



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 13, 2012

From: Nikki Salas, Director of Human Resources **Item No:** 8
Human Resources

Subject: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE PERSONNEL POLICIES AND PROCEDURE MANUAL

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt the attached Resolution No. 2012-10, A Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures for The Town of Apple Valley.

SUMMARY:

The Human Resources Department, in consultation with legal counsel, is proposing the Town Council adopt Resolution Number 2012-10 to amend Rule 1 through 3 of the Town's Personnel Policies and Procedure Manual.

For Rule 1 and 2, the Human Resources staff sought to provide clarification to the language in this section, to simplify acronyms, and update terminology, as applicable.

For Rule 3, the Human Resources staff sought to provide clarification to the language in this section, to simplify acronyms, and update terminology, as applicable. Staff is also proposing the addition of a new provision, Section 3.8 Requalification which allows former Town employees that left in good standing to be requalified to the Town's recruitment list for any position the employees' held in good standing. The addition of this section will necessitate the renumbering of the remaining sections in Rule 3.

Please note, all changes or additions to Rules 1 – 3 are underlined.

BACKGROUND:

As part of the 2011-12 budget, the Human Resources Department established a goal to update the Town's Personnel Policies and Procedure Manual.

FISCAL IMPACT: N/A

RESOLUTION NO. 2012-10

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY
AMENDING THE PERSONNEL POLICIES AND PROCEDURES FOR THE TOWN OF
APPLE VALLEY**

WHEREAS, the Town Council of the Town of Apple Valley has established Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town Council of the Town of Apple Valley wishes to modify the Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town council of the Town of Apple Valley wishes to modify Rules 1 - 3 of the Personnel Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Rule 1 shall be amended in its entirety as provided in Exhibit A.
2. Rule 2 shall be amended in its entirety as provided in Exhibit B.
3. Rule 3 shall be amended in its entirety as provided in Exhibit C.

Unless otherwise noted, the effective date of this Resolution shall be March 13, 2012.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF MARCH 2012.

Mayor

Attest:

Town Clerk

EXHIBIT A

RULE 1 GENERAL PROVISIONS

Section 1.1 Purpose

The purpose of the Personnel Policies and Procedures Manual (hereinafter "Manual") is to provide guidance in the application of a fair personnel management policy, which promotes the efficient and economical delivery of services by the Town of Apple Valley (hereinafter "Town").

Section 1.2 Prior Policies Repealed

In the event that the terms and provisions of this Manual are inconsistent or in conflict with the terms and provisions of any prior Town personnel policy and procedures, resolutions, rules or regulations governing the same subject, the terms of this Manual shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby repealed.

Section 1.3 Term of Manual

This Manual takes effect when adopted by the Town Council (hereinafter "Council"). The manual shall remain in effect unless and until repealed, in whole or part, by the Council. The Council may in its sole discretion add to, delete or otherwise modify these policies and procedures.

Section 1.4 Non Discrimination

The Town shall comply with applicable Federal and State laws governing fair employment practice and equal opportunity. The Town of Apple Valley shall not unlawfully discriminate for or against any person based on race, creed, color, religion, national origin, ancestry, sex, age, political opinion, physical handicap, medical condition (cancer or genetic characteristics), marital status, physical or mental disability, gender identity, or sexual orientation.

Section 1.5 Violation of Personnel Policy

Violation of these personnel policies shall constitute grounds for disciplinary action as deemed appropriate in the discretion of Town Management.

Section 1.6 Department Policies and Procedures

Department managers may issue such policies and procedures as deemed necessary for the efficient and orderly administration of the department. However, no such policies or procedures shall conflict with or supersede these policies and procedures and shall be approved by the Personnel Officer prior to their implementation. Copies of department policies and procedures must be distributed to each employee of the department. Department policies and procedures must be consistent with, and supplementary to, these policies and procedures.

Section 1.7 Distribution of Personnel Policies

Copies of this Manual shall be given to each Town employee. Also, Department managers shall make them accessible to employees.

Copies shall be available in the Human Resources Department, the Town Clerk's office, the Town Manager's office and in each department of the Town.

Section 1.8 Definition of Terms

Terms used in this Manual shall be defined as follows:

Acting Appointment - An appointment of a person on an interim basis pending later appointment of an eligible person.

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

Applicant - Any person submitting a formal completed application for employment with the Town.

Authorized Position - A specific employment position within a job classification, which is or may be held by an employee.

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

Compensation - Salary, wages, fees, benefits, allowances or other consideration paid to or on behalf of an employee in return for personal services rendered to the Town.

Continuous employment - Employment uninterrupted except by authorized absences.

Contract employees – Individual employed by the Town pursuant to the terms of an individual written employment agreement which sets forth terms and conditions of employment. Unless expressly stated herein, the provisions of this Manual shall not apply to contract employees.

Days - Calendar days unless otherwise stated.

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

Department - A major administrative branch of the Town involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

Department Head - The manager of a Town department.

Disciplinary Action - Includes, but is not limited to, the discharge, demotion, reduction in pay, suspension without pay, and oral or written warnings, counseling and written reprimands of a regular employee. Exempt employees shall not be subject to unpaid disciplinary suspension or other disciplinary action that would invalidate their exempt status.

