

THE TOWN OF YUCCA VALLEY

Revised Employee Handbook
with
Personnel Rules, Policies and Procedures

Revision Date:
April 1, 2012

ABOUT THIS HANDBOOK / DISCLAIMER

Adoption of these personnel rules and regulations ("Rules") is authorized and directed pursuant to Resolution No. 11-XX of the Town of Yucca Valley.

We prepared this handbook to assist you in finding the answers to many questions that you may have regarding your employment with the Town of Yucca Valley. Please take the necessary time to read it. Although we do not expect this handbook to answer all of your questions, your Supervisor and Human Resources Manager will be a major source of information as well.

This handbook or any other verbal or written communication by a management representative, is not, or should not be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation. The Town of Yucca Valley adheres to the policy of employment at will, which permits the Town or the employee to terminate the employment relationship at any time, for any reason, with or without cause or notice. No one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or agreement is in writing and signed by the Town Manager.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate Town documents. These Town documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general Town guidelines. The Town may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to terminate employment at will, which may only be modified by an express written agreement signed by the employee and Town Manager. This handbook, rules and regulations may also be supplemented by other administrative policies and procedures issued by the Town Manager.

The Town Council sets personnel policy by resolution and enacts changes in compensation or benefit levels by ordinance or resolution. As the need arises, the Town Manager may recommend to the Town Council changes to these policies. The Town Manager is authorized to interpret or deviate from these policies in individual situations in order to achieve the primary mission of serving the citizens of Yucca Valley. In doing so, the Town Manager shall first balance the benefits and burdens to the Town and the affected employee or employees. This handbook supersedes all prior handbooks.

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Section 1 - Governing Principles of Employment

1-1. Introduction

"The mission of the Town of Yucca Valley is to provide a government that is responsive to the needs and concerns of its diverse citizenry and ensures a safe and secure environment while maintaining the highest quality of life."

For those of you who are commencing employment with Town of Yucca Valley ("Town of Yucca Valley" or the "Town"), on behalf of Town of Yucca Valley, welcome. We hope you will enjoy your work here. We are glad to have you with us.

For those employees who have been with us, thank you for your past and continued service.

We understand that it is our employees who provide the services that our community and customers rely upon, and who will grow and enable us to create new opportunities in the years to come.

1-2. Equal Employment Opportunity

The Town of Yucca Valley is an Equal Opportunity Employer who fully and actively supports equal access for all people, regardless of race, color, religion, gender, age, national origin, veteran status, disability, genetic information or testing and sexual orientation. We prohibit retaliation against individuals who bring forth, any complaint, orally or in writing, to the employer or the government, or any individuals who assist or participate in the investigation of any complaint, or otherwise oppose discrimination. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The Town will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities, unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please let the Human Resources Manager know.

The Town will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the Town's operations. If you wish to request such an accommodation, please speak to the Human Resources Manager.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Manager. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge.

1-3. Non-Harassment

It is the Town of Yucca Valley's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, religion, gender, age, national origin, veteran status, disability, genetic information or testing and sexual orientation. The purpose of this policy is not to regulate our employee's personal morality, but to ensure that in the workplace, no one harasses another individual.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to the Human Resources Manager and/or Department Director. If you are unable for any reason to contact either of these people, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the Town Manager. Additionally, there is a confidential Employee Protection Line sponsored by The Agos Group you may call to discuss the issue at 1-877-651-3924. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Town will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. For the full Policy Against Harassment, please review Policy 7-3.

1-4. Sexual Harassment

It is the Town of Yucca Valley's policy to prohibit harassment of any employee by any supervisor, employee, customer or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the Town. It is to ensure that at the Town all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, and Internet websites, sending sexually explicit e-mails and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to the Human Resources Manager and/or Department Director. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact Town Manager. Additionally, the Town provides a confidential Employee Protection Line at 1-877-651-3924 supported by The Agos Group. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Town will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. The specifics of the Town's Policy Against Harassment is located in the policy.

1-5. Drug and Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Town property, and to ensure efficient operations, the Town has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the Town.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia or alcohol by an individual anywhere on Town premises, while on Town business (whether or not on Town premises) or while representing the Town, is strictly prohibited. Employees and other individuals who work for the Town also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. Violation of this policy will result in disciplinary action, up to and including discharge.

The Town maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Town employee, including themselves.

