. In a promotional recruitment, only current Town employees may apply. The Town Manager shall determine whether recruitment shall be open or promotional. However, in accordance with Section 12.F, if there is a layoff re-employment eligibility list, individuals on that list shall have preference over new hires or employees eligible for promotion.

3. Announcement

The Town shall publish announcements when recruiting to fill vacant positions that state the following:

- a. Position title;
- b. Salary of classification;
- c. Typical duties to be performed;
- d. Desired qualifications;
- e. Method of obtaining application forms;
- f. When (final filing date) and where to file applications;
- g. Testing process; and/or
- h. Any other pertinent information.

Employment standards stated in the announcement shall be those established for the class as outlined in the class specification.

4. Posting of Announcements

An announcement of an open recruitment shall be published by posting notices at Town Hall on the official bulletin board, by classified advertising in at least one newspaper of general circulation in the Town, and through other appropriate methods as determined by the Town Manager. An announcement of a promotional recruitment shall be published by posting notices at Town Hall on the official bulletin board and through other appropriate methods as determined by the Town Manager.

5. Qualification of Applicants

No person shall be employed in or appointed to any position requiring full-time or part-time service where the position is included in the classification plan and a class specification exists establishing desired qualifications unless said person possesses in full, by the final filing date, the desired qualifications or education and experience prescribed for that class except as provided by these Rules and Policies.

In the event an applicant entering Town employment is found to possess qualifications extraordinary for the position the applicant is being hired for, the Town Manager may authorize the employment of such applicant at any step within the appropriate pay range. For the purposes of this section, "extraordinary" means the applicant has education, experience, and/or skills superior to that commonly required and expected for the class.

6. Applications

Applications shall be made as prescribed on the announcement of the vacancy. Applications forms shall require information covering training, experience and other pertinent information. All applications must be filled out, submitted, and signed by the person applying.

7. Submitting Applications

Applications submitted in person must be received by the Town not later than 5:00p.m. on the final filing date. Applications mailed or delivered by other commercial service must bear a postmark or receipt by the commercial delivery service not later than the final filing date and must be received not more than seventy-two (72) hours after the final filing date and time.

8. Disqualification

The Town Manager may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants may be rejected if the application indicates facts that show that the applicant has been discharged from employment for reasons which indicate unfitness for performing the duties and responsibilities of the class or position; has directly or indirectly obtained information regarding examinations to which the applicant was not entitled or has otherwise defrauded the examination process; has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment; does not satisfactorily complete any element of the selection process; is unable to perform the essential functions of the class or position, with or without reasonable accommodation if disabled; or for any material cause which in the judgment of the Town Manager or designee would render the applicant unsuitable for the position, including but not limited to a prior rejections of two (2) job offers from the Town; prior resignation from the Town, termination from the Town, or prior disciplinary action. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

9. Competitive Examinations

The method of application, evaluation, and pre-employment examination shall be determined by the Town Manager. Selection techniques may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests.

10. Offer of Employment

Offers of employment shall be extended to selected candidates by the Town Manager, unless the responsibility has been specifically delegated. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly, or monthly basis. In no event shall an employment offer be made in terms of annual salary that may imply a yearly contract. All employment offers are subject to all employment contingencies that may include, but are not limited to satisfactory medical exam, psychological exam, and fingerprint checks.

11. Appointing Authority

Appointment to full-time regular, part-time regular and management positions shall be made by the Town Manager.

12. Medical or Psychological Examination

- a. Medical examination results are confidential by nature and are for the purpose of determining an employee's ability to perform the essential duties of the job. All records or findings of medical or psychological evaluations should be maintained in a secure file, separate from other personnel documents.
- b. A medical examination may be required prior to the final appointment of all new full-time employees and regular part-time employees to determine whether the employee can carry out the essential duties of the position or to establish any accommodations necessary for the employee due to a disability. Psychological examinations may be required of employees hired for certain classifications.
- c. At the option of the Town Manager, a health examination may be required prior to any reclassification or promotion in the Town service where the physical or mental requirements of the new position are more demanding than that held previously by the employee.
- d. The Town Manager may require special examinations of any Town Employee who is returning from a medical leave of absence or has used significant amounts of sick leave to assure that the employee is physically or mentally capable of performing the essential duties of the position.
- e. Any appointment or offer of employment is considered to be conditional, 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 or mentally unable to perform the essential duties of the position. If the individual has a disability as that term is defined under applicable law, but is able to perform the essential functions

of the position, the Town shall make reasonable accommodation as required under applicable law.

- f. Any examination required by the provisions of this section will be at the expense of the Town and the report thereof shall be exclusively the property of the Town.
- g. An employee disqualified on the basis of a medical report shall have the right to seek an independent medical evaluation for consideration before a final decision is made.

13. Employment Oath

All employees of the Town shall complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the constitution of the State of California. The Oath shall be administered by the Town Clerk or designee individual and a signed copy shall be included in the employee's personnel file.

14. Legal Authority to Work

Each applicant must attest to his or her legal authority to work and identify such on an I-9 Form provided by the Federal government. This verification must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual is hired. All offers of employment are conditional on furnishing satisfactory evidence of identity and legal authority to work in the United States.

15. Public Employees as Disaster Service Workers

Government Code Section 3100 et seq. declares public employees as disaster service workers and requires employees to report to work (and if not possible, then to the next closest public employer) following the effects of natural, manmade, or war-caused emergencies. The Town shall establish and maintain a method, or methods, of informing employees of their disaster service worker status. Employees who fail, without good cause, to honor their obligations as disaster service workers shall be subject to disciplinary action up to and including dismissal from employment.

16. Volunteers

The Town Council has determined that the use of volunteers to assist Town employees would be a valuable asset to the Town and to the community at large. Volunteers can provide valuable public services to the community and Town while simultaneously gaining valuable work experience. The use of volunteer assistance shall not be used to replace existing services delivered by Town employees but is designed to augment and assist existing Town employees under the direction and supervision of Town staff.

For purposes of this Volunteer Program, "volunteer" shall mean an individual who, under the direction and supervision of a Town employee performs hours of service in a Town

department for civic, charitable, health, humanitarian, recreational, public safety or general welfare reasons, without promise, expectation or receipt of compensation for services rendered, except for reimbursement of expenses. Volunteers shall not receive any form of compensation or any form of benefits. Individuals shall be considered volunteers only when their services are offered freely and without pressure of coercion, direct or implied, from the Town. Volunteers shall be covered by the Town's workers' compensation and liability program only upon execution of a "Volunteer Acknowledgement Form".

If a department head is desirous of utilizing an individual as a volunteer in his or her department, said department head shall submit a request to the Town Manager, explaining the type of work said volunteer will be doing and who will be supervising said volunteer's activities. The Town Manager shall verify that the volunteer has the requisite skills to perform whatever tasks he or she will be required to perform. Any individual desiring to provide services to the Town as a volunteer shall sign a Town Volunteer Acknowledgement Form.

If deemed appropriate by the Town Manager after consulting with the affected department, a background investigation and/or criminal background investigation may be conducted in accordance with adopted Town rules, policies, and procedures and as acknowledged on the Volunteer Acknowledgement Form.

Volunteers shall be provided with an orientation concerning applicable Town policies. It shall be the responsibility of the Town to orient all volunteers about, but not limited to, American with Disabilities Act, Policy Against Harassment, Discrimination, and Retaliation, Injury and Illness Prevention Program, and Electronic Media Policy. Designated volunteers shall be listed on a volunteer roster for a maximum of six (6) months, at which time the list must be renewed or it shall expire. The Town reserves the right to terminate the volunteer service of any individual volunteer if such services are not needed, the specific volunteer is not performing the services satisfactory, or for any other reason.

SECTION 5 - ADMINISTRATION OF PAY PLAN

A. Salary Schedule

Salaries paid and any special compensation shall be in accordance with these Rules and Policies and the most recent applicable Salary Resolution adopted by the Town Council and any amendments thereto. Such Resolutions are available from the Town Clerk. No position shall be assigned a salary or receive benefit contributions beyond what is defined in the Resolution or any adopted amendments. No person may be paid less than the minimum, nor more than the maximum of the salary range established for the class in which employed. No change in the salary range of a class may be made without Town Council approval. Advancement within a salary range is based on performance and requires the approval of the Town Manager. Advancement through the steps of a salary range are not automatic.

B. Temporary Employees and Special Salaries

Salaries for Temporary Employees and special salaries and incentive payments shall be in accordance with a Salary Resolution adopted by the Council or as set forth in the State or Municipal 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 (8) hours.

D. Overtime

1. General Policy

It is the policy of the Town that overtime is to be discouraged and used only in cases of emergency. Except for an emergency a Supervisor or Department Head shall not obligate the Town to compensate for overtime without specific advance authorization.

2. Overtime Compensation

Work in excess of forty (40) hours per week 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. Working Overtime without advance approval is a violation of these Rules and Policies and grounds for discipline, up to and including termination. Employees are expected to report all hours worked in a work-reporting period.

3. Department Head

Mid-Management employee: A Department Head/Mid-Management is considered to be compensated for a "complete job" by his or her regular salary, and so shall not be compensated for extra hours worked through overtime pay.

4. Overtime in Multiple Positions

In the event an employee is assigned to more than one position, all hours worked for the Town will accumulate towards the forty (40) hour workweek. Any hours worked over forty (40) hours in a work week will qualify for overtime pay. The rate of overtime will be calculated as required by law. In order for an employee to receive overtime compensation, advance authorization must be received prior to additional hours being worked.

E. Compensation for Holidays

All employees, whether employed full-time or part-time, shall receive holiday pay. Part-time employees shall receive holiday pay pro-rated according to the number of hours they are scheduled to work during a week.

F. Anniversary Dates

For the purpose of salary administration and performance evaluations, each employee shall have an anniversary date that shall be determined as herein provided.

- For a new employee, anniversary date shall be the date the employee was employed in a regular position and every subsequent year from that date.
- For an employee who is promoted, the first Anniversary Date shall occur the first day of the pay period closest to one (1) year from the first day on which the employee was promoted.
- For an employee who is demoted, the Anniversary Date shall be the first day of the pay period closest to one (1) year from the first day on which the demotion is effective.

G. Anniversary Date Upon Transfer

Anniversary Dates of employees who are transferred to a job classification designated by the same salary range or whose job class is reclassified from one salary range to another shall not be changed.

H. Salary Upon Appointment

Upon initial appointment with the Town, a new regular employee shall be placed in the first step of the salary range. However, if it is not practical or possible to hire qualified personnel at the first step, appointment at a higher step within the range may be authorized by the Town Manager.

I. Salary Upon Reclassification

When an employee's position is reclassified, the employee's salary shall be determined as follows:

If the position is reclassified to a class with a higher salary range than the previous class, the employee's salary shall be determined in the same manner as if the employee had been promoted.

If the salary of the employee is the same or less than the maximum of the salary range of the new class, the salary of the employee shall not change; provided, however, that the employee shall not receive less than the minimum salary established for the class to which reclassified.

If the salary of the employee is greater than the maximum of the range of the new class, the salary of the employee shall be designated as a "Y-Rate" and shall not change during continuous Town service until the maximum of the salary range to which the class is assigned exceeds the "Y-Rate" salary of the employee.

J. Salary Upon Promotion

Upon promotion, an employee shall be placed in the first step of the range for the new class. If placement in the first salary step provides for a salary increase that is less than five percent (5%), the employee shall be placed in a salary step in the range for the new class that provides for at least a five percent (5%) increase, except that under no circumstance shall the employee receive a salary that is greater than the maximum salary established for the class to which promoted.

K. Salary Upon Demotion

Whenever an employee is demoted, whether such demotion is voluntary or otherwise, the employee's salary shall be adjusted to be within the salary range for the class to which the employee is demoted. The salary of an employee who is demoted shall be reduced as recommended by the Supervisor or Department Head and approved by the Town Manager. An employee who is demoted to a position that he or she previously held shall not be placed at a step that is lower than the step held by the employee before the promotion.

L. Salary Upon Transfer

In the case of a transfer of an employee from one position to another in the same salary range, the employee shall continue in the same salary step. In the case of a transfer of an employee from one position to another in a class with a lower salary range, the employee may be placed in any step in the range where the employee does not receive a pay increase.

M. Salary Upon Reinstatement

An employee reinstated shall be placed at no lower than the same salary step he or she held at the time of separation from Town service.

N. Salary Upon Reemployment

An employee reemployed shall be placed at no lower than the same salary step he or she held at the time of separation from Town service.

O. Step Increases

Step increases are based on merit. An employee must perform the duties of the position in a manner satisfactory to the Supervisor or Department Head and approved by the Town Manager to receive the following step increase:

6 months @ Step A to become eligible for Step B

12 months @ Step B to become eligible for Step C

12 months @ Step C to become eligible for Step D

12 months @ Step D to become eligible for Step E

Merit increases are typically five percent (5%) within the limits of the appropriate salary range. Merit increases shall be made on each Anniversary Date. No increase shall be made without the written recommendation by the Supervisor or Department Head. Part-time seasonal employees may be eligible for step increases based on merit at least annually.

P. Qualifications for Step Increase

- An 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.
- In unusual cases, upon recommendation of the Supervisor or Department Head, where special ability or aptitude is demonstrated, the Town Manager may approve advancement of an employee to a higher step before completion of the normal qualifying period.

Q. Bilingual Pay

Bilingual pay for fluency in both English and Spanish will be paid to employees assigned who are normally available for translation for Town business. Such pay will be five percent (5%) of the employee's base salary. Bilingual pay shall be awarded when it is determined that there is a benefit to the Town and recommended by a Supervisor or Department Head and approved by Town Manager. Employee must successfully pass bilingual oral and written testing.

R. Out-of-Class Pay

When, because of absence, an employee performs substantially all the functions (full-time) of a higher classification, the employee will receive an increase of no less than five percent (5%) 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.

S. Pay Periods

The official pay periods occur on a bi-weekly basis with paychecks being available no later than the second working day following the pay period. When a payday falls on a Town-recognized holiday, payment will be made the prior day.

T. Reporting Time Worked/Time sheets

All employees are required to submit accurate and complete time sheets. Time sheets are due as directed by the Town Manager or designee. Each employee shall sign his or her time sheet verifying the hours worked. It is the responsibility of the employee to make

certain his or her time sheet has been filled out accurately and completely before submitting. The employee's Supervisor shall verify and approve each employee's accumulated hours of work prior to submitting to the payroll division for payment. Records of hours worked, personal time, sick leave, and holiday accumulated and used, shall be kept by the payroll division.

Employees are responsible for reporting on a time sheet all hours worked and leave taken during the pay period. The employee is responsible for securing the signature of his immediate Supervisor on the time sheet, indicating approval of the hours submitted. The employee is also responsible for seeing that all required documentation for approved leave or overtime worked is attached to the time sheet. In the event employees are unable to accurately report all time, due to the need to submit the time sheet prior to the end of the pay period, they shall be responsible for bringing that fact to the attention of their Supervisor or Department Head as soon as practicable, so the payroll records can be adjusted accordingly.

U. Issuance of Pay Checks/Direct Deposit

Paychecks will be distributed no later than the second working day following the pay period by the Supervisors or Department Head or by direct deposit. When a payday falls on a Town-recognized holiday, payment will be made the prior day. In the process of distributing paychecks, Supervisors and Department Heads and other personnel necessarily involved in the process will take due care to preserve the confidentiality rights of employees. Employees are encouraged to utilize direct deposit of their pay checks.