Discharge - Involuntary termination of Town employment.

Employment list - A list of names of persons who may be considered for employment with the Town under specified conditions. Employment lists will be prepared as needed as determined by the Personnel Officer.

Employee - A person who legally occupies a position in the Town's service or who is on an authorized leave of absence from such a position.

Employee Classification Plan - Classes of positions defined by class specifications including title which groups all positions with similar duties, responsibilities, authority and character of work in the same class with the equitable schedules of compensation within the same class.

Fiscal Year - The fiscal year for the Town begins on July 1 and ends on June 30 of the next year.

Full time Employee - A Town employee who usually works forty (40) hours per week in an approved classification plan position.

Grievance - A good faith or reasonable complaint of an employee or group of employees or a dispute between the Town and employee or group of employees involving the interpretation, application, or enforcement of this Manual. However, complaints involving performance evaluations, denial of merit pay increases, employee classification or reclassification, disciplinary actions, rejection from probation, and termination of part time, seasonal, or temporary employees are not grievable.

Grievance Procedure - The systematic means by which an employee may obtain consideration of a grievance.

Immediate Family - An employee's father, mother, spouse, registered domestic partner, child, brother, sister, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, foster child, ward of court, or stepchild.

Immediate Supervisor - The most immediate person to whom an employee reports for work assignments and direction.

Job Classification - The descriptive title of a certain type of job performed by a Town employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.

Layoff - The separation of an employee from Town service, which has been made necessary by lack of work or funds, or other reasons unrelated to disciplinary reasons.

Leave of Absence - An authorized absence from duty for a specified period of time.

Part-time Employee - A Town employee who usually works less than forty (40) hours per week. Such employees hired on or after October 28, 2003 are at-will and may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Performance Evaluation - A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor or other manager.

Personnel Manual - This group of personnel policies and procedures concerning employment with the Town of Apple Valley.

Personnel Officer - The Town Manager or an employee designated by the Town Manager as the Personnel Officer.

Personnel Ordinance - Ordinance No. 17 which creates a personnel system for the Town.

Position - A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one (1) employee.

Probationary Period - The first two thousand eighty (2080) hours worked or twelve (12) months, whichever occurs later, or such duly extended period of employment, during which a regular employee may be discharged without cause and without recourse to the grievance procedure or any other appeal right. The probationary period is an extension of the application process and serves to allow both the town and the employee to determine whether the employee is a fit candidate for the job in question.

Promotion - The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate with an increase in duties and responsibilities over the employee's present class.

Reduction in Pay - A temporary or permanent decrease in salary.

Regular Employee - A full time employee who has successfully completed the probationary period for the position she/he holds and has been retained thereafter as provided in this Manual.

Reinstatement - The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non probationary employee.

Resignation - Voluntary termination of employment by an employee.

Salary range – A series of pay levels setting forth the minimum and maximum salary payable for each employment classification.

Salary step - A level of salary payable in each salary range.

Seasonal employee - An individual appointed to a position established on a recurring basis of forty (40) hours per week, or less, for a specified season of six (6) consecutive months or less. Such employees are at-will and may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Smoking - Includes any lighted cigarette, cigar or pipe.

Standby Duty – An employee on standby duty shall:

1. Be readily available and accessible at all hours by telephone or other agreed upon communications mechanism, such as a cell phone, beeper, or radio, or by leaving a message at the employee's telephone location indicating where and how the employee can be reached;
2. Be able and ready to respond promptly to a call for service; and

3. Refrain from those activities, which might impair the performance of assigned duties when called.

Supervisor - A person who has responsibility for the assignment, direction, and evaluation of the work of a specified employee.

Suspension - Unpaid suspension is the temporary separation from service of an employee without pay for disciplinary purposes. Paid suspension is leave, with pay, wherein the employee is fully or partially relieved of duty, with pay and benefits, pending investigation of employee conduct or for other reasons deemed appropriate by Town management.

Temporary Employee - An employee hired for a specified purpose for a limited period of time. Such employees are at-will and may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Termination - The conclusion or cessation of employment with the Town of Apple Valley.

Town - The Town of Apple Valley.

Town Council - The Town Council of the Town of Apple Valley (also referred to in this Manual as the "Council").

Transfer - The movement of an employee within a department or between departments from one position to another position in the same class or another class having the same maximum salary, involving the performance of similar duties and requiring substantially the same basic qualifications.

Vacancy - An unfilled authorized position in the Town of Apple Valley employment.

Section 1.9 Application of Personnel Rules

This Manual shall apply to all officers, positions, and employments in the service of the Town. Except where otherwise stated in this Manual, they shall not apply to positions listed in the Town of Apple Valley Municipal Code Title 2, Chapter 2.60.030.

Section 1.10 Savings Clause

If any provision or the applications of any provision of this Manual, as implemented, are rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provision of this Manual shall remain in full force and effect.

EXHIBIT B

RULE 2 RECRUITMENT, SELECTION AND PLACEMENT

Section 2.1 Classification Plan

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in Town employment and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply under similar working conditions to all positions in the same class.

The classification plan shall be recommended by the Town Manager and adopted by the Council, and may be amended from time to time. Amendments and revisions of the plan may be suggested by any interested party and submitted to the Town Manager. A new position shall not be created and filled until the classification plan has been amended to provide therefore.