Employees working in classifications requiring Class B or Class A Commercial Licenses as part of their job descriptions are required to comply with the Department of Transportation (DOT) & Federal Motor Carrier Safety Administration (FMCSA) Mandated Drug and Alcohol Testing Program criteria. The specifics of the policy are located in separate document provided to all staff working in those classifications.

1-6. Classification

The Human Resources Manager, or a contracting agency, will establish and maintain the classification plan covering all classifications in the competitive service.

Class titles are to be used in all personnel, accounting, budget, appropriation and financial records. No person will be appointed to, or employed in, a position in the competitive service under a title not included in the classification plan. Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed, and not necessarily inclusive of all duties performed. No employee shall be required to perform duties which are not closely related, both in kind of work and in level of responsibility, to duties formally assigned to positions in his/her class, except on a short term, temporary, or emergency basis. However, if an employee is required to work out of class for more than three (3) weeks, a request should be made by the Department Director for a provisional appointment. No request for a provisional appointment shall be considered in situations where the work assignment is less than three (3) weeks in duration.

1-7. Your Employment Records

The information in the employee's personnel file is permanent and confidential. The employee is responsible for immediately informing the Human Resources Department whenever there are changes in personal data such as address, telephone number, marital status, number of dependents, emergency contact, update on education or licensed, as well as any changes to any required visas, if applicable. The employee is also responsible for maintaining a current group life insurance beneficiary designation.

The employee has the right to inspect his/her own personnel file at reasonable times on reasonable notice. An employee may inspect only his/her own personnel file only in the presence of an employee of the Human Resource Division. Personnel files may not be removed from the Town's premises without written authorization from the Town Manager.

1-8. Proof of Right to Work

In compliance with law and regulations of the United States Department of Justice and the Immigration and Naturalization Service, the Town requires that each person hired by the Town complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States. Documentation must be produced within three (3) business days of hire, or on the first day of any employment that is less than three (3) business days. Required documentation must be presented to the Human Resources Department. The Town of Yucca Valley participates in E-Verify, a system that determines the employment eligibility of all new hires.

1-9. Workplace Violence

The Town of Yucca Valley is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Town and personal property.

We do not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in an act of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, and hostility; extreme agitation; making ominous threats such as "bad things will happen to a particular person," or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in the Town policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally or becomes increasingly confrontational.

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any Town employee **WILL NOT BE TOLERATED**. For the purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto Town premises.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to a member of management with whom you feel comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All reports of threats will be promptly investigated. No employee will be

subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Town determined, after an appropriate, good faith investigation, that someone has violated this policy, the Town will take swift and appropriate corrective action.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices and work areas. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Section 2 - Operational Policies

2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below:

Regular Full-Time Employees - Employees who regularly work at least 40 hours per week who were not hired on a short-term basis; an employee in the competitive service who has successfully completed a 1,040 hour working test period and is employed full-time. Regular full time employees receive all fringe benefits.

Regular Part-Time Employees - Employees who regularly work less than 40 hours per week who were not hired on a short-term basis; an employee in the competitive service who has successfully completed a 1,040 hour working test period and is employed part-time. The benefits are prorated for regular part-time employees who regularly work more than 20 hours per week. (See Section 3.5 for more benefit information.)

Short-Term Employees - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-term employees generally are not eligible for Town benefits, but are eligible to receive statutory benefits.

Seasonal employees are appointed in the same manner as a short-term employee and are subject to the same procedure as regular employees except that they will be laid off at the close of the season for which they have been appointed. Seasonal employees are not in the competitive service and shall not be entitled to any fringe benefits other than statutory benefits. They can be terminated without cause or right of appeal.

Temporary employees are appointed to fill an appointment that shall not exceed 980 hours in any twelve (12) month period. No benefits shall be provided other than statutory benefits. They can be terminated without cause or right of appeal.

In addition to the above classifications, employees are categorized as either "exempt" or "non-exempt" for purposes of federal and state wage and hour laws. Exempt employees do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. You will be informed of your classification upon hire and informed of any subsequent changes to your classification.

2-2. Working Test Period

The first 2,080 hours ((12) months for full-time employees)) of your employment is a working test period. This is an opportunity for the Town to evaluate your performance. Also, it is an opportunity for you to decide whether you are satisfied being employed by the Town. The Town may extend the working test period if it desires, upon approval of the Town Manager. Completion of the working test period does not alter an employee's at-will status.

Regular, part-time employees will have a twelve (12) month period to complete the working test period as well.