SECTION 6 - TERMS OF EMPLOYMENT

A. Probationary Period

Each new full-time or regular part-time employee filling a regularly allocated position shall be a probationary employee until the successful completion of a six (6)-month probationary period. The purpose of the probationary period is to give the employee the opportunity to demonstrate that he or she is qualified, able, and willing to meet the standards of the Town and the position for which they are hired. If, at any time prior to the successful completion of the probationary period, the Town Manager determines that it is in the best interest of the Town to terminate the employment of the probationary employee, it will be in his or her discretion to do so. An employee terminated from probation shall not have any right of appeal under these Rules or Policies or any right to grieve their termination under the relevant Memorandum of Understanding, if any. The Town Manager has the discretion of extending the probationary period for an additional six (6) months, if the Town Manager feels it is in the best interest of the Town to do so.

Department Heads, temporary, seasonal, specially funded and part-time employees (in non-regular positions) and contract employees, are not subject to a probationary period since these employees are at-will and are subject to termination at any time for any reason, with or without notice, by the Town Manager or Town Council as applicable.

B. Probationary Period - Promotional Positions

In the case of a promotion of an employee, the six (6) months following the promotion will be a "promotional probationary period" during which time the employee may be returned to his or her former classification, unless disciplinary charges are filed and the employee is terminated from employment with the Town. The employee may also be allowed to return to his or her former classification upon the written request of the employee. Upon the employee's return all rights and benefits will be restored to the employee as if the promotion had not occurred.

C. Transfer

Upon recommendation by the Supervisor or Department Head and approval of the Town Manager, or upon the employee's request and approval of the Town Manager, an employee may be transferred at any time from one position to another position in a comparable class. The Town Manager may also initiate a transfer when it is determined to be in the best interests of the Town. Transfers may be voluntary or involuntary. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications. No person shall be transferred to a position for which he or she does not possess the minimum qualifications.

If the transfer involves a change from one department to another, both Department Heads and Supervisors must consent unless the Town Manager orders the transfer in the best interests of the Town. A transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these Rules or Policies.

Whenever possible, an employee being transferred from one position to another position in the same class or a comparable class will receive five (5) business days' notice. If an employee disputes an involuntary transfer, the employee may, within two (2) days of receiving notice of his or her pending transfer, file a written appeal with the Town Manager or designee setting the forth the reasons for the appeal. Any appeal filed must be based upon the alleged violation of the requirements for transfer or the procedure followed.

The decision as to whether or not to transfer an employee shall be at the sole discretion of the appointing authority and is not subject to any grievance or appeal procedure.

D. Promotion

When in the best interests of the Town, the Town Manager may designate a vacant position as a "Promotional" position and open only to current regular Town employees.

E. Demotion

The Town Manager may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. Also upon request of the employee, and with the consent of the Town Manager, demotion may be made to a vacant position.

No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee, and a copy filed with the Town Manager. Disciplinary demotion shall be taken in accordance with Section 11.

F. Reinstatement

With the approval of the Town Manager, a regular employee or a newly-promoted probationary employee who has completed probationary service in another classification and who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class, without being required to undergo an additional qualifying examination. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, leaves, or other benefits, with the exception of legally mandated paid leave.

G. Classification Plan

The sum of the Class Specifications/Job Descriptions shall be the classification plan for the Town of Yountville. This plan shall be used as a basis for the organization of operations for the Town. The purpose of the classification plan is to provide a complete inventory of all classes, to provide accurate class specifications, and to ensure that each position is allocated to the appropriate class.

1. Class Specifications

The duties, responsibilities, and qualifications of positions within the Town service shall be determined by the Town Manager and approved by the Town Council. Job descriptions shall be periodically reviewed and updated to accurately reflect the duties assigned to the positions. Job descriptions shall be kept on file by the Town Manager, with a copy of his or her current job description being provided to each employee.

2. Reclassifications

Positions, the assigned duties of which have been materially changed by the Town so as to necessitate reclassification, whether new or already created, shall be allocated by the Town Manager to a more appropriate class, except that if the reclassification requires the expenditure of funds which exceeds the amount authorized by the Town Council, the reclassification shall not take place until additional funding is approved by the Council. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

3. Request for Classification Review

An employee may request that the Town Manager review his or her assigned class if the duties and responsibilities have materially changed from those listed in the job description. Employees shall not have a right to request such a review within twenty four

(24) months of the last time the position was studied. The Town Manager shall respond in writing within thirty (30) days of the request.

4. Interpretation of Class Specification

The following principles shall be applied when interpreting specifications for the various classes of positions:

- The specifications are descriptive only and are not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities, and qualification requirements. Use of a particular expression or illustration shall not be held to exclude others not mentioned if such others are similar in kind or quality.
- In determining the class to which any position should be allocated, the specification shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the minimum qualifications, and the relationships to other classes in order to obtain an inclusive picture of the kinds of positions that the class is intended to include.
- The duties statement shall be construed as a general description of a kind of work usually performed by the incumbent of a position that is properly allocated to the class, and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any position.
- The typical tasks shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual task performed by the incumbent of a position does not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. On the other hand, any one example of a typical task without relation to the general statement of duties and all other parts of the specifications shall not be construed as determining whether a position should be allocated to the class.
- The statement of minimum qualifications constitutes a part of the description of the kind of employment included within the class, and expresses the minimum and any additional desirable qualifications expected of an appointee. Such personal character qualifications as honesty, sobriety, and industry are deemed to be included in the statement of minimum qualifications and need not be specifically mentioned.

H. Employee Evaluations

Each employee shall be evaluated according to a system approved by the Town Manager. Employees on probation will be evaluated at least once during their probationary period. However, a probationary employee may be released at any time with or without a formal evaluation having been given. Employees will be evaluated on an annual basis or more often if needed.

An employee who receives a less than meets minimum requirements rating on any performance evaluation: (1) may be rated at a more frequent interval as deemed appropriate by his or her Supervisor; (2) may not be eligible to participate in any promotional examinations until at least an overall meets minimum requirements rating has been established; and (3) may not be eligible for any salary step advancement until an overall rating of at least meets minimum requirements has been established.

Each employee's evaluation shall be reviewed with the employee, 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 Town Manager, employee evaluations, including material submitted by the employee, will be placed in the employee's personnel file.

An employee does not have the right to appeal or grieve any matter relating to a performance evaluation. Instead, the employee may comment on the evaluation in a written statement, which will be placed with the written evaluation in the employee's personnel file. Written statements in response to a written evaluation must be submitted within fourteen (14) days of when the evaluation is provided to the employee in order to be included with the evaluation in the employee's personnel file.

I. Personnel Files

- **Records Custodian:** The Town Manager or designee is responsible for the maintenance of employee personnel files.
- **Contents:** A personnel jacket is maintained for each employee in Town service. All documents relating to each employee are filed therein. These include, but are not limited to, application and appointment papers, work history with the Town of Yountville, employee evaluations, safety and training records, background information records, pay and leave records, and disciplinary records.
- **Security:** Personnel records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization of the Town Manager or designee, the employee, an employee's representative who has written authorization by the employee to view the file, and the Town Attorney to the extent necessary and reasonable to exercise his or her duties.

Employees may review their own personnel file with supervision at times arranged with the Town Manager or designee.

Employees may respond in writing to the contents of their personnel file. Such responses become a permanent part of their file. In accordance with the provisions of this rule and state law, all documents in the possession of the Town about an employee may not be available to the employee for his or her review. Unless otherwise required by law, the only information from the employee's personnel file which may be publicly released is: Employees' name; positions held including job descriptions; and dates pertaining to the employee's employment.

J. Internship Program

The Internship Program was created to enable the Town to recruit, train, and develop an intern's skills in order to prepare him or her for professional, entry-level employment. This program does not guarantee the intern any future employment with Town, but rather it attempts to assist in an intern's career development to become an experienced, knowledgeable, and qualified individual capable of competing in the professional job market. When there is a Town vacancy, the qualified intern would be afforded the same full and equal consideration for employment as any other applicant under consideration.

SECTION 7 - HOLIDAYS, VACATION LEAVE, SICK LEAVE, AND LEAVES OF ABSENCE

A. Holidays

Town offices shall be closed and non-emergency employees shall observe the following holidays:

Holiday	Day Observed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday.

Each full-time regular employee shall be granted three (3) floating holidays (twenty four (24) hours) each year on July 1 that may be taken at any time mutually agreeable to the employee and the employee's immediate Supervisor prior to June 30. Unused holidays may not be carried forward to the following year but will be cashed out on June 30 each year and will be included in the next regularly scheduled pay period. During employment holiday pay is cashed out at the employee's current FLSA regular rate of pay. This payout does not include incentive pay such and longevity or bilingual pay amounts. Regular part-time employees appointed for less than forty (40) hours, but more than twenty (20) hours, will receive 1 ½ floating holidays (twelve (12) hours) to be used in the same manner as full-time employees.

1. **Eligibility**

An employee must work or be in a paid status previously approved by the employee's Department Head the entire work day immediately before and the first entire work day immediately after a holiday in order to receive compensation for the holiday.

B. Vacation

The Town provides annual vacation leave which accrues monthly. The Town Manager may accelerate or increase vacation accrual rates or may provide a starting balance of vacation leave as part of an employment offer. Earned vacation leave may be taken as it accrues. An employee may take vacation that has not yet been accrued only with prior approval from the Town Manager. Scheduling of vacations must be made with consideration for the unit's workload, and approved vacation leave may be denied to meet the Town's unexpected operational needs.

1. **Vacation Accrual**

- **Full-time employees:** Each full-time employee in the competitive service shall be entitled to vacation leave at the rate of hours noted in the applicable Memorandum of Understanding or employment agreement, as the case may be. Eligible part-time employee in the Competitive Service shall be entitled to vacation leave at a pro-rated rate of leave depending on hours worked for each full calendar month of service with the Town. Temporary and seasonal employees do not accrue vacation leave.
- **Maximum Vacation Accrual:** Employees may accrue vacation leave up to the maximum amount of three hundred sixty (360) hours. This amount may be waived by the Town Manager on a case-by-case basis due to workload, staffing constraints, or unusual vacation plans if requested in advance in writing. Once the maximum accrued leave has been reached, the employee ceases to accrue any additional vacation leave until such time as employee has used enough vacation leave to drop below the not to exceed maximum levels.

- **Accrual Amounts:** Each employee's leave accrual amounts are listed on their paycheck stub. Employees are responsible for tracking their accrual limits and ensuring that any time off that is taken is approved.
- **Vacation Pay on Separation from Service:** Employees who separate from service shall be cashed out of their accrued and unused vacation at the employee's current FLSA regular rate of pay at the time of separation from service. This payout does not include incentive pay such and longevity or bilingual pay amounts.

C. Sick Leave

Except as provided under the terms of an employment agreement, Memorandum of Understanding, or any other action providing for employee sick leave benefits, employees will accrue paid sick leave as provided in this rule and in excess of the Healthy Workplace, Healthy Families Act of 2014. All employees who earn sick leave, regardless of whether such leave accrued under this rule or under some other document approved by the Town Council, are expected to abide by the usage and notice provisions described in this rule. Regular full-time and regular part-time employees as described in these Rules and Policies are eligible to accrue sick leave.

1. Sick Leave Accrual for Eligible Full-time and Part-time Employees

Sick leave is accrued at eight (8) hours per month for eligible full-time employees. Eligible part-time employee in the Competitive Service shall be entitled to sick leave at a pro-rated rate of leave depending on hours worked for each full calendar month of service with the Town. Unused sick leave for eligible full-time and part-time employees may be accrued without limit. Sick leave for eligible full-time and part-time employees is accrued at the rate set forth above from the employee's date of hire.

2. Sick Leave Accrual for Temporary Employees

Temporary employees employed in the State of California for thirty (30) or more days are eligible to accrue paid sick leave. Accrual begins on the first day of employment. Once an employee reaches ninety (90) days of employment, the employee may begin to use accrued sick leave, if any. Sick leave will accumulate at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum of six (6) days or forty eight (48) accrued hours of sick leave. Nonexempt employees, however, are limited to using three (3) days or twenty-four (24) hours in any calendar year; salaried, exempt employees may use up to five (5) days (forty (40) hours) in any one year. Accrued paid sick leave carries over from year to year, but is subject to the cap of six (6) days or forty eight (48) accrued hours. Once an employee reaches the accrual cap, he or she will not accrue further paid sick leave until some paid sick time is used.

3. Use of Sick Leave Hours

Use of sick leave hours shall not be considered as a right and shall be allowed only in case of necessity. Sick leave may be used for the following reasons:

- The employee's own illness, injury or medical condition;
- Visits to a medical doctor, chiropractor, acupuncturist, dentist, optometrist, optician, psychiatrist or psychologist, medical or clinical laboratory on order of a doctor, or other licensed medical provider for the employee or the employees' family member;
- To attend to the illness of the employee's family member; or
- To seek medical treatment, counseling, social services or relief when the employee is a victim of domestic violence, sexual assault or stalking.

4. Family Member Defined

For purposes of this policy, a member means any of the following:

- The employee's spouse or registered domestic partner;
- The employee's child, including a biological, adopted, or foster child, step child, legal ward, or a child to whom the employee stands in loco parentis;
- A biological, adoptive, or foster parent, stepparent or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- The employee's grandparents;
- The employee's grandchildren; and
- The employee's siblings.

5. Sick Leave Notice

To qualify for sick leave, an employee must notify his or her Supervisor or the Town Manager prior to the time set for beginning daily duties, in accordance with procedures established by the Town Manager. An employee is to request prior authorization for any absence due to attendance at any medical appointment. For the purpose of this section, "request prior authorization" shall mean that the employee has notified the Town Manager as soon as reasonably practicable.

6. Sick Leave Verification of Illness

An employee may be required to provide a health care provider's statement verifying the employee's absence from work in the following instances:

- When an employee returns to work after three (3) days of absence on sick leave; or

- In the case of frequent use of sick leave; or
- When a pattern of sick leave use has been identified; or
- When the employee's Supervisor, Department Head, or Town Manager or designee has reason to believe that sick leave is being abused.

In addition, the Town Manager may also direct an employee to attend a physical examination by a Town retained licensed physician, at the Town's expense, to ascertain whether the employee is fit to perform the duties of his or her position.

7. Sick Leave Coordinated with Workers' Compensation Benefits

An employee who is collecting workers' compensation temporary disability benefits as a result of a Town on-the-job illness or injury shall automatically use sick leave, if any, in addition to the provided workers' compensation benefits so that the employee receives his or her full salary. If the employee does not have sufficient sick leave available, then other available paid leaves shall be used.

8. Sick Leave Upon Separation from Employment

An employee shall not receive payment for unused accumulated sick leave upon separation of employment or retirement (either disability or service retirement). Employees who are rehired by the Town within one (1) year from the date of separation will have any previously unused and accrued sick leave hours reinstated. A reinstated employee will be entitled to use those previously accrued and unused sick leave hours subject to the use and accrual limitations under applicable law. With a concurrent retirement from the Town and CalPERS, any accrued but unused sick leave may be utilized for service credit for retirement purposes as allowed by Public Employment Retirement Law.

D. Leaves of Absence

The Town provides a variety of leaves of absence for eligible employees. If you have questions about any leave type, please contact the Human Resources Department.

An employee who has been on a leave of absence due to injury or illness is expected to report to work upon being medically released to return to duty. This includes reporting when the employee has been released for modified duty. If an employee is released to return to modified duty, the Town will determine if there is any modified duty available. If an employee is offered modified duty and he or she declines the offered work, the employee may be permitted to use accrued vacation leave. The employee will not be permitted to use sick leave or administrative leave.