Section 2.2 Reclassification

The Personnel Officer may allocate positions to a more appropriate class. When the assigned duties have been materially changed by the Town so as to necessitate reclassification, whether new or already created.

Section 2.3 Vacancies

The Personnel Officer may fill a vacancy that occurs in an authorized position, with an existing Town employee who is both qualified for the position and willing to accept the employment change. When the Personnel Officer determines not to fill the vacancy with a Town employee, she/he may fill the vacancy with a person who is not a Town employee. The Personnel Officer may also determine that it is in the Town's best interest to leave the position vacant. This section shall not be construed to limit in any way the Personnel Officer's right to hire the most qualified person available to fill any vacancy.

Section 2.4 Personnel Requisitions

All requests for additional or replacement personnel shall be submitted to the Human Resources Department. The request shall be completed in writing by the initiating department and signed by the department head. The Human Resources Department shall satisfy all requests in accordance with the Town's recruitment policy.

Section 2.5 Job Announcements

The Personnel Officer may publish a job announcement, which shall state the position title, salary, desired qualifications, when and where to file applications and other pertinent information. Employment standards stated in the announcement shall be those established for the class as approved by the Personnel Officer.

Job announcements shall be considered published when they are posted by Human Resources. The Personnel Officer may publish notices of vacancies as he/she deems appropriate in order to recruit qualified applicants.

Section 2.6 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 the person employed possesses in full, by midnight of the final filing date, the desired qualifications or education and experience prescribed for that class except as provided by this Manual.

Section 2.7 Submitting Applications

Applications must be received by the Town not later than close of business on the final filing date. All employment applications submitted to the Town shall remain in an active status for a period of six-months during which time applicants will be considered for employment.

Section 2.8 Incomplete Applications

Incomplete applications may be rejected or returned to the applicant with notice to amend, provided adequate time exists. Incomplete applications received after the filing period will not be given consideration for Town employment.

Section 2.9 Disqualification

The Personnel Officer may disqualify an applicant or refuse to refer any person for employment for, but not limited to, the following reasons:

1. The applicant does not possess the necessary qualifications established for the position.
2. The applicant has been dismissed for good cause from previous employment.
3. The applicant has used or attempted to use any improper personal or political influence to obtain employment with the Town.
4. The applicant has been convicted of a felony or misdemeanor which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position. The word "convicted" shall be construed to mean a plea of guilty or nolo contendere, verdict, or finding of guilt regardless of whether sentence was imposed by the court.
5. The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.

Section 2.10 Offer of Employment

Offers of employment shall be extended to selected candidates only by the Personnel Officer. 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, which may imply a yearly contract. All employment offers are subject to all employment contingencies including, but not limited to, satisfactory background check, driver's license check (as applicable), fingerprint checks and pre-employment medical examination.

Section 2.11 Medical Examination

All offers of employment are conditioned on, among other things, the prospective employee satisfactorily completing a pre-employment physical examination. Such examination shall be performed by a licensed physician chosen by the Town without cost to the prospective employee. The prospective employee shall be required to complete a medical history questionnaire and a medical records release to facilitate the physical examination. The physician will indicate the employee's fitness for employment on the physical examination form. Final appointment will be contingent on a satisfactory physical examination. In order to qualify for final appointment, the employee must be able to perform the essential functions of the job, with or without reasonable accommodation, and without risk to the health and safety of him/herself or others.

Section 2.12 Fingerprinting

All prospective Town employees, during the pre-employment hiring process are required to be fingerprinted as a condition of employment. Employees shall be fingerprinted using Live Scan. In an event where Live Scan is unavailable, actual fingerprint cards will be used. Completed fingerprint cards are mailed to the Bureau of Identification of the California Department of Justice. The Department of Justice reports are addressed to and shall only be opened by the Personnel Officer or an employee so designated by the Personnel Officer. The Personnel Officer shall review the criminal history and make a determination as to the job relatedness of the information and whether the information in relation to the application materials submitted by the employee indicates whether fraud or misrepresentation in securing employment has occurred. A material misrepresentation may be grounds for disqualification for employment or, if already employed, grounds for termination.

Section 2.13 Driver's License and Satisfactory Driving Record

All applicants offered employment with the Town, in positions that require driving as an essential function of the position, must provide proof of a valid California Driver's License and a copy of their driving record issued by the California Department of Motor Vehicles (DMV) by the date of employment. If the applicant does not have a valid California Driver's License by the date of employment or the applicant's driving record is deemed by the Town Manager or his designee to be unsatisfactory, the applicant will be deemed ineligible for employment with the Town. Further, some positions may require a commercial driver's license by the date of employment as a condition of hire, or by a specified date after the date of employment as a condition of continued employment.

Current employees of the Town, in positions that require driving, shall have an appropriate valid California Driver's License and a good driving record. The Town is enrolled in the DMV "Pull Notice Program." Information regarding driving records, violations, suspended license, etc. is provided to the Town on a regular basis. Town employees in positions that require driving are required to advise the Town of any change in their driver's license status by the start of the next work day. In the event the employee's driver's license is revoked, suspended, expired, or the employee is uninsurable by the Town, the employee will be deemed to have failed to meet a continuing condition of employment and shall be placed on immediate suspension. If the employee fails to regain driving privileges or insurability by the Town within the period designated by the Town Manager or his designate, the employee will be terminated from employment with the Town for failure to satisfy job requirements.