2-3. Working Hours and Schedule

The Town of Yucca Valley normally is open for business from 8:00am to 5:00pm, Monday through Thursday in the Community Services, Community Development, Public Works/Engineering and Town Hall offices and is closed Fridays. The Yucca Valley Animal Shelter and the Hi-Desert Nature Museum are open from 8:00am to 5:00pm. Depending on which office you are hired to work in you will be assigned a work schedule and you will be expected to begin and end work according to that schedule. To accommodate the needs of our organization, at some point we may need to change individual work schedules on either a short-term or long-term basis.

In some departments the Town provides the Alternative Workweek (See Administrative Policy No. 7.3.1) option to employees. The alternative workweek is defined as 8 nine hour work days, 1 eight hour work day and 1 day off every pay period.

The Community Services and Public Works departments may require varying work schedules to accomplish their projects or meet the needs of the community. If you are requested to work a split shift, you will receive one hour of extra pay at regular pay, for each day that you are scheduled to work a split shift.

2-4. Compensation

The compensation plan includes the basic salary schedule as adopted by the Town Council.

All appointments shall be made at the minimum step within a particular range; however, the Town Manager may approve a higher starting rate of compensation at his/her discretion.

The anniversary date shall be based on the date of hire. The employee evaluation shall be regulated by this date. If hired into a new position, the anniversary date changes to the new position hire date.

The employee will be considered for a maximum of 2.5% merit increase when the working test period is completed. The employee will be considered for merit increases between 2.5% and 5% on annual anniversary dates thereafter. Merit increases shall be granted only as a result of a written evaluation of continued meritorious service and with the continued improvement by the employee in the effective performance of the duties of the position held. No salary increase shall be made so as to exceed any maximum rate established in the compensation plan for the class to which the employee's position is allocated unless authorized and approved by the Town Manager.

Any employee who is promoted to a position having a higher range than the position s/he occupies, shall commence work in the higher range at a step that at minimum is an increase of 5% above the rate s/he was receiving prior to promotion. Step increases or promotions shall be effective as indicated on the Personnel Action Form. When a regular employee is demoted to a position for which s/he is qualified, his/her salary shall be set at the step rate in the lower pay range which provides the smallest decrease in pay.

Reclassification:

- If an employee is reclassified upward, the employee will receive an increase in salary not to exceed 5 percent unless otherwise approved by the Town Manager.
- If an employee is reclassified downward an employee's salary will be frozen (Y-rated) until the compensation for the lower classification exceeds the salary of the employee.

Working Out of Class:

No employee shall be required to perform duties which are not closely related, both in kind of work and in level of responsibility, to duties formally assigned to positions in his/her class, except on a short term, temporary, or emergency basis. However, if an employee is required to work out of class for more than three (3) weeks, a request should be made by the Department Director, for a provisional appointment. No request for a provisional appointment shall be considered in situations where the work assignment is less than three (3) weeks duration.

Salary based upon provisional appointment shall be the beginning salary in the range or 5% above the previous salary, whichever is higher. If the provisional employee is subsequently returned to his/her previous position, the previous salary shall be reinstated, unless an anniversary evaluation has occurred which warrants a merit increase.

2-5. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. Currently, non-exempt employees are required to clock-in and clock-out daily, including leaving and returning for their lunch period using the electronic time keeping system. Non-exempt employees must record any time taken off for personal, sick, vacation, and bereavement or jury duty. Exempt employees, while not required to record their daily work attendance, must report full days of absence from work for reasons such as leaves of absence, sick leave or personal business.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge. Non-exempt employees may not start work until their scheduled starting time.

It is your responsibility to record your punches daily or request your supervisor to make an appropriate correction by using the EZ Labor Correction to Time Sheet request form and verify with your Supervisor the accuracy of all time recorded. Any errors in your time record should be reported immediately to your Supervisor who will attempt to correct legitimate errors.

2-6. Payday

All employees shall be paid every two weeks or bi-weekly. A pay period is for 14 consecutive calendar days, beginning on a Saturday and ending on a Friday if the employee is working a standard 8-hour, 5-day a week schedule. If employee is working an alternative workweek schedule such as 9/80 the employee's pay period begins at 12:00pm every other Friday and concludes 14 consecutive days later at 11:59am. A payroll calendar will be provided to each employee to show the respective pay periods and pay dates.

2-7. Your Paycheck

Your payroll stub itemizes deductions made from your gross earnings. By law, the Town is required to make deductions for federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Your payroll stub will also differentiate between regular pay received and overtime pay received.

If you believe there is an error in your pay, bring the matter to the attention of your supervisor and the Payroll and Finance Specialist immediately so the Town can resolve the matter quickly and amicably.