Failure of an employee to return to work upon the end of any authorized or approved leave of absence will be deemed job abandonment under these Rules and Policies.

1. Administrative Leave

Administrative leave is granted in recognition of the extra hours worked by exempt employees, but it is not an hour-for-hour match. Only exempt management and mid-management employees are granted such leave as they are expected to periodically work additional hours without a resultant equal time off. Each year on July 1st, Administrative Leave time is credited for management and mid-management level positions. Employees appointed to mid-management and department head level positions after the beginning of the fiscal year, will have such administrative leave pro-rated based on appointment date. Unused Administrative Leave time may not be carried forward to the following year but will be cashed out on June 30 each year and will be included in the next regularly scheduled pay period. During employment administrative leave time is cashed out at the employee's current FLSA regular rate of pay.

2. Bereavement Leave

All regular employees shall be allowed a leave of absence on full pay, not to exceed three (3) working days or (5) working days if the death is one hundred fifty (150) or more miles away from the Town limits, when such absence is due to the death in the immediate family. The immediate family member is the employee's spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, parent-in-law, son- or daughter-in law, legal guardian, or custodial child, the same relatives of a domestic partner, or any relative living in the immediate household of the employee. Such leave shall not be charged against accumulated sick leave or vacation.

3. Jury Duty and Court Appearances

An employee who is summoned to serve on a jury must notify his or her Supervisor as soon as possible after receiving notice of both possible and actual jury service. A full-time employee, when reporting to jury duty as specified by summons, will be entitled to the difference between jury duty pay and the regular daily rate of pay for each day of jury service. While on jury duty, any payment except travel pay, meals and lodging received by the employee as a juror shall be remitted to the Town. Days of jury duty and all fees paid shall be verified by the court official responsible for issuing checks in payment of jury service. Other employees will receive an unpaid leave of absence. Time spent on jury duty is not work time for purposes of calculating overtime compensation.

a. Subpoenas

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of performing his or her official Town job duties will be permitted to appear in response to the subpoena without loss of compensation. The time spent appearing in court in response to such a subpoena will be considered work time. Any payment except travel pay, meals, and lodging received by the employee for such service shall be remitted to the Town.

b. Exception for Employee-Initiated or Non-Town Related Matters

An employee who is a named party in an action unrelated to the Town and its activities, who is a named party in an action against the Town, or who is serving as a paid expert witness is not eligible to receive compensation for time spent related to those proceedings. In such cases, an employee may request to receive time off without pay, or may use accrued and unused paid time off (except sick leave) for time spent related to those proceedings. The time spent in these proceedings is not considered work time.

4. School Activity and Required School Attendance Leave

Employees who are parents, stepparents, foster parents, guardians, or grandparents of children from kindergarten to grade 12, or whose children attend a licensed child care provider, are provided unpaid time off to find, enroll or reenroll a child in a school or with a licensed child care provider or to participate in school or child care activities, so long as the employee provides reasonable advance notice of the absence. The total time off for such purposes cannot exceed eight (8) hours in any calendar month or forty (40) hours in any school year.

Employees must provide reasonable advance notice to their Supervisor of any leave requested under this policy. Employees requesting time off under this provision must first use accrued and unused paid time off (except sick leave) for school visits before unpaid time off will be granted. Employees may be required to provide documentation from the child's school which indicated that the employee participated in a school activity on the day of absence.

If both parents are employed by the Town, the parent who first gives notice to their Supervisor will be covered by the above provisions. The other parent may take time off only if he obtains the approval of their Supervisor.

Time off is also provided to address a child care provider or school emergency, if the employee gives notice of the need for time off. "Child care provider or school emergency" means that an employee's child cannot remain in a school or with a child care provider due to one of the following: (1) the school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider; (2) behavioral or discipline problems; (3) closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or (4) a natural disaster, including but not limited to, fire, earthquake, or flood.

If an employee is a parent, guardian, or grandparent with custody of a child who has been suspended from school and/or the employee receives notice from the child's school requesting that he or she appear pursuant to a request made under section 48900.1 of the Education Code, the employee may take unpaid time to appear at the school. An employee is permitted to use accrued and unused paid time off (except sick leave) when taking time off under the provisions of this rule; otherwise, such time shall be without pay.

The employee must, prior to the planned absence, give reasonable notice to his or her Supervisor that the employee has been requested to appear at the child's school. Employees may be required to provide their Supervisor with documentation that the employee is required to appear at the school on a specific date and at a specific time.

5. Military Leave

Authorized leaves of absence for military duty shall be granted in accordance with the provisions of state and federal law, including Section 395 of the California Military and Veterans Code and the Uniformed Services Employment Reemployment Rights Act. An employee entitled to military leave shall give the Town Manager or designee an opportunity within the limits of the military regulations to determine when such leave shall be taken. Any individual who has been employed by the Town for at least one (1) year and who is on an approved military leave will receive his or her regular salary or regular pay for the first thirty (30) calendar days of such leave in a fiscal year.

6. Time Off for Volunteer Firefighters, Reserve Peace Officer or Emergency Rescue Personnel

An employee who is volunteer firefighter, reserve peace officer, or "emergency rescue personnel" for an entity other than the Town shall be permitted to take temporary leaves of absence, up to a total of fourteen (14) days per calendar year, to engage in fire or law enforcement training.

"Emergency rescue personnel" means any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, State of California, a Town, county, Town and county, district, or other public or municipal corporation or political subdivision of California, or of a sheriff's department, police department, or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services.

An employee is permitted to use accrued and unused paid time off (except sick leave) when taking time off under the provisions of this rule; otherwise, such time off shall be without pay.

Except in cases of emergency, employees must provide notice to their Supervisor prior to utilizing leave under this policy.

7. Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in a statewide election, he or she may, without loss of pay, take off sufficient working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from working, unless otherwise mutually agreed. An employee will be allowed a maximum of two (2) hours of voting leave on election day without loss of pay. If time off for voting is required, the

employee must notify the employee's Supervisor of the need for leave at least two (2) working days prior to the election day.

8. Workers' Compensation Leave

Employees injured in the performance of their duties shall be eligible for all rights, privileges and compensations provided for under the Town's workers' compensation plan.

9. Leave for Victims of Violent Crimes or Domestic Violence

An employee who has been the victim of a violent crime or domestic violence may take time off to:

- Appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding;
- Seek medical or psychological assistance; or
- Participate in safety planning to protect against further assaults.

An affected employee must give the Town reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the Town with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid, except that an employee may be permitted to use accrued and unused paid time off and/or sick leave consistent with Town policy.

10. Other Authorized Leaves

The Town Manager may authorize employees to take leave with or without pay for job or employment-related training, education, conferences, or meetings.

11. Unpaid Leave of Absence

Before taking any unpaid leaves, employees must use all discretionary (vacation, , and floating. Upon expiration of an approved unpaid leave, the employee may, but is not guaranteed, reinstatement in the position held at the time leave was granted. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from the Town

a. Unpaid Leave

The Town provides unpaid time off at the sole discretion of the Town Manager. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from the Town. Employees may be granted

leaves of absence without pay for up to three (3) months upon written approval of the Town Manager unless otherwise required by applicable law including leave as a reasonable accommodation.

b. Failure to Return from Unpaid Leave

Upon expiration of an approved unpaid leave, the employee shall be reinstated in the position held at the time leave was granted. Failure of an employee on leave to report to work promptly at the leave's expiration without request and approval for an extension of said leave in writing shall constitute voluntary resignation by the employee unless required by applicable law. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known address or an e-mail to the employee's last known personal e-mail address, shall be reasonable notice of Town's acceptance of the employee's resignation.

c. Benefits While on Authorized Unpaid Leave

Taking unpaid leave may impact certain benefits and employee seniority. Leave hours are accrued only on hours in a paid status. Employees do not accrue vacation, sick, or any other paid time off, and seniority dates and performance evaluation dates may be adjusted. Retirement system service credit does not accrue during any unpaid absence. Any health insurances must be paid by the employee while on an unpaid leave of absence except for those leaves as provided for by law or are FMLA-qualifying.

d. Return from Authorized Unpaid Leave

An employee returning from an unpaid leave may be required to provide medical documentation indicating the employee's fitness to return. If an employee requests to return to work prior to the scheduled end of his or her leave, the employee must first request approval from the Town Manager at least three (3) days prior to the date of returning to work. The Town Manager may request substantiating evidence (e.g., medical examination or doctor's written release).

12. Pregnancy Disability Leave (PDL)

a. General

A female employee who is disabled due to pregnancy, childbirth, or related medical condition is eligible to take pregnancy disability leave (PDL). There is no length of Town service requirement before an employee disabled by pregnancy is entitled to PDL. PDL is for any period(s) of actual disability caused by the employee's pregnancy, childbirth, or related medical condition – per pregnancy. Time off needed for prenatal or postnatal care; doctor ordered bed rest; gestational diabetes; pregnancy induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

If affected by pregnancy or a related medical condition, an employee is also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous

duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to other reasonable accommodations where doing so is medically necessary. If it is medically advisable for the employee to take intermittent leave or a reduced leave schedule, the Town may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

b. Duration of Leave

An employee is entitled to up to four (4) months of PDL while the employee is disabled by pregnancy, childbirth, or related medical condition. For purposes of this policy, “four (4) months” means time off for the number of days the employee would normally work within the four (4) calendar months (one-third of a year, or 17-1/3 weeks or 122 days), following the commencement date of taking a pregnancy disability leave. For a full-time employee who works five (5) eight-hour days per week, forty (40) hours per week, “four (4) months” means eighty-eight (88) working and/or paid eight-hour days (693 hours of leave entitlement). Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

c. Requirements Regarding the Use of Paid Leave

PDL is unpaid time off. The Town requires that employees use any accrued sick leave while using PDL. If an employee does not have any accrued sick leave available, the employee may, at her option, use any other available accrued and unused paid time off leave. The use of any paid leave will not extend the duration of the employee’s PDL. The Town encourages employees to contact the California Employment Development Department regarding eligibility for State Disability Insurance for the unpaid portion of their leave.

d. Continuation of Health Insurance Benefits

Employees who participate in the Town’s group health insurance plan shall continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with the Town Manager for payment of their share of the insurance premiums.

e. Notification Requirements

To receive reasonable accommodation, obtain a transfer, or take PDL, an employee must provide sufficient notice so that the Town can make appropriate plans – thirty (30) days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

f. Certification by Health Care Provider

An employee is required to obtain a certification from her health care provider of her need for PDL or the medical advisability of an accommodation or a transfer.

A medical certification indicating the medical advisability of reasonable accommodation or a transfer is sufficient if it contains:

- A description of the requested reasonable accommodation or transfer;
- A statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and
- The date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.
- A medical certification indicating disability necessitating a leave is sufficient if it contains:
- A statement that employee needs to take pregnancy disability leave because the employee became disabled by pregnancy, childbirth, or a related medical condition;
- The date on which the employee became disabled because of pregnancy; and
- The estimated duration of the leave.

Upon request, the Town Manager will provide employees with a medical certification form that they can take to their doctor.

As a condition of an employee's return from PDL, the Town requires the employee to obtain a release to return to work from her health care provider stating she is able to resume her original job duties.

g. Return to Work

If an employee does not return to work on the originally scheduled return date or request, in advance, an extension of the agreed upon leave with appropriate medical documentation, the employee may be deemed to have voluntarily terminated her employment with the Town. Failure to notify the Town of her inability to return to work when it occurs, or her continued absence from work because the leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of employment with the Town, unless the employee is entitled to a disability accommodation. Upon the employee's return from PDL, the employee will be reinstated to her same position in most instances.

13. California Parental Leave Policy

a. General

Eligible employees may be entitled to take leave to bond with a newborn child or to bond with a child that is newly placed in the employee's home for adoption or foster care

placement. To be eligible to take this leave must: (1) have been employed by the Town for at least twelve (12) months (which need not be consecutive); (2) have worked for at least 1250 hours during the twelve (12) month period immediately preceding the commencement of the leave; and (3) at a worksite where twenty (20) or more employees are located within seventy five (75) miles of the worksite.

b. Duration of Leave

An eligible employee may take up to twelve (12) weeks of leave, except that when both parents of a child work for the Town, they may take a combined total of twelve (12) weeks of leave between them. Parental leave is available within the first year following the birth of the employee's child or in the first year following the placement of the child in the employee's home for adoption or foster care. Leave can be taken in a continuous block of time or on an intermittent basis. An employee requesting leave must use leave in a minimum increment of two (2) weeks, except that on two (2) occasions, the employee will be allowed to take leave in an increment of less than two (2) weeks. Generally, employees requesting leave under this policy must provide at least thirty (30) days' notice of any request to use leave.

c. Requirements Regarding the Use of Paid Leave

Leave under this policy is unpaid. Employees on leave will be required to use any accrued and available paid leave hours during any unpaid parental leave. Employees on leave may be eligible for wage replacement benefits from the California Paid Family Leave Program. Employees will not be required to use paid leave hours during any leave period when the employee is receiving wage replacement benefits from the Paid Family Leave Program. Please see the Paid Family Leave policy for more information on wage replacement benefits.

d. Continuation of Health Insurance Benefits

While on leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued work. If the employee is using paid leave hours during the parental leave, the Company will deduct employees' shares of the health plan premium as a regular payroll deduction. If the employee has exhausted paid leave hours or is not using those hours because the employee is receiving Paid Family Leave wage replacement benefits, the employee must pay the employee portion of the premium by submitting payment to the Human Resources Department in the form of a check made out to the Town.

The Town's obligation to maintain health care coverage ceases if an employee's premium payment is more than thirty (30) days late. If an employee's payment is more than fifteen (15) days late, the Town will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

e. Return to Work

At the end of any parental leave, employees generally have a right to return to the same or equivalent positions they held before the parental leave. Use of parental leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's leave.

If an employee gives the Town unequivocal notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned and the Town's obligation to maintain health benefits (subject to COBRA requirements) and to restore the employee's positions will cease. If an employee does not return to work for at least thirty (30) calendar days after the end of the leave period, the employee may be required to reimburse the Town for the cost of the premiums the Company paid for maintaining coverage during the parental leave.

Parental leave under this policy is only available to those employees who are not eligible for leave under the Family Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA). Employees eligible for FMLA/CFRA leaves will receive leave for bonding reasons in accordance with the Town's FMLA/CFRA leave policy. If you have questions regarding this policy, please contact Human Resources.

14. Family Medical Leave

a. General

Under the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), the Town employees are not eligible for FMLA or CFRA leave benefits as the Town does not employ fifty (50) or more employees. Unless and until the Town employs fifty (50) or more employees, employees are not legally entitled to FMLA or CFRA leave benefits. However, it is generally the Town's practice to follow the FMLA and CFRA laws as a public agency. As such, this policy is intended as a guideline only to provide employees with information concerning leave under the FMLA and CFRA. Employees with additional questions regarding FMLA/CFRA leave, should contact the Town Manager.

b. Employee Eligibility

The FMLA and CFRA provide eligible employees with a right to leave, health insurance benefits, and with some limited exceptions, job restoration. To be an "eligible employee", you must meet both of the following criteria:

Have worked for the Town for at least twelve (12) months (which need not have been consecutive).