Section 2.14 *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 California Constitution. The Oath shall be administered by the Personnel Officer or Town Clerk or other designated individual and a signed copy shall be included in the employee's personnel file.

Section 2.15 *Identification Cards and Badges*

Employee identification cards and badges shall be issued by the Information Technology Department to all Town employees. Employee identification cards are to be used by employees in conducting business on behalf of the Town. Employee identifications cards are the property of the Town and shall be surrendered to the Town upon termination of employment. Employees shall be required to report lost or stolen identification cards immediately to the Information Technology Department. Employees will be charged a ten dollar fee for all lost identification cards and badges.

Section 2.16 *Keys and Security Codes*

Keys to Town facilities and related security access codes will be issued to employees so designated by the Town Manager. Keys are property of the Town and shall be surrendered to the Town upon termination of employment. Employees shall be required to report lost or stolen keys immediately to the Human Resources Department. Employees will be charged the full replacement and any associated costs for any Town property not returned.

EXHIBIT C

RULE 3 TERMS OF EMPLOYMENT

Section 3.1 Salary Schedule Adoption

Except as otherwise provided by law, officers and employees shall receive compensation as provided in the basic salary and compensation schedule adopted by the Town Council by resolution for the respective classifications of positions in which they are employed, in accordance with the terms of employment set forth in this Manual.

Section 3.2 Probationary Period

To ensure that new regular employees are able to satisfy requirements of the position for which they were hired, the first twelve (12) calendar months or 2080 regular hours worked, whichever occurs later, shall be considered the minimum probationary period for regular employees of the Town. The probationary period may be extended for a maximum of six additional calendar months or 1040 hours worked, whichever occurs later, subject to the approval of the Personnel Officer. The probationary period is required as part of the testing process and shall be utilized for closely observing the employee's work. All regular employees will receive a performance evaluation prior to completion of the minimum probationary period and any extension of the probationary period. Probationary employees are at-will and, during the probationary period or any extension thereof, an employee may be rejected at any time without cause and without recourse to the grievance procedure or any other appeal right.

Regular employees promoted or transferred to another position in the Town shall be considered probationary employees during the first 12 calendar months or 2080 regular hours worked, whichever occurs later, in the new position. A promotional probationary period may be extended for a maximum of six additional calendar months, or 1040 hours worked, whichever occurs later, subject to approval of the Personnel Officer. Employees failing to perform satisfactorily in the newly assigned position may be rejected and returned to their former position, if vacant, or to a position requiring similar skill and in a similar pay grade without recourse to the grievance procedure or any other appeal right.

Section 3.3 Promotion

It is Town policy to fill authorized vacancies with the most qualified individual available and to provide promotional opportunities for qualified employees. For the purpose of this policy, promotion shall be defined as movement to a higher classification in the salary schedule. Employees interested in promotion to a position vacancy for which they are qualified shall submit an employment application to the Personnel Officer. Employees who have not yet successfully completed the probationary period for their current position are not eligible for promotional consideration for a position being advertised only to Town employees.

Employees promoted to a new position shall be placed at that step of the salary range in which the position is classified which represents a nominal five percent increase in the employee's current salary. Employees promoted to a new position having a maximum salary range higher than a five percent increase over the employee's current salary shall be placed at the minimum step of the salary range in which the position is classified.

Employees appointed to “acting” positions shall not acquire probationary or permanent status or rights, and time spent in an “acting” position shall not contribute to the probationary period if the employee is subsequently appointed to the position.

Promotional offers shall be extended to selected candidates only by the Personnel Officer. Employment offers for all promotional positions shall be made in accordance with Section 2.10 of this Manual.

Section 3.4 *Transfer*

Requests for transfer to another type of work or department will normally be considered only after successful completion of the probationary period. No person shall be transferred to a position for which that person does not possess the minimum qualifications. Employees requesting a transfer shall submit a memorandum to the Personnel Officer detailing the request for transfer and reasons for the request. Upon receipt of the transfer request, the Personnel Officer will notify the employee’s supervisor and/or department head. Job performance, qualification and attendance shall be evaluated to ensure the most effective use of the employee’s capabilities in evaluating the transfer request. If the transfer involves a change from one department to another, both department heads must consent thereto unless the Town Manager orders the transfer. Employees transferred to a position vacancy shall serve a probationary period in accordance with Section 3.2 of this Manual. The Town may initiate employee transfers when the transfer is in the best interest of the Town.

Section 3.5 *Demotion*

Employees demoted at their own request shall be placed between the minimum and middle step of the salary range in which the new position is classified. If the employee fails to perform satisfactorily during the probationary period, the employee may be discharged in accordance with Section 13 of this Manual.

The Town may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Employees demoted due to unsatisfactory performance following a promotional opportunity or a Town initiated transfer shall be returned to their former position and salary provided the demotion occurs during the probationary period in the newly occupied position.

Section 3.6 *Suspension*

The Town Manager may suspend an employee from a position at any time for disciplinary reasons. Intended suspension action shall be reported immediately to the Personnel Officer and shall be taken in accordance with Rule 13 hereof.