Your paycheck will be given only to you, unless you request that it be mailed, or authorize in writing another person to accept your check for you.

2-8. Meal and Rest Periods

Full time employees are entitled to two (2) 15-minute rest breaks each day. You will be paid for these rest breaks. Normally one rest break will be scheduled in the morning and one in the afternoon. Your supervisor will advise you of the time of your breaks. You are expected to return to work promptly at the end of any break.

If you work longer than five (5) hours in a workday, you will be given an unpaid meal period of at least thirty (30) minutes, which must commence no later than the end of your fifth hour of work. Your manager or supervisor will schedule your meal period. You must not perform any work during your meal period.

You may leave the premises during your meal period. It is important that you return to work promptly at the end of your meal period.

In the event an employee requests time to express breast milk for the employee's infant, the Town shall provide a reasonable amount of break time to accommodate the request. This request can be denied by the employer, if it is deemed by the employer that the accommodation would seriously disrupt the operations of the employer.

2-9. Overtime

Like many public agencies, we experience periods of extremely high activity. During these busy periods, additional work is required from all of us. Your Supervisor is responsible for monitoring the workload and requesting overtime work if it is necessary. Effort will be made to provide you with adequate advance notice in such situations.

The work period for all regular full-time employees of the Town shall be forty (40) hours per seven-day work period. For purposes of calculating overtime for non-exempt employees working a traditional 5 day, 40 hour workweek, the workweek begins on Saturday and ends on Friday. The typical work period is 8:00am - 5:00pm unless otherwise directed by the Department Director or Town Manager.

If you are working an alternative workweek schedule, the typical work schedule is from 7:30am - 5:30pm for the 9/80 workweek. The workweek begins at 12:30pm on Friday and ends at 12:29pm the following Friday. The pay period shall be a two week period beginning on alternate Saturdays for a traditional 40-hour workweek and shall begin at 12:30pm on alternate Fridays for a 9/80 alternative workweek schedule. For some departments, the schedule may begin at 10:30am and end at 10:29am the following Friday.

Overtime is defined as "hours worked in excess of the work period" and must be authorized in advance by a Department Director or the Town Manager. Employees working overtime when not authorized to do so are subject to disciplinary action. In emergency situations overtime may be authorized retroactively. Overtime may be authorized under the following circumstances:

- In emergency situations (generally caused by inclement weather or disaster).
- To complete projects which start one day, and would be difficult, awkward, or impossible to complete during regular working hours the next day.
- In situations where a job completion is deemed essential by the Department Director or the Town Manager.

When overtime is worked, the employees who are not exempt under the Fair Labor Standards Act will be compensated by:

- Payment of 1 1/2 times his/her hourly rate, or
- Accrual of compensatory time off at a rate equal to 1 1/2 hour for each hour of overtime worked up to a forty (40) hour maximum. (The employee will define whether the overtime will be taken in payment or accrued compensatory time off to meet requirements defined below in section identified as Compensatory Time Off.)
- An employee called from home to perform overtime work shall be reimbursed for the cost of meals needed to sustain the employee in his/her work performance during the overtime period. Supervisory discretion is called for in such situations.
- An employee called to work in an emergency shall be credited with 1/2 hour for travel time (15 minutes each way) at overtime rate of pay, and in addition, shall earn overtime credit for actual time worked, with a minimum credit of two hours.
- Overtime for the traditional 40-hour work week is calculated for any hours worked over forty (40) hours in a seven day workweek.

Overtime is only calculated on actual hours worked, exclusive of vacation, sick time, holiday pay, bereavement pay, jury duty pay or compensatory time off.

Compensatory Time Off - Employees who opt for compensatory time in lieu of overtime pay shall not exceed forty (40) hours accumulation. Any overtime earned which exceeds the forty (40) hours accumulation shall be paid at the overtime rate in the following payroll. The Department Director will decide when an employee will take all or part of his/her accumulated compensatory time.

2-10. Double-time Pay

Although not a normal practice, the Town recognizes that there may be occasions where a non-exempt employee will need to work an extended shift, e.g. local emergencies, etc. In the event that a non-exempt employee works more than twelve (12) hours in a day, s/he will be compensated with double time for each hour worked in excess of twelve hours.

2-11. Split Shift Pay

A split shift is any two (2) distinct work periods separated by more than a one-hour meal period. If there is more than one hour between shifts, the employee will receive at least one hour's pay at no less than the minimum wage rate for the time between shifts. The time between the split shifts is not counted for overtime purposes since it is not compensation for hours worked.