Have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately preceding the commencement of the leave.

c. Employee Entitlements for FMLA/CFRA Leave

i. Basic FMLA/CFRA Leave Entitlement

The FMLA/CFRA provides eligible employees up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for certain family and medical reasons. The twelve (12) month period is determined based on a rolling twelve (12) month period measured backward from the date an employee first uses any FMLA/CFRA leave. In some instances, leave may be counted under the FMLA but not CFRA, or under the CFRA but not the FMLA. Leave may be taken for one, or for a combination, of the following reasons:

- Disability due to pregnancy, childbirth, or related medical condition (counts only toward FMLA leave and California Pregnancy Disability leave (“PDL”) leave entitlements);
- Bonding and/or caring for a newborn child (counts toward FMLA and CFRA leave entitlements);
- For placement with the employee of a child for adoption or foster care and to care for a newly placed child (counts towards FMLA and CFRA leave entitlements);
- To care for the employee’s spouse, registered domestic partner, child or parent (but not in-law) with a serious health condition (counts toward FMLA and CFRA leave entitlements; except that time to care for an employee’s registered domestic partner does not count towards FMLA leave, only CFRA leave);
- For the employee’s own serious health condition (excluding pregnancy) that makes the employee unable to perform one or more of the essential functions of the employee’s job (counts toward FMLA and CFRA leave entitlements); and/or
- Because of any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty status) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or in the Regular Armed Forces for deployment to a foreign country (counts towards FMLA leave entitlement only).

Under the FMLA, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves a period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a medical care facility, hospice, or residential health care facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Under the CFRA, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity; or continuing treatment by a health care provider, including but not limited to treatment for substance abuse. The CFRA defines “inpatient care” broadly and includes a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with inpatient care, or any period of incapacity. A person will be considered an “inpatient” when he or she is formally admitted to a health care facility with the expectation that he or she will remain at least overnight and occupy a bed, even if the person is ultimately discharged or transferred to another facility and does not actually remain overnight. The CFRA defines “incapacity” as the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

Under the FMLA and CFRA, subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

A leave of absence in connection with a workers’ compensation injury or illness or for which an employee receives disability or State of California Paid Family Leave benefits shall run concurrently with FMLA/CFRA leave.

ii. Additional Military FMLA/CFRA Leave Entitlement

In addition to the basic FMLA/CFRA leave entitlement described above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up twenty-six (26) weeks of leave during a twelve (12) month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed twenty six (26) weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered servicemember also includes a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes

FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”

The FMLA definition of a serious illness or injury for a covered servicemember or covered veteran is distinct from the definition of “serious health condition” applicable to leave to care for a family member or the employee’s own illness or injury.

d. Intermittent Leave and Reduced Leave Schedules

FMLA/CFRA leave usually will be taken for a period of consecutive days, weeks, or months. However, employees are also entitled to take FMLA/CFRA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Intermittent leave can also be taken for any qualifying exigency. Intermittent or reduced work schedule leave may be taken for absences where the employee or covered family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider.

Employees are also eligible for intermittent leave for bonding with a child following birth or placement. Intermittent leave for bonding purposes generally must be taken in minimum two-week increments, but the Town permits two (2) occasions where the leave may be for less than two (2) weeks.

e. Maintenance of Benefits

During FMLA/CFRA leave, eligible employees are entitled to receive group health plan, dental insurance, life and employee assistance program benefits (collectively group health plan coverage) on the same basis as if he or she had continued to work for the Town for up to twelve (12) weeks. Employees on FMLA military leave also are entitled to receive group health plan coverage for the duration of those FMLA leaves. To receive uninterrupted coverage, the employee will have to continue to pay his or her share of group health plan coverage premiums, if any.

If an employee substitutes paid accrued leave as provided in this policy, the Town will deduct the employee’s shares of group health plan coverage premiums as a regular payroll deduction. If the employee does not have accrued paid leaves to substitute for FMLA/CFRA leave and the time is unpaid, the employee must pay the employee portion of premiums either in person or by mail to the Finance Department by the first (1st) day of each month. The Town’s obligation to maintain group health plan coverage ceases if an employee’s premium payment is more than thirty (30) days late. If an employee’s payment is more than fifteen (15) days late, the Town will send a letter notifying the employee that coverage will be dropped on a specified date unless the employee’s share of premium is received before that date.

If employees do not return to work for at least thirty (30) calendar days following the end of the leave period (unless the employee cannot return to work because of a serious

health condition or other circumstance beyond the employee's control), they will be required to reimburse the Town for the cost of the premiums the Town paid for maintaining coverage during their unpaid FMLA/CFRA leave.

f. Job Restoration

At the end of FMLA/CFRA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the Town substantial and grievous economic injury, employees generally have the right to return to the same or equivalent positions they held before the FMLA/CFRA leave. The Town will notify employees if they qualify as "key employees", if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA/CFRA leave.

g. Notice of Eligibility for and Designation of FMLA/CFRA Leave

Employees requesting FMLA/CFRA leave are entitled to receive written notice from the Town telling them whether they are eligible for FMLA and/or CFRA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA/CFRA leave, employees are entitled to receive written notice of: (1) their rights and responsibilities in connection with such leave; (2) the Town's designation of leave as FMLA/CFRA-qualifying or non-qualifying, and if not FMLA/CFRA-qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Town will respond to a leave request within five (5) business days. Once given, approval shall be deemed retroactive to the date of the first day of the leave. The Town may designate FMLA/CFRA leave retroactively with appropriate notice and provided that doing so does not cause harm or injury to the employee. In other cases, the Town and employee can mutually agree that leave be retroactively designated as FMLA/CFRA leave.

h. Employee Obligations

i. Notice Obligations

Employees who take FMLA/CFRA leave must timely notify the Town of their need for FMLA/CFRA leave. To trigger FMLA/CFRA leave protections, employees must inform the Town's Human Resources Department of the need for FMLA/CFRA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA/CFRA leave specifically, or explaining the reasons for leave so as to allow the Town to determine that the leave is FMLA/CFRA qualifying. For example, employees might explain that:

A medical condition renders them unable to perform the functions of their job;

They are pregnant or have been hospitalized overnight;

They or a covered family member are under the continuing care of a health care provider;

The leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status; or

If the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in “sick” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA/CFRA leave under this policy. Employees must respond to the Town’s lawful questions to determine if absences are potentially FMLA/CFRA-qualifying.

If employees fail to explain the reasons for FMLA/CFRA leave, the leave may be denied. When employees seek leave due to FMLA/CFRA-qualifying reasons for which the Town has previously provided FMLA/CFRA-protected leave (e.g., in cases of use of intermittent leave), they must specifically reference the qualifying reason for the leave or the need for FMLA/CFRA leave.

i. Cooperating in the Scheduling of Leave

When planning medical treatment for the employee or family member or requesting to take leave on an intermittent or reduced schedule work basis, employees must consult with the Town and make a reasonable effort to schedule treatment so as not to unduly disrupt the Town’s operations. Employees must consult with the Town prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Town and the employees, subject to the approval of the applicable health care provider. To the extent permitted by law, when employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition, or to care for a covered servicemember, the Town may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

Submit Medical Certifications Supporting Need for Leave

Depending on the nature of FMLA/CFRA leave sought, employees may be required to submit medical certifications supporting their need for FMLA/CFRA-qualifying leave. There generally are three types of FMLA/CFRA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee’s responsibility to provide the Town with timely, complete and sufficient medical certifications. Whenever the Town requests employees to provide FMLA/CFRA medical certifications, employees must provide the requested certifications within fifteen (15) calendar days after the Town’s request, unless it is not practicable to do so despite an employee’s diligent, good faith efforts. The Town will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Town will delay or deny FMLA/CFRA leave to

employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

Whenever the Town deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

j. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least thirty (30) days' notice of medical leave, they should submit the medical certification before leave begins.

If the Town has reason to doubt initial medical certifications regarding an employee's own serious health condition, it may require employees to obtain a second opinion at the Town's expense. If the opinions of the initial and second health care providers differ, the Town may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Town and the employee. The Town will reimburse employees for any reasonable "out of pocket" travel expenses incurred to obtain second or third medical opinions. Except in very rare circumstances, the Town will not require employees to travel outside normal commuting distance for purposes of obtaining second or third medical opinions.

k. Medical Recertifications

Depending on the circumstances and duration of FMLA/CFRA leave, the Town may require employees to provide recertification of medical conditions giving rise to the need for leave. The Town will notify employees if recertification is required and will give employees at least fifteen (15) calendar days to provide medical recertification. In cases of leave that qualifies under the CFRA, recertification will be requested only when the original certification has expired and additional leave is requested.

l. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, an employee returning to work from an FMLA/CFRA leave that was taken because of the employee's own serious health condition must provide the Town with a release to return to work from his or her health care provider stating that the employee is able to resume work. An employee taking intermittent leave may be required to provide a return to work release for such absences up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties. The Town may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

m. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Town may require employees to provide: (1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to active duty status and the dates of the military member's covered active duty service; and (2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Town may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Town may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

n. Reporting Changes to Anticipated Return to Work

If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Town with reasonable notice (i.e., within two (2) business days) of the employee's changed circumstances and new return to work date. If employees give the Town unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the Town's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

o. Substitute Paid Leave for and Unpaid FMLA/CFRA leave

If leave is unpaid, the following requirements apply to the leave:

If an employee requests FMLA/PDL leave because of disability due to pregnancy, childbirth or related medical conditions, the employees must first substitute any accrued paid sick leave for unpaid family/medical leave. Employees may make a written request to substitute accrued and unused paid time off for unpaid FMLA/PDL leave once the employee's sick leave time is exhausted.

If an employee requests FMLA/CFRA leave for his or her own serious medical condition, the employee shall first use all accrued sick leave for the unpaid family/medical leave. Once the employee has exhausted his or her sick time, the employee will be required to use any other paid accrued and unused paid time off.

If an employee requests FMLA/CFRA leave to care for a covered family member with a serious health condition, the employee must first substitute any accrued sick leave as allowed under any applicable sick leave policy for any unpaid family/medical leave. Upon exhausting the maximum amount of sick leave that can be used to care for a covered family member under the applicable sick leave policy, the employee must substitute any accrued and unused paid time off personal for unpaid family/medical leave.

If an employee requests leave to bond with a child, including adoption and foster care placement purposes, the employee must substitute any accrued and unused paid time off for unpaid family/medical leave. The use of sick leave is not permitted for this purpose.

For purposes of this section, leave is not “unpaid” during any leave time for which an employee is receiving compensation from the State of California under the State Disability Insurance program, the Paid Family leave program, through the workers’ compensation system or the Town’s disability pay program. Employees will not be required to use accrued paid leaves for any time off under this policy for which they are receiving compensation under these programs. Where applicable and permitted by law, employees will be required to use personal and/or sick leave during any waiting period applicable to these programs.

Upon written request, the Town will allow employees to supplement disability insurance, paid family leave benefits, or workers’ compensation benefits with accrued, unused sick leave, or other paid time off, in accordance with the terms for when an employee is unpaid leave as described in this section.

The substitution of paid time off for unpaid family/medical leave time does not extend the length of any FMLA/CFRA leave and the paid time off runs concurrently with the FMLA/CFRA entitlement.

SECTION 8 - SAFETY

A. Safety

1. General Statement

The Town recognizes the necessity of maintaining safe working conditions and practices in order to ensure employee safety. It is the intention of the Town of Yountville to develop, implement, and administer a comprehensive risk management, safety, and risk control program. The Town maintains that our employees and the general public are our most important assets. Therefore, public and employee safety is our greatest responsibility. The Town has established and implemented and is maintaining this written Injury and Illness Prevention Program (IIPP). This program has been established in accordance with Title 8, California Code of Regulations, Section 3203 of the General Industry Safety Orders and a copy of the IIPP is available from the Human Resources Director via request.

2. **Employee Responsibilities**

Each employee is required to follow all established safety rules, procedures, and practices necessary to minimize risk of injury to themselves and others. Unsafe acts by employees shall be immediately pointed out by the Supervisor and proper procedure discussed. Employees shall report all unsafe conditions to the Town Manager. Unsafe acts by employees or failure to report an unsafe condition may result in disciplinary action.

3. **Incident Reporting**

Employees are required to report all work related injuries, accidents, and property damage to their Supervisor, Department Head, or Town Manager. If the incident occurs after regular work hours, the employee must notify their immediate Supervisor and file a detailed report as soon as possible.

In the case of a vehicle accident involving another vehicle, the employee is required to obtain: the driver's license number, vehicle license number, names of the insurance company covering the other driver and, if the accident is investigated by a law officer, the name and title of the officer. All of this information will be given to the Supervisor, Department Head, or Town Manager on the same day of the accident or next business day if the accident occurred when the Town's business office was closed.

B. Workplace Violence Prevention Policy

The Town is committed to providing a safe and secure workplace for employees. The Town will not tolerate intimidating behavior, bullying, or acts or threats of violence in the workplace or while on Town business. This rule applies to all Town employees, officers, elected officials, volunteers, and contractors. Any violation of this rule will lead to disciplinary action, up to and including terminations.

1. **Definitions**

Assault: Assault is defined as attacking someone physically or verbally, causing bodily or emotional injury, pain, and/or distress. This may or may not involve the use of a weapon and includes actions such as: striking, hitting, punching, pushing, poking, kicking, grabbing, or pinching another person.

Bullying: Bullying is defined as unreasonable behavior that generally is persistent, and that demeans, intimidates, and humiliates one or more employees or member of the public. Bullying can take many forms and includes, but is not limited to: slandering, ridiculing or maligning a person or his or her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes, verbal assault, making non-verbal threatening gestures, and socially or physically excluding or disregarding a person in work-related activities. Such conduct can also occur via use of electronic or telephone communications, such as the internet, email, blogs, text messages, or misuse of cameras and/or recording equipment.

Intimidating Behavior: Intimidating behavior is defined as threats or other conduct that is intended to or can reasonably result in causing others to be afraid for their safety. Intimidation includes forcing a person into or deterring a person from taking some action by inducing concerns for their safety by means of any physical action, gesture and/or verbal comment.

Prohibited Weapon: The phrase “prohibited weapon” means:

- Any loaded or unloaded firearm, even if the person has a valid permit for a concealed weapon.
- Any dangerous weapon such as switchblade knives, clubs, or metal knuckles.
- All knives with a fixed or fixable blade exceeding four (4) inches.
- BB or pellet guns, CO2 or spring action, spot marker, or paint guns.
- Laser guns, stun guns, tasers, or unauthorized tear gas weapons, except that pepper spray, mace, and similar small spray devices may be possessed for self-defense pursuant to Penal Code section 12403.7.
- Any “generally prohibited weapon” as defined by Penal Code Section 16590.

Threat: A threat is defined as any action (verbal, written, or physical) that could be interpreted by a reasonable person as conveying intent to cause harm to a person or property. This includes threats that are made in jest but which others could perceive as serious.

Violence: Violence is defined as an action, whether verbal, written, or physical aggression, that is intended to control, cause, or is capable of causing injury to oneself or another, emotional harm, or damage to property.

Workplace: Workplace is defined as anywhere a Town employee is conducting authorized Town business, including but not limited to, vehicles en route to and from a location where Town business is, will be, or has been conducted; all Town-owned buildings, properties, garages, and parking facilities; and any work space occupied by Town employees, whether or not the space is owned or leased by the Town.

2. Prohibited Behavior

All employees, officials, officers, volunteers, and Town contractors are required to treat each other and customers with dignity and respect. To that end, all employees, officials, officers, volunteers and Town contractors are prohibited from engaging in any of the following conduct in the workplace:

- Assaulting or threatening another person.
- Engaging in violence or making threats of violence directed at another person.