Section 3.7 *Reinstatement*

Employees who have resigned from Town employment may be eligible for reinstatement to their former positions or to a position which requires similar skill and in a similar pay grade providing all of the following criteria are met:

1. There is a vacancy in the position for which the employee seeks reinstatement.

2. The request for reinstatement is received within six months after the date the employee resigned.
3. The former employee meets the medical requirements for the position and is certified by a Town retained physician to be able to perform the essential functions of the job, with or without reasonable accommodation, and without risk to the health or safety of him/herself or others.
4. Prior performance evaluations were satisfactory.
5. The former employee provided at least two weeks' notice upon resignation.
6. The Personnel Officer approves the reinstatement request prior to the appointment.

Former employees shall have no right to reinstatement; reinstatement shall be at the sole discretion of the Town. The Town reserves the right to consider the restoration of salary, seniority and other employee benefits on an individual basis and the same shall be restored at the sole discretion of the Town Manager. Reinstated employees shall be required to complete a new probationary period in order to obtain permanent status.

Section 3.8 **Requalification**

Requalification is the eligibility of a former or voluntarily demoted employee for appointment without examination. Requalification is a privilege and is based upon past successful work performance. Employees who resign or voluntarily demote after acquiring regular status may be requalified for placement on all appropriate eligibility lists (seasonal, part-time, and full time). The eligibility period for requalification begins immediately after the date of resignation or voluntarily demotion and ends three (3) years thereafter. The period of eligibility on lists after placement shall not exceed one (1) year from the date of requalification.

The Personnel Officer, or designee, may approve the request of a former or voluntarily demoted employee to be requalified based on previous Town employment and work experience. Former employees shall not be granted requalification eligibility unless their former manager/director concurs with the requalification based on past performance.

Section 3.9 **Termination**

Employees may be rejected and terminated without cause and without recourse to the grievance procedure or any other appeal right at any time during a probationary period immediately following the individual's date of employment or during any approved extension of an employee's initial probationary period. Rejections occurring during the probationary period shall be initiated by the appropriate department head and approved by the Personnel Officer and Town Manager prior to notifying the employee of termination action. Rejected probationary employees shall be paid out accrued time in accordance with the provisions of this Manual. Rejected probationary employees shall not be eligible for prior notice of termination.

The Town may discharge regular employees for cause, including, but not limited to, inadequate job performance. Town employees shall be discharged in accordance with applicable provisions of the Personnel Ordinance or this Manual. Employees discharged in accordance with this Manual shall be paid for the benefits accrued under the Public Employees' Retirement

System and benefits to which the employee is statutorily entitled. Discharged employees shall receive payments on the next regularly scheduled payday.

Section 3.10 Orientation

A designated employee of the Human Resources Department will provide a brief orientation to each new Town employee. The orientation will address issues such as hours of work, rest periods, salary, benefits, probationary period, performance evaluation, position descriptions, attendance, drug abuse policy, smoking policy, sick leave, vacation, overtime and other basic personnel issues as directed by the Personnel Officer.

The employee's immediate supervisor will provide the employee with a thorough orientation including, but not limited to, the following:

1. Outline current and long-range departmental objectives.
2. Review the organization of the department and the names of key department personnel.
3. Review department procedures.
4. Explain hours of work, time reporting, lunch and break periods, absence reporting and other Town policies.
5. Define work assignments, objectives and responsibilities.
6. Conduct a tour of Town facilities including rest rooms and parking facilities.

Section 3.11 Attendance

Employees shall be in attendance at their work station or other assigned work location in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees, which shall be reported to payroll on the appropriate form. Unauthorized absence or excessive tardiness shall be cause for discipline, up to and including discharge.

Employees shall make every effort to schedule personal appointments outside their working hours. The Town will maintain records of employee attendance to identify critical and chronic attendance and punctuality problems. Employee attendance and punctuality will be reviewed and evaluated during the employee's annual performance evaluation.

Section 3.12 Nepotism

In order to assure efficiency in implementing Town policies, it is necessary to restrict the employment of relatives of elected and appointed Town officers and of relatives of municipal employees. For the purpose of this policy a "relative" is defined as a spouse, child, step child, parent, step parent, parent-in-law, legal guardian, brother, sister, brother-in-law, sister-in-law, step sister, step brother, aunt, uncle, niece, nephew, registered domestic partner, grandchild or grandparent regardless of their place of residence; or any other individual related by blood or marriage living within the same household as the municipal employee or persons having an equivalent relationship with the employee. Therefore, the following restrictions will apply:

1. Relatives of elected and appointed officials, and relatives of employees shall not be employed in the same department of the Town where such employment would be detrimental to the supervision, safety, security or morale of the department or the Town, as determined by the Town Manager, nor shall any employee be placed in a position which exercises supervisory authority over a relative.
2. If two Town employees become married or registered domestic partners and their employment conflicts with the provisions of this policy, they may continue employment provided that such employment does not directly or indirectly place an undue hardship on other employees within the particular work unit of the married couple and such employment is not detrimental to the supervision, safety, security or morale of the particular work unit as determined by the Town Manager.
3. In no event shall an employee participate directly or indirectly in the recruitment or selection process for a position in which an employee's relative may have filed an official employment application.