2-12. Reporting Time Pay

Reporting time pay is owed when an employee reports to work at his/her regularly scheduled time, but is not put to work or is given less than half the usual or scheduled day's work. In this case, the employee will receive pay for at least half of the hours he/she was scheduled to work, but never less than two hours pay, and never more than four hours pay.

Reporting time pay is also owed if an employee is required to report to work a second time in any one workday and is given less than two (2) hours work on the second reporting. In this case, an employee must receive at least two (2) hours pay for the second appearance. These provisions do not apply to workers:

- On a paid standby status, called to work at times other than their usual shift;
- When operations cannot begin due to threats to the employer or property or when recommended by civil authority;
- When public utilities fail, such as water, gas, electricity, or sewer; and;
- When work is interrupted by an act of God or to other causes not within the employer's control.

Reporting time pay will be paid if an employee reports to work at an assigned time and is told that there is no work but to report back later. The employee would be entitled to pay for one-half his regular shift (not less than two hours) even though he may report back later and work a full shift. If, at a subsequent reporting time, the employee is not provided with at least two hours of work, he is entitled to at least two hours pay.

If an employee is required to attend a meeting on a day he/she is not scheduled to work reporting time pay must be paid as follows:

- 2-4 hour meeting - Reporting time pay owed is 2 hours;
- 5 hour meeting - Reporting time pay owed is 2.5 hours;
- 6 hour meeting - Reporting time pay owed is 3 hours;
- 7 hour meeting - Reporting time pay owed is 3.5 hours; and
- 8-10 hour meeting - Reporting time pay owed is 4 hours.

2-13. Stand-by Time

Stand-by means a period of time outside an employee's regularly scheduled work hours during which the employee is required to remain available (on-call) for emergencies with a specified response time. The on-call period is to be determined by the direct supervisor. The Supervisor shall be responsible for preparing an on-call schedule. In the event that an employee does not wish to serve stand-by time, the employee may be excused if another worker volunteers to serve in his/her place.

A Town vehicle shall be made available to the on-call employee. The employee shall use this vehicle only for the performance of related duties and not for personal use. Non-employees or family members are not to be transported in a Town vehicle at anytime.

Accessibility of on-call personnel: The on-call employee shall carry the on-call cell phone and/or Town issued radio at all times. Personnel are required to make contact via phone or pager within 30 minutes from the initiation of the page. Personnel are then expected to report immediately from the time of contact, with consideration for safety. The on-call employee shall not engage in any activity while on call, which could impair the employee's function (such as alcohol consumption). No employee shall be on-call for more than seven (7) consecutive days.

Compensation: All Town personnel, including exempt employees, who are authorized to serve as the on-call personnel, shall be entitled to receive stand-by fees and overtime pay. Each employee who is eligible for stand-by pay shall be compensated at the flat rate of \$24 per day for after hours on regular working days; \$48 per day on the weekends, Town authorized holidays and regular scheduled day off.

Each employee on stand-by who is called into work shall be compensated by: Payment of 1 1/2 times their hourly rate; or accrual of compensatory time off at a rate equal to 1 1/2 hours for each hour of overtime worked. An employee called to work in an emergency shall be credited with 1/2 hour for travel time (15 minutes each way) compensated at 1 1/2 times their rate and in addition shall earn overtime/compensatory time credit for actual time worked with a minimum credit of two (2) hours. An employee on stand-by who is not available when called and does not present a reasonable justification for failure to report when called, shall lose standby compensation for that stand-by period and may be subject to disciplinary action.

Overtime Exempt Positions: The overtime policy does not apply to the following positions (this is not a fully inclusive list): Town Manager, Deputy Town Manager, Town Clerk, Community Services Director, Administrative Services Director, Human Resources Manager, Senior Accountant, Project Engineer, Animal Care and Control Manager, and Associate Planner. However, overtime exempt employees may be eligible for cash bonuses at the discretion of the Town Manager. Bonuses will be in consideration for exemplary service and extraordinary effort.

2-14. Bilingual Pay

Bilingual pay of \$25.00 per bi-weekly period will be given to eligible employees who meet the following requirements:

The employee must, on a frequent and recurring basis, be required to speak and/or translate by reading/writing in the performance of his/her regular duties with the Town. Those positions eligible for bilingual pay are to be determined by the Town Manager.

The employee must pass a language skills test administered or approved by the Town. Please see the Human Resources for the Bilingual Application and procedures.