- Engaging in intimidating behavior directed at another person.
- Engaging in bullying of another person.
- Intentionally damaging Town property or the property of another.
- Threatening to damage Town property or the property of another.
- Throwing or kicking objects.
- Fighting or challenging another person to a fight.
- Being in possession of a prohibited weapon at any Town workplace or in connection with the conduct of Town business without regard to location, except that this prohibition shall not apply to any law enforcement officer or other Town employee who is required by the Town to carry one or more prohibited weapons in order to perform the duties of his or her position so long as the prohibited weapon is only used as authorized and in the performance of the employee's official duties.
- Violating any law related to carrying a legal self-defense weapon.

3. Procedures for Responding to Acts of Workplace Violence

If an act or altercation constitutes an emergency – CALL 911 IMMEDIATELY. After the authorities have been contacted, immediately contact the Town Manager. In situations that are not emergencies, employees should contact their immediate Supervisor, Department Head, or Town Manager. All reports of potential violations of this rule must be reported to the Town Manager.

Employees responding to an actual or potential act of violence should do their best to remain calm and not escalate the situation. Employees should not try to shout down the other person or make any aggressive moves towards the other person. Except for authorized law enforcement personnel, employees should not use defensive sprays or defensive weapons or take any action that may result in injury to themselves or others.

4. Investigation

Upon receipt of a report of a potential violation of this policy, the Town Manager shall immediately undertake or direct an investigation into the allegations at issue. The investigation will typically include, but may not be limited to, interviews with reporting individual, the accused, and any other individual who are believed to have relevant knowledge concerning the allegations. All witnesses will be reminded to maintain the confidentiality of the content of their interviews and admonished that retaliation against those who participate in the investigation process is prohibited.

5. Corrective Action and Discipline

Any employee determined to have violated this rule will be subject to appropriate disciplinary action, up to and including termination. Disciplinary action may also be taken against any employee who condones or ignores a potential violation of this policy or otherwise fails to take appropriate action to enforce this rule. Any contractor found to be responsible for violating this rule will be subject to appropriate sanctions.

6. Protective and Restraining Orders

The Town reserves the right to seek a “stay away” or restraining orders against any person who violates this policy to the fullest extent allowed by law. The Town may also seek restraining orders against individuals who are not Town employees who pose a threat to Town employees or others conducting business on Town property.

Employees who have previously sought a restraining order against an individual and/or are protected by an existing order, must provide to the Town Manager: (1) a copy of the petition or application and declarations used to seek the order; (2) a copy of any temporary protective or restraining order which is granted; and (3) a copy of any protective or restraining order which is made permanent. Employees should inform the Town Manager of any violations or attempted violations of the order and any changes to the order. Employees must also inform the Town Manager when the order is lifted.

7. Searches

The Town may need to conduct inspections for purposes of enforcing this policy, to the extent allowed by law. The discovery of any violation of this policy during a search will result in disciplinary actions, up to and including termination. The discovery of any violation of any other Town policy as a result of a search will also result in disciplinary action, up to and including termination. Any illegal activity discovered during a search is subject to referral to the appropriate law enforcement authorities.

8. Responsibilities

a. Individual Employees, Contractors, and Volunteers

Every Town employee, official, officer, appointed officer, contractor, and volunteer is required to:

- Conduct him or herself consistently with this workplace security rule and refrain from engaging in any threatening or bullying behavior in the workplace;
- Refrain from engaging in any acts of violence in the workplace;
- Immediately report any potential violation of this policy the Town Manager. Failure to report any threats, acts of violence, or other violation of this policy may result in disciplinary action.

- Report to the Town Manager any situations that occur outside the work place which may affect work place security (e.g., instances where protections orders have been issued, threats occurring outside the workplace, physical violence by a co-worker, or any individual that could impact the workplace.)
- Cooperate with any investigation into potential violations of this policy conducted by the Town by responding fully and truthfully to all questions posed during the investigation; and
- Maintain the confidentiality of any investigation conducted by the Town under this policy by not disclosing the substance of any investigatory interview, except as directed by the Town Manager and/or Town Attorney.

b. Elected and Appointed Officials, Supervisors, Managers and Supervisors

In addition to the responsibilities listed above for all employees, all elected officials, appointed officials, officers, and management-level employees are responsible for the following:

- Be familiar with this policy and model behavior that is consistent with it;
- Inform all employees, contractors and volunteers under their direction of this policy and its complaint procedure;
- Immediately report any potential violation of this policy to the Town Manager;
- Receive complaints that allege violations of this policy in a fair and serious manner, document steps taken to resolve the problem, and follow up with the complaining employee to ensure that the employee feels safe and there has been no further violation of this policy;
- Ensure compliance by employees, contractors, and volunteers under their direction with the provisions of this policy;
- Implement appropriate disciplinary action based upon the findings of any investigation conducted pursuant to this policy;
- Regularly monitor the work environment and take immediate and appropriate action to potential and actual violations of this policy; and
- Participate in periodic training and schedule employees for training.

9. Record Keeping

The Division of Occupational Safety and Health (known as CalOSHA) requires entry on the Injury Illness Log of any injury which requires more than first aid, is a lost time injury, requires modified duty, or causes loss of consciousness. Assaults should be entered on

the log. Doctor's reports of work injury and Supervisor's reports shall be kept of each recorded assault.

SECTION 9 - COMPLAINT PROCEDURE

A. Complaint Procedure

1. Purpose

The purpose of this procedure is to enhance communications between employees and Supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable time period without jeopardizing employees' positions or employment.

2. Procedure

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- The employee shall first discuss the matter with his or her immediate Supervisor within five (5) working days from the date the employee had notice of the action that prompted the concern or complaint. The immediate Supervisor shall respond to the employee within ten (10) working days. In the case the complaint or concern is against the immediate supervisor, the matter may, at the employee's option, be referred to the next level of supervision. In the situation where a complaint is filed against the Town Manager, the Town Attorney may, at the employee's option, receive the complaint and conduct the appropriate investigation in consultation with the Town Council.
- In the event that the immediate Supervisor does not resolve the matter to the employee's satisfaction, then the employee may bring the matter in writing to the attention of the next level of supervision within five (5) working days of the receipt of the response from the immediate Supervisor.
- In the event that the second level Supervisor does not resolve the matter to the employee's satisfaction (or there is not another level of supervision to submit the complaint to), then the employee may bring the matter in writing to the attention of the Town Manager within five (5) working days of the receipt of the response from the second level Supervisor. Within ten (10) working days, the Town Manager will schedule a meeting with the employee to discuss the matter. After considering the facts, the Town Manager will give his or her written decision to the employee within ten (10) working days.
- The decision of the Town Manager is final, or in the case of a complaint against the Town Manager, the decision of the Town Council is final.

SECTION 10 - SECTION 10 - GRIEVANCE PROCEDURE

A. Definition

A grievance is a formal allegation by an employee claiming violation, misinterpretation, inequitable application or non-compliance with:

- Provisions of the collective bargaining agreement,
- Town ordinances, or
- These Rules and Policies.

In the event that an alternative complaint procedure is applicable to an employee's claim (e.g., harassment complaint procedure), the grievance shall be treated as having been submitted under that alternative procedure and will be processed accordingly. Any matter addressed through an alternative procedure may not also be raised as a grievance under this rule.

The following are some of the matters that are excluded from the definition of "grievance" and are not subject to the grievance procedure:

- Challenges to or requests for changes in the content of employee evaluations or performance reviews, verbal or written warnings or reprimands, or counseling memorandums;
- Challenges to a reclassification, layoff, transfer, denial of reinstatement, or denial of step or merit increase;
- Requests for changes in wages, hours, or working conditions, including any impasses or dispute in the meet and confer process or matter within the scope of representation as defined by the Meyers Milius Brown Act;
- Challenges to examination or appointment to positions.

B. Who May File a Grievance

A grievance may be filed by an employee in his or her own behalf, or jointly by any group of employees.

C. Grievance Procedure

Step 1 - Informal Discussion: Within ten (10) working days of the occurrence of an act in dispute, an employee shall discuss the incident with his or her immediate Supervisor, who shall investigate and attempt to resolve the matter. The Supervisor shall give the employee an oral reply within five (5) working days after the discussion. If the employee is not satisfied with the response, he or she may proceed to the next step.

Step 2 - Department Head Review: If the employee is not satisfied with the response at Step 1, the employee may submit their grievance in writing to the Department Head within five (5) working days after receiving their Supervisor's oral reply. If there is no Department Head, the employee may submit his or her grievance to Step 3. The employee and the Department Head may meet in person to discuss the grievance. The Department Head shall issue a reply in writing within five (5) working days after receipt of the written grievance.

Step 3 - Town Manager Review: Any dispute not resolved at Step 2 may be submitted in writing to the Town Manager within five (5) working days after the Department Head's written response. The Town Manager shall, within ten (10) working days of receipt of the grievance, schedule a meeting with the employee to discuss the matter. After consideration of the grievance, the Town Manager shall give his or her written decision to the employee within five (5) working days after the meeting.

Step 4 - Town Council Review: If the employee is not satisfied with the decision of the Town Manager in Step 3, the employee may request, in writing, a hearing before the Town Council. Such request for a hearing must be submitted within ten (10) working days of receipt of the Town Manager's decision and shall include in detail the facts giving rise to the grievance and supporting documentation necessary for Town Council consideration. The Town Manager shall forward such a request and supporting documentation to the Town Council within ten (10) working days after receipt, for Town Council consideration.

The Town Council shall have the following options:

- Decline to hear the grievance; or
- Make a decision on the documentation submitted; or
- Hold a hearing, in open or closed session as permitted by law and in a manner appropriate to the nature of the grievance.

The decision of the Town Council will be final.

D. General Conditions of Grievances

- The Human Resources Director will act as a central repository for all **Step 2** and **Step 3** grievance records.
- Any time limit may be extended only by mutual agreement in writing.
- An aggrieved employee may be represented by another individual at any stage of the proceedings at his or her request. Both employee and representative (if employed by Town) will be entitled to attend proceedings without loss of compensation, should such proceeding conflict with employee's and/or representative's normal working hours.

- Proposals to add to or change these Rules and Policies shall not be considered under this section, and no proposal to modify, amend, or terminate any Memorandum of Understanding between the Town and a collective bargaining unit may be considered under this section.
- Failure by the grievant or grievant's representative to initiate or appeal a grievance within the prescribed time limits shall waive the right of the grievant, the grievant's representative, and the grievant's collective bargaining unit (if any) to initiate or appeal a grievance. In the case of an appeal, the last answer to the grievance shall be deemed to be the resolution to the grievance.

SECTION 11 - DISCIPLINARY ACTIONS

A. Town Expectation

Town employees are expected to conduct themselves, while carrying out the function of Town service, as a credit to the Town of Yountville. Their actions should reflect their personal good character and should uphold the trust that the citizens have placed in them by their employment.

B. Types of Disciplinary Actions

The following are types of actions that may be utilized by the Town Manager in disciplining employees.

Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to the appeal process described below.

Written Reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to the appeal process described below.

Disciplinary Suspension: An involuntary absence without pay for a fixed period of time.

Reduction in Pay: The temporary or permanent reduction in pay of an employee.

Demotion: Demotion to a lower classification.

Termination: Discharge from the Town service.

Pending investigation and imposition of a disciplinary matter, the Town Manager may place an employee on paid administrative leave. The employee has no right to appeal the decision to be placed on administrative leave.

C. Grounds for Discipline

Listed below are examples of causes that shall be deemed sufficient for action by the Town Manager. Grounds for disciplinary action are not limited to the examples enumerated.

- Incompetence,
- Inefficiency,
- Dishonesty,
- Absence or tardiness without prior approval,
- Theft, pilferage, or misuse of Town property,
- Use of or being under the influence of alcohol or illegal drugs on Town property, while on Town business, or during working hours,
- Negligence or willful damage of public property,
- Engaging in harassment, including sexual harassment,
- Falsification of records or documents,
- Fraud in securing employment,
- Inability to perform the duties of the position, and/or
- Violation of any Town ordinance or lawful Town regulation or order.

D. Disciplinary Procedures

1. Written Notice of Proposed Disciplinary Action

Whenever it is the intention of the Town Manager to take a disciplinary action against a regular employee, the employee shall be provided a written statement of reasons for the discipline and provided with a copy of any documents or information upon which the reasons are based.

2. Pre-Disciplinary Meeting

The employee and a representative of his or her choosing will be provided an opportunity to respond to the charges made. The employee may file a written response to the charges, or request the right to make an oral response. A written request must be submitted to the Town Manager within five (5) working days of being served with the notice of intended action.

3. Notice of Discipline

Following receipt and consideration of the written response or the oral response stated at the pre-disciplinary meeting, or following no response by the required date, the Town Manager shall prepare a notice of the action to be taken, which shall include the effective date and state the employee's right of appeal. The notice shall be delivered to the employee before the effective date and a copy filed in his or her personnel file.

E. Right of Appeal

A regular employee, who is disciplined by the Town Manager with an unpaid suspension or greater discipline, may appeal the action to the Town Council. A written appeal of the disciplinary action must be submitted to the Town Council within five (5) working days of the receipt of the Notice of Discipline. The Town Council may consider the appeal at a regular meeting or call a special meeting. The appeal shall be held in open or closed session as provided by law. If the Town Council modifies or reverses the action, the Town shall compensate the employee for back pay and benefits in accordance with its decision.

At-will employees of the Town shall not have the right to appeal disciplinary actions or terminations.

SECTION 12 - SEPARATION FROM SERVICE

A. Discharge

Any employee in the Competitive Service may be discharged at any time by the Town Manager; however, disciplinary discharge action shall be taken in accordance with Section 11 of these Rules and Policies.

B. Resignation

An employee wishing to leave Town service in good standing shall file with the Town Manager, at least two (2) weeks before the proposed resignation date, a written resignation stating the effective date of the resignation. The Employee's resignation should be provided to his or her Supervisor, Department Head, and/or Human Resources. Failure to give two (2) weeks' notice shall be entered upon the service record of the employee and may be cause for denying future employment by the Town. Exceptions to the notification period may be made by the Town Manager when it is determined to be in the best interest of the Town. A verbal resignation also satisfies the requirement of this rule. Written or verbal resignations are irrevocable and shall be promptly forwarded to the Human Resources Director. Resignations shall become effective upon receipt by the Town, without the necessity of any written acceptance, unless the employee is notified otherwise. The resignation of an employee who fails to give written or verbal notice as provided in this section shall be reported to the Human Resources Director immediately.

C. Use of Accrued Leaves

No use of personal, sick leave, administrative leave, holidays, or any other paid time off in lieu of hours worked, may be used to extend an employee's resignation date beyond the employee's last day worked. Only the Town Manager may waive this rule.

D. Failure to Report to Work (Job Abandonment)

An employee who fails to report to work, to return from an authorized leave of absence, and/or fails to call off from work for three (3) or more consecutively scheduled work days is deemed to have voluntarily resigned employment through job abandonment. A regular employee will receive notice of intent to terminate for job abandonment, an opportunity to respond, and the final notice of termination for job abandonment before being separated under this provision. At the discretion of the Town Manager or designee, an employee separated for job abandonment may be reinstated upon proof of justification for such absence, such as severe accident, severe illness, or mental or physical impairment which prevented notification. No employee has any right to grieve or appeal a separation due to job abandonment or to an evidentiary or disciplinary appeal following a separation due to job abandonment.

E. Medical Separations

1. Policy Statement

An employee who becomes unable to perform the essential functions of his or her position due to a disability or other medical condition may be medically separated from employment. Prior to medical separation, the Town will determine what accommodations, if any, can be reasonably provided to the employee in accordance with Town policy and any applicable law. In addition, if appropriate, the Town may consider an employee's potential eligibility for disability retirement benefits.