Section 3.13 Compensation

The Personnel Officer or a designated representative shall be responsible for preparing and maintaining an employee classification plan for the Town. The employee classification plan, and amendments thereto, shall be approved by the Town.

New Town employees shall be hired at the minimum step (Step 1) of the salary range in which the position is classified. In the event a potential employee possesses extraordinary skill, training or ability, or where exceptional recruitment difficulties are encountered, employment offers may be made at a higher rate whenever this would be in the Town's best interest. Offers of employment up to middle step of the salary range may be approved by the Personnel Officer. Offers of employment above the middle step of the salary range shall require the approval of the Town Manager.

Individuals hired at the minimum step of the salary range shall be eligible for a salary step increase upon completion of the probationary period or any extension thereof, not to exceed five percent (5%), and at 12 month intervals thereafter, not to exceed two and one half percent (2½%). A completed performance evaluation with a satisfactory or higher rating shall be required for all salary step recommendations.

Individuals hired at other than the minimum step of the salary range shall be eligible for a salary step increase upon completion of the probationary period or any extension thereof, not to exceed two and one half percent (2½%), and at 12 month intervals thereafter, not to exceed two and one half percent (2½%). A completed performance evaluation with a satisfactory or higher rating shall be required for all salary step recommendations. All effective dates for pay increases occur on the due date of the annual review unless the department supervisor has notified the Personnel Officer that the review is being extended.

Section 3.14 Biennial Salary Review

The Town Manager, or designee, shall conduct a total compensation survey every odd numbered year for all positions within the Town's Classification Plan, as defined in Municipal Code Section 2.60.070.

Section 3.15 Performance Evaluation

It is Town's policy to evaluate employee performance on a regularly scheduled basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee. The employee's immediate supervisor shall carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed prior to the completion of a probationary period. This includes completion of the initial probationary period, completion of any extended probationary period and completion of the promotional probationary period of a regular employee or any extension thereof. It is the supervisor's responsibility to assure that the performance evaluation is completed and returned to the Personnel Officer for review prior to the completion of the probationary period.

A performance evaluation shall be completed on at least an annual basis for regular employees. It is the supervisor's responsibility to assure that the performance evaluation is completed and returned to the Personnel Officer for review prior to the employee's annual evaluation date. Special evaluations, as needed, may be given.

Section 3.16 Higher Classification Differential

An employee designated to act in a higher classification shall receive an additional five percent (5%) of the employee's base salary for out of class pay, as additional compensation for all time actually spent working in the acting position in excess of ten consecutive working days and continuing only until such time as the employee is returned to their original job classification.

Section 3.17 Lunch and Rest Periods

Town employees shall be eligible to receive one rest period not to exceed fifteen (15) minutes in any four consecutive hours of work. The employee's immediate supervisor shall coordinate the scheduling of the rest period. Employees working greater than five hours per day are entitled to a meal period. Meal periods are non paid and non working time. Meal periods shall not be less than thirty minutes or greater than sixty minutes. Whenever possible, supervisors will make every effort to schedule meal periods during the middle of the shift.

Section 3.18 Notice of Resignation

Employees who wish to terminate employment with the Town voluntarily shall provide a minimum of two weeks written notice to their immediate supervisor. The written resignation shall be considered accepted by the Town immediately upon submission by the employee and shall be forwarded to the Human Resources Department for processing. Requests to revoke a resignation shall be determined in the sole discretion of the Town Manager. Any employee failing to provide the Town with a minimum of two weeks written notice shall be ineligible for consideration for future employment with the Town, unless the notice is waived by the Personnel Officer for good cause.

Section 3.19 Death of Employee

In the event of a death of the Town employee, payment of all earned wages due shall be in accordance with applicable laws.

Section 3.20 Political Activity

Political activities of Town officers and employees while on duty and/or on Town premises are prohibited. In accordance with the California Government Code the following shall be prohibited.

1. A Town officer or employee shall not, directly or indirectly, solicit political funds or contributions from other Town officers or employees or from persons on Town employment. (Government Code section 3205)
2. No Town officer or employee shall participate in political activities of any kind while in uniform. (Government Code section 3206)
3. No Town officer or employee shall engage in political activity during working hours. (Government Code section 3207)
4. No signs, posters or other political advertising materials shall be posted upon Town property at any time.

Section 3.21 Voting

The Town encourages eligible employees to register and vote in all federal, state and local elections. Town employees are expected to vote prior to or following their assigned working hours. However, if an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours, will enable the employee to vote. In order to receive paid time off to vote, the employee must provide a written request for such time and must obtain written approval from the employee's department head. If foreseeable, requests must be made in writing and must be received at least three days prior to Election Day. The Personnel Officer shall be notified prior to approval of paid time off for voting. In no event shall an employee receive more than two hours paid absence for the purpose of voting. Voting time with pay shall be taken immediately prior to the beginning or after the completion of the employee's scheduled workday. Paid absence for the purpose of voting shall be in accordance with section 14000 of the California Elections Code.

Section 3.22 Employee of the Quarter

In order to provide recognition to noteworthy Town employees, an Employee of the Quarter Program shall be implemented. Employees of the Town, including full-time, part-time and contract employees, may be recognized through this program.