2-15. Direct Deposit

The Town of Yucca Valley strongly encourages employees to use direct deposit. Authorization forms are available from the Human Resources or Payroll Department.

2-16. Travel Time for Non-Exempt Employees

Non-exempt employees may be required to travel for business needs. Below are general guidelines as to whether such time is compensable. These guidelines are subject to applicable state law.

Overnight Out-of-Town Trips

All time spent traveling is compensable, except for meal periods, if the travel occurs during normal working hours on days the employee is scheduled to work and days the employee is not scheduled to work. All working time, of course, is compensable.

Out-of-Town Trips For One Day

All time is compensable except for: (i) any time spent traveling between home and the local railroad, bus or plane terminal; and (ii) any time spent eating while on the move.

However, it is vital to note that travel from home to work and travel from work to home generally is non-compensable.

2-17. Safe Harbor Policy for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Town. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons.
- Full-day absences for sickness or disability.
- Full-day disciplinary suspensions for infractions of the Town's written policies and procedures.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Any full work week in which you do not perform any work.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; or voluntary contributions to a 457 or pension plan.

In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence on a day because your employer has decided to close a facility on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Human Resources Manager or the Town Manager.

2-18. Salary Advances

The Town of Yucca Valley does not permit advances on paychecks or against accrued paid time off. Also, the Town does not permit the early release of a paycheck.

2-19. Performance Review

All regular employees are evaluated on an annual basis according to the regular employee's established anniversary dates, and are eligible, as appropriate, for merit increases. Depending on your position and classification, the Town of Yucca Valley endeavors to review every Town employee, except those appointed by the Town Council, annually. However, please understand *that a positive performance evaluation does not guarantee an increase in salary, a promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.*

All seasonal or temporary employees are evaluated at the end of their temporary assignment using the shortened evaluation form. Temporary and seasonal employees are eligible for a single step increase on their established anniversary date, based on a "good" or "better evaluation average score.

During the working test period, the employee is to be evaluated at 3 months and then again at six months (no later than 960 hours) and finally prior to the end of the working test period after hire (twelve months). The outcome of such employee evaluations will determine whether the employee is rejected or appointed as a "regular employee." The last evaluation of the working test period also provides the means of determining the appropriateness of a merit increase at the end of the working test period. After successfully completing the working test period, the employee receives "regular employee" status, which includes being evaluated on an annual basis (usually the anniversary date of hire in a specific position).

Promotional appointments also have a six (6)-month working test period and the promotional employee will receive a three (3)-month and a six (6)-month evaluation, being no later than 960 hours after the promotion to determine "release" to previous position, if available. In addition to these formal performance evaluations, the Town encourages you and your Supervisor to discuss your job performance on a frequent and ongoing basis.

2-20. Record Retention

The Town acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Town and its employees and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the Town Manager, Department Director, Supervisor, or Human Resources to inform them of a potential or actual litigation, external audit, investigation or similar proceeding involving the Town that may have an impact on record retention protocols. The Town adheres to the most current Records Retention policy directives.

2-21. Medical Standard

Medical examinations may be required for all new employees. The applicant may be given a conditional offer of employment before any examination.

When the Town has reasonable suspicion to believe a current employee has physical or psychological problems which have affected his/her job performance or conduct, the Town may send an employee for a fitness for duty examination. Reasonable suspicion for the examination shall be based upon specific evidence. Regular and working test period employees in the competitive service, who have been absent more than three (3) days for a prolonged or frequent leave due to illness or injury, must either submit a written release from their doctor or take a medical examination as prescribed by the Town before returning to work or both.

All medical information about an employee or applicant is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for Town business reasons. In a case of an employee with a disability, managers and supervisors may be informed regarding the necessary restrictions on the work or duties of the employee and necessary accommodations. All information received from a medical examination shall be kept strictly confidential.

2-22. Training and Development

All new employees and newly promoted employees must be given an employee orientation to their new job duties and the policies, procedures, and operation of the department that is appropriate to their position. It is the Human Resources Department and the Supervisor's responsibility to provide the orientation to the new employees or newly promoted employees under their supervision. The orientation shall consist of training in job duties and responsibilities; the employee handbook; and the mission, policies, procedures and operation of the department.

At times, the employee may be required to attend certain training courses. The training is part of the employee's continuing job responsibilities and must be attended. The Town will pay the employee's salary and all costs of the required training. In order for conferences, seminars, training and academic courses to be reimbursed, the topics must relate to the employee's current job duties or prepare the employee for promotion. The employee must have the Supervisor's approval before the Town will pay the cost.