Before medically separating a regular employee, the Town Manager or designee will provide the affected employee with notice of the proposed decision to medically separate. The notice shall: (1) inform the employee of the action intended, the reason for the action, and the proposed effective date; and (2) inform the employee of the right to respond to the proposed action and to whom to respond. After review of any timely response, the Town Manager or designee shall notify the employee of any final action to be taken and the effective date of that action. A medical separation may be appealed pursuant to the grievance procedures contained in these Rules and Policies.

2. Right to Use Accrued Leaves

Except as provided in an employment agreement, personal, sick leave, administrative leave, holidays, or any other accrued and unused paid time off in lieu of hours worked may not be used to extend an employee's employment separation date beyond the employee's last day of actual work, unless approved by the Town Manager. Use of sick leave shall be authorized only upon proper medical verification that the use of such leave complies with the rules pertaining to the use of sick leave.

3. Rehire of Employee Retired or Separated for Disability

An employee who is retired or otherwise separated on account of disability may apply for reemployment with the Town if the medical condition causing the disability improved such that the employee may perform the essential functions of the position for which he or she is applying, with or without reasonable accommodation.

F. Layoff and Re-employment

1. Authorization

The Town Manager may layoff any regular employee because of lack of funds, reduction or lack of work, or other reasons including but not limited to changes in duties or organization, abolition of position or reorganization. In addition, the Town Council may abolish for reasons stated above any position of employment by amendment of the appropriate schedule of positions.

2. Order of Layoff

a. Order of Layoff

Prior to laying-off regular employees in a classification, the Town shall terminate any at-will employees in that classification including but not limited to all temporary, seasonal, part-time non-regular, specially funded and contract employees. In each classification in which a layoff is to occur, regular employees shall be laid off in the following order:

- (1) Probationary part-time
- (2) Part-time
- (3) Probationary full-time
- (4) Full-time

Order of layoff shall not be based in any manner upon seniority, but rather upon merit as evidenced by performance evaluations and subject to meet and confer between the Town and employee association.

The effective date of layoff shall be at least sixty (60) days after action taken by the Town Manager or Town Council to initiate the layoff. The Town Council may, by declaration of an emergency, shorten the effective date.

At least ten (10) workdays prior to the effective date of the layoff, the Town Manager or designee shall notify the employee affected of the intended action and the effective date.

The name of any employee laid off shall be placed on the appropriate re-employment eligibility list for a period of one (1) year.

3. Return to Former Class

In the event of a layoff, employees who have been promoted during their service with the Town, may bump back one (1) classification in their career series to a position they formerly held if there is an employee in the lower classification with less seniority than the employee who wants to bump.

4. Seniority Defined

For purposes of Section, seniority shall be defined as the number of months of paid service since the employee's most recent hire date with the Town in a regularly allocated position.

5. Order of Re-employment

Employees on a layoff re-employment list shall have preference over new hires and individuals eligible for promotion. Employees who have been laid off shall be offered re-employment in the inverse order of layoff, provided no intervening factors have occurred which essentially change the ability of the employee to perform the offered employment.

6. Notice of Re-employment

The Town shall give the employee reasonable advance notice of the opportunity for re-employment. Employees recalled to work shall return to work at the time specified by the Town. Any laid off employee who refuses an offer of employment to the classification from which they were laid off or who fails to report to work on the date and at the time specified by the Town, shall be considered as having resigned. Upon re-employment the employee shall return to the benefit accrual level at the time of layoff.

SECTION 13 - POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS

A. Employee Ethical Standards

1. General Policy

Employees of the Town are required to discharge the duties and responsibilities of the positions with professional integrity, regardless of personal considerations. Employees are expected to recognize that the public interest, as articulated by Town policy, is their primary concern. The conduct of Town employees in their official capacity must be beyond reproach.

2. Employee Expectations

No Town employee shall engage in any act which is in conflict, or creates an appearance of unfairness or conflict with the performance of official duties. To meet the standards set forth in this policy, employees must:

- Disclose all financial interests which may constitute a conflict of interest with official duties, and disclose the nature and extent of personal interest in any business entity engaging in any transaction with the Town as required under the Town's conflict of interest resolution. An employee is participating in any Town decision which could affect his or her personal or financial interests in violation of the Town's conflict of interest resolution.
- Refuse to accept gifts, gratuities, favors, services, or promise of future benefit from any person, firm, entity, or corporation doing business with the Town, where such gift, gratuity favor, service, or promise could compromise independence of judgment or action as a public official or employee. Employees should disclose any offer of gift, favor, service, or promise to the Town Manager immediately. Refrain from engaging in activities or employment that may appear to be, or are incompatible with public duties, whether on or off duty. Except with the approval of the Town Manager or Town Manager's designee, employees of the Town should not become involved or affiliated with any agency or entity that receives funds from the Town, either directly or indirectly, whether that association or affiliation may create a conflict of interest, or an appearance of a conflict of interest or impropriety.
- Refrain from disclosing, promulgating, using, or validating information concerning Town government or other employees and officials which is confidential, or protected without prior authorization, confidential information concerning property or affairs of the Town to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the Town.
- Refrain from using any Town funds or property for personal or private gain. Employees must be absolutely honest in all dealings, in whatever capacity, with Town funds, properties or facilities.
- Refuse to represent private interests before government agencies in any matter in which the Town is a party, or in which the employee's official position with the Town is, or may be, a consideration in or influence the decision of such agency on the matter before it.
- Comply with the provisions of the Political Reform Act, as regulated by the Fair Political Practices Commission, or any other state or federal laws governing conflict of interest matters.

3. Gifts on Behalf of the Town

The Town Manager and designee is permitted to accept a gift, gratuity, or favor on behalf of the Town and may distribute such gift, gratuity, and favor as he or she deems appropriate to Town employees and elected officials in accordance with Fair Political Practices Commission regulations. (Examples may include sporting events tickets or cultural events tickets.)

4. Use of Public Property

No employee of the Town shall request, use, or permit the use of Town-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Town property is to be used solely for the purpose of conducting official Town business.

5. Political Activities

Employees are prohibited from using Town time or property in any manner for any of the following reasons: to promote any political issue or candidate; to solicit funds for any political purpose; or to influence the outcome of any election. No employee shall be eligible for appointment or election to any public office (including appointment to a Town Board, Commission or Committee) when the holding of such office or position would be incompatible or would substantially interfere with the discharge of official duties.

The rights of employees to register and vote as they choose shall not be infringed.

Subject to the foregoing, any employee may seek appointment or election to any public position, office, or employment for which he or she is qualified. The exception is an employee running for a position on the Yountville Town Council. If elected, the employee would be required to resign his or her employment with the Town.

6. Interpretation

Interpretations of this policy shall be referred to the Town Manager.

7. Investigation

The Town Manager or designee shall investigate, or refer the matter to an outside agency or an independent third party for an investigation, all allegations and written complaints of unethical conduct. Complaints or allegations that may be criminal in nature may be referred to an appropriate outside agency for investigation.

B. Outside Employment

1. Incompatible Outside Employment Prohibited

No employee of the Town shall engage in any employment, activity, or enterprise that would detract from his or her effectiveness as a Town employee or that is inconsistent, incompatible, in conflict with, or inimical to his or her duties as an employee of the Town. An individual's outside employment, activity or enterprise is inconsistent, incompatible, in conflict with, or inimical to an employee's duties, functions or responsibilities set forth above if it:

- Involves the use for private gain or advantage of the Town's time, facilities, equipment, or supplies; or the badge, uniform, prestige, or influence of the Town;

- Involves receipt or acceptance by an employee of any money or other consideration from anyone other than the Town for the performance of an act which the employee would otherwise be required or expected to perform in the regular course of his or her duties as a Town employee;
- Involves the performance of an act in other than his or her capacity as an employee of the Town, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other Town employee, Town official, or Town officer;
- Involves such time demands as would render performance of duties as a Town employee less efficient.

2. **Reporting Outside Employment**

Employees seeking to engage in outside employment, whether it be accepting a second job, self-employment or otherwise, must submit written requests to engage in such employment to the Town Manager. The request shall include:

- The name and address of the employer;
- A summary of the nature of employment;
- The number of hours to be worked by day, week, month, and/or quarter as appropriate;
- Whether the outside employment will utilize any Town owned/controlled facilities, equipment, information, records, supplies, and/or uniforms;
- Whether the outside employer will provide workers' compensation and liability insurance during said outside employment; and
- The phone number of the employer in the event that the Town should need to contact the employee under emergency or relief situations.

The Town Manager will consider all requests and provide written notice to an employee of the determination on that employee's request. An employee may request review of that determination by the Town Council.

All employees holding or considering second jobs must obtain permission from the Town Manager in order to ensure that the job will not create a conflict of interest or interfere with the proper performance of their duties. An employee who engages in any outside employment without written authorization from the Town Manager, or who performs work that exceeds the scope of a written authorization, is subject to discipline, up to and including termination.

Outside employment is defined to mean any employment, activity, or enterprise outside of an employee's normal Town working hours wherein the employee is compensated for

specific hours or duties on a regular basis. Outside employment does not include sporadic employment or occasional employment unless the employee is required to perform work related to his or her position with the Town or utilize any Town owned/controlled facilities, equipment, information, records, supplies, and/or uniforms.

During the workday, employees are expected to devote their full time to the performance of their assigned duties as Town employees. Any approved outside employment must be performed during off-duty, unpaid hours.

Employees who have accepted outside employment are prohibited from using paid leave time to work on the outside job or as a result of an injury sustained while performing outside employment. Any employee who engages in outside employment while on sick leave shall be subject to discipline up to and including dismissal. This policy applies to all employees of the Town assigned to any classification.

SECTION 14 - DRESS CODE AND WORK STATION APPEARANCE

A. Dress Code

The Town of Yountville will maintain a professional working environment for the benefit of its employees and the public. As public employees and representatives of the Town of Yountville, each employee shall present him or herself appropriately and professionally including but not limited to workplace attire, especially when attending off-site meetings and events. Extremes in dress are not acceptable. All clothing should be in good condition, clean, wrinkle-free, and without rips or holes. Clothing that is revealing, sexually suggestive, provocative, or has offensive messages is prohibited. Employees should dress in attire that is appropriate for their job assignment and should be at least business casual.

Employees are prohibited from wearing the following at work: athletic wear, such as sweats, velour, or nylon clothing; bare midriffs; low cut tops, short skirts or dress or excessively tight or excessively baggy clothing; see-through clothing (except that sheer tops may be work if accompanied by an appropriate undershirt); shorts, cutoffs and overalls; tank tops, muscle shirts and casual t-shirts; and visible undergarments. Employees are also prohibited from wearing baseball type caps backwards or to the side. Due to the job functions of Parks and Recreation employees, they may be permitted to wear shorts to work when it is appropriate to do so.

If an employee is on the job in inappropriate clothing in the opinion of the employee's immediate Supervisor, a Department Head, or the Town Manager, the immediate supervisor may direct the employee to change into appropriate workplace attire. Time off of work to change clothing will not be compensated.

B. Employee Hygiene

Employees must be aware of good personal hygiene. Hair must be neat, clean, and well-groomed. Employees who use scented products, including perfume/cologne, aftershave, lotions, etc.) should be aware that such products may be overwhelming and may cause

allergic reactions in others. Employees should keep refrain from using heavily scented products or using an excessive amount of scented products.

C. Tattoos and Jewelry

Employees are prohibited from displaying tattoos that contain offensive or sexually suggestive images. Employees should wear jewelry that is tasteful and appropriate considering their job duties. Employees should not wear jewelry that presents a safety hazard or which may be distracting in the work place. No facial jewelry or visible piercings (except for ear piercings) is permitted.

D. Public Areas and Workstations

Employees should ensure that public areas are kept clean and free of clutter, food, and beverage cups.

The placement of plants and personal items should be kept to a minimum. Employees are prohibited from displaying any images or items in workstations that violate any Town policy, including the Town's policies against harassment, alcohol and drugs, and workplace violence.

E. Policy Violations

Employees who do not meet the standards outlined in this policy will be subject to disciplinary action. In addition, employees may be required to take corrective action to remedy a violation. Corrective action may include removing the offending item from their workstation or leaving the premises and returning to work in attire that is appropriate. The amount of time missed from work in order for the employee to travel and change clothing will be treated an unpaid leave.

SECTION 15 - CONFIDENTIALITY POLICY

A. Policy

The public and other parties with whom the Town does business entrust staff with important information relating to their businesses and lives. It is the Town's policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know" by those doing business with the Town or for whom the Town provides services except to the extent required by law. If there is a question of whether certain information is considered confidential, the employee should first check with his or her immediate supervisor. This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

B. Protecting Information

Employees have access to a variety of sensitive and confidential information by virtue of their job assignment. Employees must protect that information from disclosure to anyone,

except where that disclosure is required by their jobs or by law. Writing about confidential information for non-work-related business in e-mails, on websites, on social networking sites, in chat rooms, or in blogs is expressly prohibited, as well as verbally communicating such information in person, over the phone, or in any other manner. Additionally the Town logos may not be used in any of these forums.

C. Confidential Information

The following types of information should be considered confidential:

- Passwords and access codes.
- Individual employment records.
- Citizen lists, personal information, or histories.
- Financial statements.
- Computer programs and object and source codes.
- Systems and their documentation.
- Other non-public business and technical information, whether related to past, present, or future programs and services.

D. Penalties for Disclosing Confidential Information

Employees who disclose confidential information are subject to disciplinary action up to and including termination of employment.

SECTION 16 - ANTI-NEPOTISM POLICY

A. General Policy

It is Town policy not to discriminate in its employment or personnel actions with respect to its employees and applicants on the basis of marital or registered domestic partner status. Notwithstanding this policy, the Town reserves the right to reasonably regulate, for reasons of supervision, safety, security or morale, the assignment of spouses and registered domestic partners within the same department, division, facility or unit. The Town further reserves the right to decline to hire or promote the immediate family member of any employee for any reason. Promotional advancement may also be denied if the promotion places one spouse, registered domestic partner, or immediate family member under the supervision of another. Exceptions to this policy require the written approval of the Town Manager.

B. Definitions

For purposes of this policy, the following definitions shall apply:

Marital status is defined as an individual's state of marriage, divorce or dissolution, separation, or annulment.

Immediate family member means an individual's parent, stepparent, parent-in-law, grandparent, child, stepchild, grandchild, brother, sister, stepbrother, stepsister, aunt, uncle or first cousin. The term "immediate family member" also includes an individual who falls within one of these categories by a previous marriage, adoption or registered domestic partnership.

Registered domestic partner is as defined in Family Code section 297.

C. Employees Who Are Spouses and Registered Domestic Partners

The Town will investigate to determine if there are any reasonable modifications or changes in procedure that can be made to minimize operational concerns regarding supervision, safety, security or moral whenever the employment status of two (2) employees results in either:

- One spouse or registered domestic partner directly supervising another; or
- Two or more spouses or registered domestic partners working within the same department or division.

In the event that no reasonable modifications or changes in procedure are available, or that any modifications or changes would affect safety, security, supervision or morale, the Town reserves the right to transfer or reassign one of the employees. While the wishes of the involved parties will be considered, the controlling factor in determining which relative shall be transferred shall be the positive operation, efficiency, and needs of the Town. There can be no guarantee that the new position will be within the same classification or at the same salary level.

If an employee does not accept a transfer or reassignment, or in situations where no transfer or reassignment is available, the Town may request the voluntary resignation of one of the employees and if one of the employees does not voluntarily resign, the Town will retain one employee and terminate the other. Factors the Town might use in evaluating which employee to retain include, for example, performance, tenure, position within the organization, or other factors deemed relevant by the appointing authority or designee.