All requests to have employees considered for Employee of the Quarter shall be submitted by the department head to the Personnel Officer no later than the 20th day of the month preceding the award (i.e., February 20th for the March Employee of the Quarter). Requests should state in detail the reason the employee is worthy of special recognition. The Personnel Officer shall present all requests to the Town Manager for consideration. The Town Manager shall review each request and make the final decision.

The Employee of the Quarter shall be presented with a framed Employee of the Quarter certificate and the Employee of the Quarter will receive one paid day off from work, and a designated parking spot. A photograph of the Employee of the Quarter shall be displayed in designated locations at Town offices.

Section 3.23 Employee of the Year

Employees selected as Employee of the Quarter shall automatically be considered for the Employee of the Year selection for that calendar year. Town staff will vote for the Employee of the Year. The Employee of the Year shall receive an engraved Town of Apple Valley tile, which will be presented at the annual Town of Apple Valley Employee Recognition Luncheon/Dinner. The Employee of the Year will receive one paid day off from work.

Section 3.24 Alcohol and Drug Policy

Town employees are prohibited from using or possessing alcohol, controlled substances or illegal drugs in connection with their employment. The Town has established the following policy with regard to use, being under the influence, possession, distribution or manufacture of alcohol, controlled substances and drugs (hereafter collectively “alcohol” and “drugs”).

I. Pre Employment Screening

The Town will maintains pre-employment screening practices designed to prevent hiring of individuals who use illegal drugs or individuals whose use of legal drugs or alcohol indicates a potential for impaired or unsafe job performance. If the applicant is under age 18, a consent form must be signed by the parent or guardian for drug and alcohol screening.

All offers of employment extended by the Town shall be contingent upon the applicant submitting to and passing a fitness for duty examination which, for safety sensitive jobs only, shall include testing for the use of drugs and alcohol. Applicants who refuse to sign a consent form permitting testing or the release of test results to the Town will not be hired/rehired.

Samples of the applicant’s urine shall be collected in a medical environment, during the pre-employment physical, by persons unrelated to the employer.

An applicant who fails the drug and alcohol test is entitled to know what portion of the test he or she failed and to question and challenge test results he or she believes to be erroneous. Any positive test result shall be retested independently using a more sensitive test.

Applicants whose test results are positive for use of un-prescribed controlled substances or alcohol intoxication or abuse will be deemed to have failed the pre-employment physical examination and will not be hired/rehired. Applicants whose test results indicate abuse of lawfully prescribed drugs, likewise, will be deemed to have failed the pre-employment physical examination and will not be hired/rehired. However, an applicant who fails can reapply for employment after one (1) year.

II. Reasonable Suspicion Drug and Alcohol Screening

The Town may require a blood test, urinalysis, or other drug, and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work or when on standby duty. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, up to and including termination for even a first refusal or any subsequent refusal.

A. Use, being under the influence, possession, distribution or manufacture of drugs or alcohol.

1. Alcohol

Use, possession of, or being under the influence of alcohol by any employee while performing Town business, while on Town property or while on standby is prohibited to the extent that it may affect the safety of the employee, co workers or members of the public, the employee's job performance, or the safe or efficient operation of Town business.

2. Legal Drugs

Use of or being under the influence of any legally obtained drug by any employee while performing Town business, while on Town property, or while on standby is prohibited to the extent such use or influence may affect the safety of the employee, co workers, members of the public, the employee's job performance, or the safe or efficient operation of Town business. An employee may continue to work, even though under the influence of a legal drug, if management has determined, after consulting with competent medical authority, that the employee does not pose a threat to his or her own safety or the safety of others and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action as determined by the Town.

3. Illegal Drugs

The use, possession of, or being under the influence of, manufacture, distribution, purchase, transfer or possession of an illegal drug by an employee while on Town property, while performing Town business or while on standby is prohibited.

B. Employee Reporting Requirements

1. Legal Drugs

An employee's use of a legal drug can pose a significant risk to the safety of the employee or others. Employees who feel, or have been informed that the use of a legal drug may present a safety risk, are to report their use of such a drug to their immediate supervisor. The employee need not identify the drug taken or the reasons for taking it to the supervisor, and will be referred to the employee's physician and/or Town physician for follow-up to determine if the employee is fit to perform while taking the drug. Employees who suspect that a fellow employee or others are under the influence of alcohol or drugs must report their suspicions to their immediate supervisor for further investigation and appropriate action.

2. Illegal Drugs

Employee use of an illegal drug poses a significant risk to the safety of the employee or others. Employees who have been informed or suspect that a fellow employee has used, is in possession of, or is under the influence of an illegal drug must report such suspicion to his/her immediate supervisor for further investigation and appropriate action.

C. Disciplinary Action

Violation of this policy can result in disciplinary action, up to and including discharge, even for a first offense. Further, the Town reserves the right to discipline employees, up to and including discharge, for conviction of an offense which involves the use, distribution, or possession of illegal drugs.

D. Searches

The Town reserves the right to search lockers, desks, storage areas, furniture, Town vehicles and other places under the common control of the Town and employees, and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy. Employees shall have no expectation of privacy in any Town owned premises, property, or equipment.