If an employee requests to attend a conference, seminar or academic course and it is approved, the Town will pay all reasonable costs in accordance with the Expense Reimbursement Policy. Appropriate expenses may include travel, meals, lodging registration or tuition, books and eight hours pay per day of the employee's normal work week. The employee may either receive an advance of funds for the

conference or reimbursement of funds spent by the employee. The employee should request attendance at the conference or seminar as far in advance as possible, but in no case later than two (2) weeks prior to the conference. The employee's request for attendance must be approved by the employee's Supervisor, Department Director and the Town Manager. Please refer to the Town's Expense Reimbursement policy in Appendix D for specific reimbursement guidelines.

Section 3 - Benefits

3-1. Benefits Overview/Disclaimer

In addition to providing good working conditions and competitive pay, it is the Town of Yucca Valley's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised and continues to be refined to keep up with changing times and needs. These benefits include time-off, such as vacations and holidays, insurance and other plan benefits.

The next few pages contain a brief outline of the benefits programs the Town of Yucca Valley provides for you and your family. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for your general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon your request from the Human Resources Department. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the Town of Yucca Valley (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the Town intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits with Council's approval at any time and for any reason.

If you have any questions regarding your benefits, please contact the Human Resources Manager.

3-2. Paid Holidays

Full-time and regular Part-time employees will be paid 13 holidays in the calendar year:

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
New Year's Eve

3 week days that fall between Christmas Day and New Year's Eve*

* These three days are in lieu of Martin Luther King Jr. Day, Veteran's Day and a Floating holiday. Although the offices will be closed to the public on Martin Luther King Jr. Day and Veteran's Day, both days will be a working day for the staff.

When holidays fall or are celebrated on a regular work day, eligible employees will receive one (1) day's pay (8 hours) at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one (1) day's pay at their regular straight-time rate, and an additional payment of time and a half for the actual time they work that day. Employees on a 9/80 schedule will use one (1) hour of vacation, PTO, or comp time to complete their nine-hour shift if not on a working Friday.

If a holiday falls on an employee's regularly scheduled day off, the employee will accrue 8 hours of vacation pay.

Holidays falling within the vacation period shall not be considered as part of an employee's vacation. The eligible employee will be paid for the holiday (at the regular straight-time rate), or an extra day may be added to his/her regular vacation period, or the day may be used at the discretion of the employee with approval of the Town Manager. Illness during a vacation period shall not be considered sick leave.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate) in addition to the leave day, or the eligible employee will receive an additional day off at the option of the Town.

Holidays falling on Sunday will be observed on the following Monday. Holidays falling on Saturday will be observed on the preceding Friday.

Part-time employees who are regularly assigned and work more than 20 hours shall receive holidays pro-rated by comparing the time worked to 40 hours. Part-time employees regularly assigned to work 20 hours or less are not entitled to holidays or holiday pay. Probationary employees shall be granted holidays as they fall within the working test period. Seasonal, temporary, and emergency employees do not receive holidays or holiday pay.

3-3. Paid Vacations

We know how hard you work and recognize the importance of providing you with time for rest and relaxation. We fully encourage you to get this rest by taking your vacation time. Full-time employees accrue paid vacation time as follows:

During the first four (4) full calendar years of employment, all full-time, regular employees accrue up to ten (10) days of vacation per year, 3.08 hours accrued per pay period. Vacation is accrued on a prorated basis throughout the year.

From year five (5) through seven (7), full-time employees accrue up to fifteen (15) days of vacation per year, 4.62 hours accrued per pay period. And from eight (8) years forward, full-time employees accrue 15 days plus one additional day per year up to twenty (20) days per year maximum. Vacation is accrued on a prorated basis throughout the year.

New employees in their working test period may not take vacations until they have completed their 1,040 hours. Promotional employees serving a working test period will be allowed to use accrued vacation upon approval of their Supervisor.

The maximum vacation entitlement for part-time employees working more than 20 hours is prorated based on hours worked as it compares to forty hours. Part-time employees regularly assigned to work twenty (20) hours or less do not receive vacation accruals. Seasonal, temporary and emergency employees do not receive vacation accruals.

If an employee does not take his/her vacation in any calendar year, s/he may, subject to approval of the Town Manager, be allowed such vacation during the succeeding calendar year. However, in no event, shall an employee accrue in excess of forty-five (45) working days (360 hours) of vacation time. When an employee reaches forty-five (45) working days or three hundred sixty (360 hours) of vacation time, the employee shall cease accruing vacation time.