D. Employees Who Are Immediate Family Members

The Town need not make reasonable modification or changes in procedure when the relationship between two (2) or more employees is that of immediate family members and not that of spouses or registered domestic partners. In addition, the Town need not transfer or reassign immediate family members and can move to retain one immediate family member and terminate the other. Factors the Town might use in evaluating which employee to retain include, for example, performance, tenure, position within the organization, or other factors deemed relevant by the appointing authority or designee.

E. Policy Exceptions

Spouses or registered domestic partners, or immediate family members who are employees may continue to work in the same department subject to approval by the Town Manager or designee.

F. Appeals

Any permanent employee who is separated from Town service under this rule may utilize the disciplinary appeal procedure as identified under the applicable collective bargaining agreement or, if none, the Grievance Procedure as described in these Rules and Policies. Other actions (for example, a transfer, demotion, or lost opportunity for overtime or supplemental pay) are not subject to appeal.

G. Immediate Family Members of Elected Officials

No person who is the spouse, registered domestic partner, or immediate family member of a current Town elected official shall be eligible for regular position appointment.

The spouse, registered domestic partner, or immediate family member of an elected official currently employed as of the date the elected official assumes office shall not be subject to automatic exclusion of employment. The Town Manager may, however, utilize the provisions of this policy to transfer, reassign, or terminate the employee, if necessary, for the efficient operation of Town business.

SECTION 17 - PERSONNEL FILES/MEDICAL INFORMATION

A confidential personnel file is maintained for every employee according to local, state, and federal guidelines. Workers' compensation, medical, and complaint files are maintained separately.

A. Personnel File Access

Employee's own personnel file may be accessed by the employee during normal working hours and by appointment in compliance with applicable law. Access by others to such files is restricted to only the Town Manager, legal counsel, and applicable finance and human resource staff.

B. File Copies

At the request of an employee, incidental copies of documents in the employee's own personnel file may be made at no charge. More than incidental copies made of anything in the employee's own file will be done for a standard copying fee and in compliance with applicable law.

C. Disputed Information

If an employee disputes information contained in his or her own file, the employee shall notify the Town Manager in writing within ten (10) working days of learning of the information contained in the file, listing the concerns and the suggested remedy. The Town Manager will review the request and render a decision within ten (10) working days. If the Town Manager concurs with the employee's request, such items will be removed from the file and destroyed or altered, as appropriate.

D. Confidentiality of Medical Information Act

The Town has a bona fide business need to collect and review medical information about its employees for various reasons. This policy is established to comply with the State's Confidentiality of Medical Information Act (California Civil Code Section 56, et.seq.), and to protect the confidentiality of medical history, mental condition, physical condition, or treatment, and to limit its use in employment decisions. This policy defines medical information, those employees authorized to access that information, and how it will be stored.

E. Medical Information Definition

The Confidentiality of Medical Information Act (CMIA) broadly defines the term medical information as: "...any individually identifiable information in possession of or derived from a provider of health care regarding a patient's medical history, mental or physical condition, or treatment." This definition includes information obtained from pre-employment medical examinations, fitness for duty evaluations, worker's compensation claims, verifications of disability status, and drug and alcohol testing results. In essence, any document produced by a doctor, clinic, hospital, psychiatrist, employee assistance program, substance abuse professional, or testing laboratory is considered a confidential medical record.

F. Authorized Use

To ensure proper handling of employee medical information the Town authorizes the Town Manager and Department Heads and their designees to receive and use this type of information on an as-needed basis.

G. Utilization of Medical Information

Town legally receives medical reports or information without the employee's authorization for administering and maintaining any of the following programs:

- Employee benefits plans, including health care plans.
- Plans providing short-term and long-term disability income.
- Worker's compensation benefits.

- Programs for determining eligibility for paid or unpaid medical leave.
- Fitness-for-duty results that describe the employee's job-related functional limitations and exclude any diagnosis or statement of cause.
- In a proceeding that is a lawsuit, arbitration, complaint, or other claim wherein the employee has placed in issue his or her medical condition.

H. Protecting Employees Medical Information

To protect employee's rights under the CMIA, the Town shall keep the information in a medical file, in a separate locked file, apart from personnel files.

I. Release of Employee Medical Information

Should the Town need medical information about an employee in order to assess accommodation, workplace safety, fitness for duty, etc., a medical release of information form will be submitted by the employee. Such a form is available through Human Resources or the Town Manager

SECTION 18 - WORKPLACE ACCOMMODATIONS

A. Accommodation of Disabilities

The Town recognizes and supports its obligation to reasonably accommodate job applicants and employees with disabilities who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will provide reasonable accommodation to otherwise qualified job applicants and employees with known disabilities unless doing so would impose an undue hardship on the Town or pose a direct threat of substantial harm to the employee or others.

An applicant or employee who believes he or she needs a reasonable accommodation of a disability should discuss the need for possible accommodation with the Human Resources Director or designee. Upon receiving an accommodation request, the Town shall engage in a timely interactive process with the employee to identify possible reasonable accommodations.

B. Accommodation of Religious Beliefs and Practices

The Town recognizes and supports its obligation to reasonably accommodate job applicants and employees with religious beliefs or practices who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will provide reasonable accommodation to otherwise qualified job applicants and employees, unless doing so would impose an undue hardship on the Town.

An applicant or employee who believes he or she needs a reasonable accommodation of a religious belief or practice should discuss the need for a possible accommodation with the Human Resources Director or designee.

SECTION 19 - DRUG FREE WORKPLACE POLICY

The Town Council of the Town of Yountville in compliance with Public Law 100-690, the Drug-Free Work Place Act of 1988, adopts the following policy:

A. Purpose

It is the intention of this policy to provide a drug-free workplace for Town employees at all work sites. While the Town has no intention of intruding into the private lives of its employees, the use of controlled substances impacts the safety and efficiency of Town operations and the provision of services to the public.

B. Policy

The Town of Yountville has adopted a Drug Free Workplace Policy within the provisions of the Federal Drug Free Workplace Act.

This policy prohibits the manufacture, use, possess, distribute, trade, and/or offer for sale alcohol, illegal drugs, or other intoxicants. This policy is intended to apply whenever anyone is representing or conducting business for the Town. This policy applies during all working hours, rest breaks, meal periods, and whenever conducting business or representing the Town, while on-call, on-standby, and on or off Town property including vehicles as well as driving any Town vehicles. This policy applies to any individual who conducts business for the Town, is applying for a position with the Town, or conducts business on the Town's property. This policy applies to all Town employees, appointed and elected officials, volunteers, interns, consultants, contractors, and those under the control of contractors.

In conjunction with this policy, the Town retains the right to assure that employees are free from the influence of drugs and alcohol during the performance of their Town duties. The Town Manager shall retain the right to:

- Access any Town property, including but not limited to desks, lockers, closets and vehicles for the purposes of inspection to assure no illegal drugs or alcohol is on the Town premises. "Drug" or "drugs" are defined as any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician. "Drug" or "drugs" includes medicinal or recreational marijuana, regardless of whether the marijuana was lawfully obtained under State law.
- Order for drug and/or alcohol testing any employee that has demonstrated behavior that causes a reasonable suspicion that he or she may be under the influence. The employee so ordered shall immediately comply and cooperate in being transported to the testing facility. If the employee is found to be under the influence of an illegal drug or alcohol, the employee shall have transportation arranged for them and sent home pending disciplinary action.

- Order for drug and/or alcohol testing any employee that is in an accident that results in death, injury, or major property damage.

Employees who are taking prescription drugs that may hamper their ability to operate vehicles or equipment and are required by their assigned duties to operate vehicles or dangerous equipment are to notify their Supervisor immediately upon reporting to duty. If for reasons of safety a Supervisor believes an employee is demonstrating diminished abilities, the Supervisor may after consultation with the Town Manager arrange for transportation for the employee to send them home on sick leave.

Employees, as a condition of employment, shall notify their Department Head of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such conviction.

Employees who violate the above policy, or are convicted on criminal drug statute violations occurring at the work place, or who fail to give the notice required above shall be subject to the appropriate personnel action, up to and including termination, or may, where appropriate be required to participate in a drug-abuse assistance or rehabilitation program by a federal, state, or local health, law enforcement, or other appropriate agency.

The Town will establish a drug-free awareness program to inform employees of this policy, the dangers of drug abuse in the work place, and any available drug counseling, rehabilitation, and employee assistance programs.

C. Rights

No provision of this policy is intended to remove or limit an employee's right to appeal a disciplinary action under applicable sections of these Rules and Policies.

SECTION 20 - PROHIBITION AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

A. Policy Statement

The Town is committed to providing all employees, applicants, officers, officials, volunteers, interns, and contractors with a workplace that is free from harassment, discrimination, or retaliation as defined in this policy. The Town does not tolerate harassment of or discrimination on the basis of race, religion, color, sex, religious creed, national origin, ancestry, gender, gender identity, gender expression, sexual orientation, marital status, age, physical or mental disability, medical condition, pregnancy, military service and veteran status, pregnancy, childbirth and related medical conditions, genetic information, or any other basis protected by applicable state, federal, or local law. Any violation of this rule will lead to disciplinary action, up to and including termination.

B. Rule Coverage

The Town's rule against harassment, discrimination, and retaliation prohibits elected officials, appointed officials, officers, employees, volunteers, interns, and contractors from

harassing or discriminating against applicants, officers, officials, employees, volunteers, interns and contractors because: (1) of an individual's protected characteristic; (2) of the perception that an individual has a protected characteristic; or (3) the individual associates with a person who has or is perceived to have a protected classification.

C. Definitions

Protected Characteristic: Protected characteristic refers to an employee's race, religion, color, sex, religious creed, national origin, ancestry, gender, gender identity, gender expression, sexual orientation, marital status, age, physical or mental disability, medical condition, pregnancy, military service and veteran status, pregnancy, childbirth and related medical conditions, genetic information, or any other basis protected by applicable state, federal, or local law.

Discrimination: Discrimination is defined as treating an individual differently because of the individual's protected characteristic.

Harassment: Harassment is defined as unwelcome conduct that creates an intimidating, offensive, or hostile work environment that interferes with work performance and which is taken because of any protected characteristic. Harassing conduct denigrates or shows hostility or aversion towards an individual because of a protected characteristic. Harassing conduct can be:

- Verbal, including slurs, jokes, insults, epithets, gestures, or teasing;
- Graphic, including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails; and/or
- Physical, including physically threatening another, blocking someone's way, or touching.

Such conduct violates this rule, even if it is not unlawful. To ensure compliance with this rule, employees are expected to behave in a professional and respectful manner at all times.

Sexual Harassment: Sexual harassment can include harassing conduct as defined above, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, and other verbal or physical conduct of a sexual nature. Examples of conduct that violates this policy include:

- Unwelcome sexual advances, flirtations, advances, leerings, whistling, touching, pinching, assault, blocking normal movement;
- Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
- Obscene or vulgar gestures, posters, or comments;

- Sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies;
- Propositions, or suggestive or insulting comments of a sexual nature;
- Derogatory cartoons, posters, and drawings;
- Sexually explicit emails or voicemails;
- Uninvited touching of a sexual nature;
- Unwelcome sexually-related comments;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual; or
- Teasing or other conduct directed toward a person because of the person's gender.

All such conduct is unacceptable in the workplace and in any work-related setting, such as work-related trips and work-related social functions, regardless of whether the conduct is engaged in by an employee, official, contractor, vendor, or other third-party.

D. Retaliation

No employee will be subject to, and the Town prohibits, any form of discipline or retaliation for reporting perceived violations of this provision of the rule, pursuing any such claim, or cooperating in any way in the investigation of such claims. If an employee believes someone has violated this no-retaliation provision, the employee should bring the matter to the immediate attention of the Human Resources Director, any Town official or officer, or the Town Manager. Anyone, regardless of position or title, who the Town determines has engaged in conduct that violates this rule against retaliation will be subject to discipline, up to and including termination.

E. Reporting and Investigation Procedures

An applicant, employee, officer, official, contractor, or volunteer who feels he or she has been harassed, discriminated against, or retaliated against in violation of this rule should report the conduct immediately to the Human Resources Director, any Town official or officer, or the Town Manager. Any employee who receives a complaint must in turn direct the complaint to the Town Manager or designee who will determine what level of investigation and response is necessary.

The Town will promptly investigate the facts and circumstances of any claimed violation of this Rule. To the extent possible, the Town will endeavor to keep the reporting individual's concerns confidential. Complete confidentiality cannot occur, however, due to the need to fully investigate potential violations of this rule and take effective remedial action.

Upon receipt of a complaint of a potential violation of this rule, the Town Manager or designee will be responsible for coordinating a thorough investigation (unless he or she is named in the complaint). The Town Manager or designee may coordinate the investigation with the complainant's Supervisor and may hire an outside investigator if deemed appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Town Manager or designee. The Town Manager or designee may take interim action, such as placing the alleged perpetrator on paid administrative leave or transferring the alleged perpetrator. If the complaint is made against the Town Manager, the Mayor or the Mayor's designee will be responsible for coordinating the investigation.

If the investigation determines that the alleged conduct occurred and that the conduct violated this rule, the Town will take corrective measures. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, who the Town determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.

At the conclusion of the investigation, the Town Manager or designee will notify the complainant in general terms of the outcome of the investigation.

F. Dissemination of Policy

All Town officials, officers, employees, volunteers, and interns shall receive a copy of this policy when they are hired. The policy may be updated from time to time and, as such times, will be redistributed to all employees.

SECTION 21 - USE OF TOWN CREDIT CARDS

Town credit cards are provided to certain employees to be used for Town business. Employees who have cards are designated by the Town Manager. Those cards may be used by other employees, only with prior approval. All credit cards have purchasing limits that cannot be exceeded.

A. Usage

Credit cards may only be used for Town business. At the end of each calendar month, employees authorized cards shall provide any receipts, along with supporting documentation for its use to the Finance Department.

B. Business Travel

Credit cards may be used for business travel. Upon returning from business travel, and within thirty (30) days, an itemized accounting as well as all receipts must be provided to the Finance Department.

C. Misplaced or Lost Cards

Immediately upon realizing that the credit card is missing, report it to the financial institution issuing the card, as well as to the Finance Department.

D. Misuse of Town Credit Cards

Using Town credit cards for personal activities will result in disciplinary action. Failing to provide receipts and supporting documentation in a timely manner, losing a card and not reporting it, or any misuse of the card may result in the removal of credit card privileges and/or disciplinary action.

SECTION 22 - TRAVEL AND TRAVEL REIMBURSEMENT

The Town has a separate Travel and Travel Reimbursement Policy, which is available from the Human Resources Director via request. Employees should refer to the Travel and Travel Reimbursement Policy for details concerning its provisions. In general, the Town will reimburse employees for reasonable expenses incurred for business purposes including, but not limited to, meals, lodging, and transportation. The Town will reimburse mileage driven on your personal automobile at the current IRS-approved rate per mile. All business travel and business purchases must be approved in advance by your Supervisor.

A Travel Expense Reimbursement Report, including all receipts shall be prepared and submitted to the Finance Department by the person claiming the expenditures. Expense reports must document that the expense in question meets the requirements of the Travel and Travel Reimbursement Policy. Reimbursement Reports should be filed as soon as practicable after the meeting or conference and in any case within five working days after the employee's return to work, and no later than thirty (30) days after an expense being incurred.