E. Drug free Workplace Designation

Any location at which Town business is conducted is designated as a drug free workplace. All Town employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace.

The Town shall implement an education program for all employees on the dangers of drug abuse in the workplace. Additionally, the Town will provide training to assist in identifying and addressing illegal drug use by employees.

Any employee convicted of violating a criminal drug statute in this workplace must inform the Town of such conviction (including pleas of guilty and nolo contendere) within *five (5) days of the conviction occurring*. Failure to inform the Town shall result in disciplinary action up to and including *termination for the first offense*.

The Town reserves the right to offer employees convicted of violating this policy participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline or in combination with discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program, as a condition of continued employment. The employee shall also be required to sign a Last Chance Agreement, setting forth additional terms and conditions of continued employment.

All employees of the Town shall be required to acknowledge that they have read this policy and agree to abide by it in all respects. By law, this acknowledgment and agreement are required as a condition of continued employment.

F. Definitions

Under the influence – When an employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner or is impaired in the performance of job duties. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious

impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, and, in some cases, by a layperson's opinion.

Legal Drug - Includes prescribed drugs and over the counter drugs, which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Illegal Drug - Any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term further includes prescribed drugs not being used for prescribed purposes.

Section 3.25 Smoking Policy

The Town is dedicated to protecting the health and safety of all Town employees from unhealthful conditions. The Surgeon General has stated that "cigarettes are the most important individual health risk in this country responsible for more premature deaths and disability than any other known agent," and that "cigarette smoking can make a significant measurable contribution to the level of indoor air pollution at levels of smoking and ventilation that are common in indoor environments," and that "there was a provable relation between such 'passive' smoke from smokers and illness and deaths among non smokers."

Therefore, smoking is prohibited in any Town owned or leased building specifically utilized for the administration of Town business. This shall include, but is not limited to, offices, lobbies, hallways, conference rooms, restrooms, common work areas, vehicles, equipment and Council Chambers. The Personnel Officer shall maintain a list of designated approved smoking areas. It is the employee's responsibility to comply with these designated locations. Each department and division head shall be responsible for enforcing this smoking prohibition within their area of responsibility. Any Town employee violating this policy will be subject to disciplinary action.

Section 3.26 Service Awards

In order to recognize the contributions of long time municipal employees, the Town shall provide service awards to regular full time employees who have completed five years of consecutive service and on succeeding five year anniversaries thereafter. Service awards shall also be presented to regular part-time employees who have completed the equivalent of five years of consecutive service and on succeeding five-year equivalent anniversaries thereafter.

Service awards will be presented annually at an awards ceremony scheduled by the Administrative Services Department. Employees must have completed the appropriate years of service prior to the date of the awards ceremony to be eligible for the award. Presentation of service awards shall be made by a representative of the Town Council or by an authorized representative of the Town.

Section 3.27 Bulletin Boards

All bulletin boards, unless otherwise designated, are the property of the Town and shall display only those notices approved by the Town. All requests to use Town bulletin boards shall be made in writing to the Personnel Officer prior to posting any materials. Approved notices shall be date stamped by the Human Resources Department and may be posted for a period not to

exceed 14 days from the date of approval. Requests for extension of the 14 day maximum must be resubmitted to the Personnel Officer.

Employees are prohibited from posting unapproved notices on Town bulletin boards. Employees are prohibited from displaying posters, notices, memos or other written or printed material on walls, doors, windows, furniture or other property belonging to the Town. Employees displaying unapproved materials on Town premises shall be subject to disciplinary action in accordance with the provisions of these Rules.

Section 3.28 Safety

It is Town policy to maintain an active safety program designed to eliminate occupational related illness and injury among Town employees. Every Town employee shall be required to observe all Town and departmental health and safety procedures.

Each Town employee shall receive a copy of the Town's Safety Policies and Procedures and shall be responsible for complying with those policies. Failure to observe Town safety policies and procedures shall result in disciplinary action in accordance with the Personnel Policies and Procedures.

Section 3.29 Workplace Related Violence

The Town will not tolerate workplace related violence or threats of workplace related violence of any type. Thus, any act or threat of workplace related violence against a co-worker, customer or any other individual will lead to discipline, up to and including termination of employment, depending on the nature and severity of the employee's conduct.

- Conduct prohibited under this policy includes, but is not limited to:
- Physical assaults;
- Verbal abuse or threat (oral or written);
- Physical gestures or other actions intended to threaten, intimidate or coerce another person;
- Harassment;
- Sabotage of equipment or other property;
- Bomb threats or similar activities;
- Menacing or inappropriately aggressive behavior towards another person;
- Stalking;
- Possession of a weapon.

These rules apply at any time an employee is on duty, on Town premises, or otherwise acting in connection to the employee's employment with the Town.

In addition to taking disciplinary action against an employee engaging in prohibited conduct under this policy, the Town will take aggressive legal action against any employee who engages in workplace related violence or who creates or constitutes a threat of workplace related violence.

Any employee who feels he or she has been the victim of workplace related violence or threat of workplace related violence is expected to report such to the employee's supervisor or any other supervisory or management employee immediately. Further, any employee who has knowledge of an incident of workplace related violence or a threat of workplace related violence must report such to his or her immediate supervisor or any other supervisory or management employee immediately.