SECTION 23 - USE OF VEHICLES

A. Condition and Maintenance of Town Vehicles

All Town vehicles will be clearly identified as Town-owned vehicles and reasonably uniform in color and appearance.

- 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.
- All maintenance and repair work will be done by Town personnel at Town facilities unless authorized otherwise by a Supervisor or Department Head or the Town Manager, except emergency repairs necessitated by extraordinary circumstances.

- All fuel shall be disbursed from the Town's Corporation Yard and according to established procedures. If fuel must be purchased outside of the Town, the driver will be reimbursed on presentation of proof-of-purchase.

B. Use of Town-Owned Vehicles

- No employee may operate a Town-owned vehicle unless he or she possesses a valid California driver's license. Employee must provide proof of auto insurance
- 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.
- No one may operate a Town vehicle, or a personal vehicle in the course of his or her employment, while under the influence of drugs or alcohol, or under any other influence that would render him or her unsafe to operate a motor vehicle.
- Unless expressly authorized otherwise by the Town Manager, Town vehicles may be used only for Town business and must remain on Town property at any time they are not being used on Town business, except:
- Because they are subject to call in serious situations, when transportation and radio communication are critical, the Wastewater Treatment Plant Supervisor and the Public Works Supervisor may be authorized to drive a marked vehicle between home and work for the convenience of the Town. These vehicles may not be used for personal errands, but may be used only for official business.

C. Use of Personal Vehicles

Personal vehicles may not be used for Town business unless such use is approved in advance by the Town Manager.

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 not 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 Town expense. No additional reimbursement will be allowed except in writing by the Town Manager and then only when extraordinary and unforeseeable expenses not under the control of the Town or the employee are encountered.

D. Automobile Use

Employees who utilize their personal vehicle in the performance of their duties must maintain a valid California driver's license at all times, have a satisfactory driving record, and must maintain adequate and appropriate insurance. Employees must comply with all traffic regulations and laws while engaged in driving on work-related business. Only hands-free mobile devices may be used when driving, and no communications device

may be used while driving to write, send, or read any text-based communication. Employees who use a vehicle on work-related business must provide the Town with a copy of their California driver's license and a copy of a Certificate of Insurance that shows evidence that the employee has comprehensive automobile liability insurance or business automobile liability insurance in an adequate amount. Should the employee be in a vehicle accident while performing Town business, for claims processing the employee's own insurance provider is primary and The Town's insurance provider is secondary.

Use of Vehicle Safety Belts: Employees who drive or ride in a Class A or any other vehicle equipped with safety belts on work-related business shall use and ensure that the driver and all passengers use available safety belts in the vehicles being operated. Passengers shall ride only in those positions of a vehicle designed for the carrying of passengers, including approved child safety seats if necessary.

E. Vehicle Accidents

When an accident occurs on the job involving one or more vehicles, the following steps should be taken by employees:

- **Scene:** Secure the scene of the accident.
- **Move Vehicles:** Move any involved vehicles out of the right of way, if possible.
- **Emergency Response:** Call 911 for emergency services if someone appears to be injured or asks that 911 be called.
- **Contact Supervisor:** Contact your Supervisor immediately, if communication devices are available.
- **Driver Information:** Exchange driver information and give the other driver a business card.
- **Personal Information:** Obtain the names, phone numbers, addresses, and e-mail addresses of any vehicle occupants, or observers of the accident.
- **Police Report:** Get the number of the police report that will be filed if the police respond to the accident.
- **Statements:** Do not make any statements accepting blame, guilt, concerning the assumption of liability. Give out only the required information.
- **Pictures:** Take pictures of the damage and all relevant aspects of the accident (the area where accident occurred, objects blocking view, etc.). If a camera is not immediately available, write down all of the relevant information.
- **Insurance and Legal Requirements:** Follow any insurance and legal requirements, such as immediately notifying your insurance company, The

Town's insurance company through appropriate staff, and the Department of Motor Vehicles.

F. Department of Motor Vehicles Pull Notice Program

The Town participates in the California Department of Motor Vehicles (DMV) Pull Notice Program. Under this program the DMV sends the Town driving records of all employees on an ongoing basis. The Town Manager reviews the driving records of those employees who are required or expected to drive as part of their condition of employment and will take appropriate action should any of the driving records indicate any of the following: DUI, suspended license, or other serious driving offense (i.e., reckless driving, etc.)

G. 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 Town will not be responsible for, nor reimburse for citations and parking tickets.

H. Duty in Case of Accident

In the event of an accident involving a Town vehicle, or a personal vehicle being used for Town business, the employee operating or having custody of the vehicle shall, within twenty four (24) 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 Town Manager and to the Town's insurance carrier a written report of the accident.

SECTION 24 - ELECTRONIC MEDIA POLICY

A. Purpose

The Town's computer systems (including all hardware and software) are the exclusive property of the Town and are provided for creating and transmitting business-related information. The Town treats all Electronic Media as business information. Electronic Media plays an integral role in the conduct of Town business and the creation, preservation, and management of Town records subject to various laws, including but not limited to the Public Records Act and the Brown Act. The purpose of this policy is to govern the use of Electronic Media (i.e., voice mail, email, the internet/World Wide Web) by all Town employees and elected officials. Because the use of voice mail, email, and the internet/World Wide Web raises issues of privacy, liability, and records retention, the Town has adopted this Electronic Media Policy. The term "Electronic Media" includes computers, laptops, tablets, internet access, email, voicemail, cellular telephones, pagers, and other electronic communication devices.

B. Policy

Electronic Media are provided for the use of Town employees for Town business-related purposes. Electronic Media may not be used for any prohibited purpose, including illegal activities, messages that may constitute discrimination or harassment under Town policy or state or federal law, or other inappropriate purposes as defined below.

The Town prohibits the display, transmission, or downloading of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, email, or internet/World Wide Web communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability or any other protected class.

Unless otherwise authorized by law, voice mail, email, or internet/World Wide Web systems may not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Unless authorized, employees should refrain from engaging in dialogue about confidential, proprietary, or nonpublic information involving the Town or any Town of employee, investor, client, or contract. Any employee that receives such requests should direct the inquiry to the Town Manager.

The Town's Electronic Media, including e-mail, may be used for incidental personal purposes only where such use does not: directly or indirectly interfere with the Town's operation of the computer system; burden the Town with noticeable incremental cost; interfere with the official or employee's employment or other obligations to the Town; or violate any of the sections of this policy.

C. Town's Right to Access Information

The Town reserves the right to enter, search, monitor, copy, and/or retrieve computer files, voice mail, email, internet or any type of electronic file of any employee or elected official, without notice, for business purposes, including, but not limited to, investigating theft, disclosure of confidential business or proprietary information, use of the system for personal reasons or for any other purpose unrelated to Town business, or monitoring work flow or productivity.

Although Town employees may have individual passwords or passcodes to electronic media items such as e-mail, voice-mail, and computer network systems, these items are accessible at all times by the Town, and may be subject to periodic unannounced examinations by the Town. All passwords and passcodes must be given to the Town and employees may not use passwords or passcodes that are unknown to the Town. The Town reserves the right to override any password or passcode created by an employee.

Although the Town reserves the right to access Electronic Media, employees are strictly prohibited from accessing another employee's personal file or voice mail or email messages without the latter's express permission. In addition, the voice mail, email and

internet/World Wide Web systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

Even though employees may have deleted information or files from any of the electronic media, it does not mean that the information or files are permanently deleted from the system. It is possible to recover deleted computer files, deleted e-mail and deleted voice mail messages at any time.

Employees should be aware that any electronic media messages and information created or stored on Town owned electronic media may constitute “public records” and may be subject to disclosure to the public under the California Public Record Act, Government Code 6230, or otherwise discoverable (e.g., in response to a subpoena).

D. Radio Waves

Use of radio equipment, such as but not limited to two-way radios, shall be used in a professional manner for business purposes only.

E. Voice Mail

Although employees and elected officials have passwords or codes that restrict access to voice mail messages left for them on the system, employees and elected officials should be aware that the Town can access any messages stored in the voice mail system and may do so for any reason at any time. Therefore, employees and elected officials may not assume that such messages are confidential.

The Town’s telephone system, including its voice mail system, is the property of the Town, and is designed and intended for Town business-related purposes. Employees and elected officials are required to reimburse the Town for any special charges for their personal telephone calls.

F. Email

Email is a business tool that shall be used in a professional manner for business purposes. When the Town becomes the target of litigation, all records maintained by the Town are subject to subpoena and review by the other party, including email. Therefore, email is neither personal nor private. Marking a message as “private” or “confidential” does not exempt information from being disclosed as a public record. As such email addressed to, generated by, or received on Town computers or servers is the property of the Town. As with voice mail, although employees and elected officials have passwords that restrict access to their computers, the Town may access any files or email messages stored on or deleted from the computer system. The Town reserves the right to access such information for any purpose at any time.

G. Internet/World Wide Web Access

Use of on-line information services such as the Internet and the World Wide Web is intended for Town business purposes. Personal uses should be kept to a minimum and

occur only during the employee's meal periods and rest breaks. Employees should not have any expectation of privacy regarding the web sites accessed through the Town's computer system. Computer systems may "leave tracks" at web sites visited. Because of the nature of the Town's business, any incidental use of the Internet for personal use must be conducted with the highest levels of professionalism.

H. Computers, Computer Software, Laptops, Tablets and Computer Files

The Town's computers, software, laptops, tablets, and files stored on the Town's computer or network shall be considered Town property. These devices shall be subject to search for any reason. In addition, all software that resides on any of the Town's computers shall be licensed and shall be considered Town property. Computers will be used for valid business purposes only; reasonable personal use is allowed at the sole discretion of the Town.

No employee will install software on any Town computer without first receiving permission from the Town Manager or designee. No employee may alter or tamper with any Town computer or interfere with their operation. All hardware failures will be immediately reported to an employee's Supervisor, Department Head, or the Information Technology Department. Personnel will not attempt hardware repair unless directed to do so by the Information Technology Director or designee.

I. Confidential Information

Town officials and employees shall take all reasonable and necessary efforts to minimize the likelihood of inadvertent transmission of confidential information to unintended recipients. The Town's data or information, confidential or otherwise, may not be transmitted to any individual not authorized to receive such data or information. Only authorized Town representatives are permitted to communicate information regarding the Town's business on behalf of the Town via the Town's Electronic Media. For the communication of sensitive and confidential information, officials and employees shall minimize the use of e-mail and maximize the use of alternative communication media (such as face to face conversations, telephone, hard copy memos, and fax). If an official or employee is unsure as to whether a communication is authorized, or is of a confidential nature, it is their responsibility to inquire with a supervisor or Town Manager as appropriate.

J. Response to Public Records Requests

In the event a public inspection request is made pursuant to the Public Records Act, or a demand by subpoena or court order is received by the Town, for any electronic communication or information stored in electronic form and in existence at the time such request or demand is received, the Town official or employee having control of such electronic communication or information shall use his or her best efforts, by any reasonable means available, to temporarily preserve such communication or information until the Town Attorney determines whether such communication or information is subject

to preservation, or public inspection or production, pursuant to any requirement of law, including in the case of litigation.

The Town Attorney and Town Clerk shall immediately be contacted regarding any such inspection request or production demand, either as a Public Records request or in the course of litigation. The Town Attorney shall advise the Town official or employee of the Town's preservation, inspection and production obligations, if any, with regard to such communication or information. If it is determined that the Town is legally obligated to either permit inspection or produce such electronic communication or information, the person in control of such communication or information shall thereafter preserve such communication for the applicable retention schedule period.

K. Virus Scanning

Town staff provided with a Town owned desktop or laptop computer will receive a computer with anti-virus software installed and configured. An employee who believes that a Town provided computer has been infected with a virus is required to report the issue to the Information Technology Department immediately.

L. Prohibited Uses of the Town's Electronic Media

Prohibited uses of Electronic Media include, but are not limited to the following:

- Illegal activities under local, state and/or federal law;
- Anything that may be construed as harassment or disparagement of others based on race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability, or any other protected class will not be tolerated. This includes, but is not limited to, slurs, obscene messages, sexually explicit images, cartoons or messages;
- Sending threatening messages;
- Unless otherwise allowed by law, soliciting or proselytizing others for commercial ventures, religious or political causes, outside organizations, or other non-job related matters;
- Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotage, intentionally introducing a computer virus);
- Unauthorized attempts to access to others' files with no substantial business purpose, or vandalizing the data of another user;
- Forging electronic mail messages;
- Communicating confidential Town information to unauthorized individuals within or outside of the Town;

- Personal messages such as chain letters; and
- Inappropriate use, which is deemed by the Town to be a violation of the intended use of any of the Electronic Media.

M. Violations of Policy

Violations of this policy will be reviewed on a case-by-case basis and may result in discipline up to and including dismissal.

SECTION 25 - Anti-Fraternization Policy

A. Purpose

The purpose of this policy is to prevent a conflict of interest or adverse impact on supervision, safety, security, or morale when supervisory employees or coworkers engage in consensual romantic or sexual relationships. Romantic or intimate relationships among employees create serious problems in terms of objective management, an unreasonable possibility of favoritism, conflict of interest, misunderstandings and claims of harassment and/or discrimination.

B. Policy Statement

The Town reserves the right to reasonably regulate, for reasons of supervision, safety, security, or morale, the assignment of employees involved in a romantic or sexual relationship within the same department, division, facility or unit. The Town discourages, but does not forbid, fraternization between managers or supervisors and subordinate employees or between coworkers.

C. Reporting Requirements

Any employees involved in a romantic or intimate relationship, not necessarily limited to a sexual relationship, are required to immediately report and fully disclose in writing the relevant circumstances to the Town Manager and/or the Human Resources Director. Failure to report the relationship or disclose material facts may lead to disciplinary action, up to and including termination.

D. Town Response

The Town will investigate reports to determine if: (1) the relationship creates a conflict of interest, causes disruption, creates a negative or unprofessional work environment, or presents concerns regarding supervision, safety, security or morale; and (2) if there are any reasonable modifications or changes in procedures that can be made to minimize operational concerns.

If a determination is made that the relationship creates operational concerns that cannot be minimized by reasonable modifications or changes in procedure, the Town reserves the right to make such employment decisions as it deems necessary to minimize

operational concerns, including but not limited to transfer of one or both parties to the relationship, adjusting lines of reporting or communication, and requiring the parties to acknowledge in writing the voluntariness of any such relationship.

In the event that no reasonable modifications or changes in procedure are available, or that any modifications or changes would affect supervision, safety, security, or morale, the Town reserves the right to transfer or reassign one of the employees. When the involved employees are coworkers, the wishes of the involved parties will be considered; however, the controlling factor in determining which employee shall be transferred shall be the positive operation, efficiency, and needs of the Town. In situations where one of the employees involved in the relationship is a supervisor, the appointing authority shall transfer the supervisory employee from the position of influence over the other party to the relationship. There can be no guarantee that the new position will be within the same classification or at the same salary level.

If an employee does not accept a transfer or reassignment, or in situations where no transfer or reassignment is available, the Town may request the voluntary resignation of one of the employees and if one of the employees does not voluntarily resign, the Town may move to retain one employee and terminate the other. Factors the Town might use in evaluating which employee to retain include, for example, performance, tenure, position within the organization, or other factors deemed relevant by the appointing authority or designee.

E. Appeal

Any permanent employee who is separated from Town service under this Rule may utilize the disciplinary action procedure as identified under the applicable collective bargaining agreement or, if none, the Grievance Procedure as described in these Rules and Policies. Other actions taken (for example, a transfer or lost opportunity for overtime or supplemental pay) are not subject to appeal.