Holidays falling within the vacation period shall not be considered as part of an employee's vacation. Whenever a holiday falls within an employee's vacation period, an extra day may be added to his/her regular vacation period, or used at the discretion of the employee with approval of the Town Manager. Illness during a vacation period shall not be considered sick leave.

An employee who has earned vacation benefits, and wishes to terminate his/her employment with the Town, will be paid for any unused vacation time at his/her regular rate of pay.

The employee may cash out his/her vacation time if s/he has three (3) or more years of service and has used eighty (80) hours of vacation time during the calendar year. The employee is eligible to cash out forty (40) hours of vacation time at his/her regular rate of pay.

The employee may cash out up to two hundred and eighty (280) hours of vacation leaving a minimum balance of forty (40) hours annually to offset any deficit of health benefit costs or the eight percent (8%) portion of the CalPERS employee contribution. (See Vacation and Sick Leave Sell Back Policy)

Absence due to sick leave or other approved paid leaves of absence will not affect vacation accruals, unless such absences exceed thirty (30) working days or the allowable short-term disability benefit, in which case, the employee will not earn vacation. Employees absent due to unpaid leave do not earn vacation. Employees who enter unpaid status for any reason will cease to accrue vacation leave.

Every effort will be made to grant your vacation preference, consistent with our operating schedule. However, if too many people request the same period of time off, the Town reserves the right to choose who may take vacation during that period. Individuals with the longest length of service generally will be given preference. Vacation requests must be submitted to your manager at least two (2) weeks in advance of your requested vacation dates.

3-4. Sick Days

Full-time regular employees are eligible to receive up to twelve (12) paid sick days each year, or one (1) day of sick leave for each calendar month of service rendered, or major fraction thereof based on 3.69 hours accrued per pay period.

All employees are eligible for sick leave except temporary, part-time (regularly assigned to work 20 hours or less), seasonal and emergency employees. Regular part-time employees who regularly work twenty-one (21) hours or more are eligible for a prorated share of sick leave.

If you will be out of work due to illness, you must call in and notify your Supervisor as early as possible, but at least by the start of your workday. If you call in sick for three (3) or more consecutive days, or have a pattern of "weekend illness," you will be required to provide your supervisor with a doctor's note, on the day you return to work. Additionally, before returning to regular duties you will meet with your Supervisor and the Human Resources Manager to discuss any limitations or accommodations that the physician may have prescribed.

Employees who have deficit funds for their health care or their employee contribution of eight percent (8%) CalPERS may sell back sick leave to offset the excess expenses leaving a least a minimum of eighty hours (80) in their sick leave bank one time a year.

Accrued, unused sick time may be carried over into the next calendar year. At retirement, an employee who is eligible under the California Public Employees Retirement System (CalPERS) shall have all unused sick leave converted to service credit.

Unused sick leave is forfeited upon termination of employment with the Town.

3-5. Insurance Programs

Regular part-time and full-time employees may participate in the Town's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to the Human Resources Department if you have any further questions.

3-6. Workers' Compensation

On-the-job injuries are covered by our Workers' Compensation Insurance Policy, which is provided at no cost to you. If you are injured on the job, *no matter how slightly*, report the incident immediately to your Supervisor. Failure to follow Town procedures may affect your ability to receive Workers' Compensation benefits.

The workers' compensation benefits provided to the injured employee may include: a) Medical care; b) Cash benefits, tax free, to replace lost wages; c) Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure that all employees receive any workers' compensation benefits to which they may be entitled, the employee will need to: a) Immediately report any work-related injury to their supervisor; b) Seek medical treatment and follow-up care through the Company Nurse program, if required; c) Complete a written Employee's Claim Form (DWC-1) and return it to the Human Resources Manager; and d) Provide the Town with a certification from the health care provider regarding the need for workers' compensation disability leave, as well as the eventual ability to return to work from the leave.

The Supervisor must contact the Human Resources Manager immediately to prepare authorization for treatment and/or provide appropriate direction for the care of the injured employee.

If the employee is placed on modified duty, there will be an interactive meeting with the employee, the employee's Director, and the Human Resources Manager to discuss whether the modifications are appropriate for the job description and whether the primary functions of the position can accommodate a modified duty.

Upon return from Workers' Compensation leave, the employee must meet with his/her Director and the Human Resources Manager with the final release documents. There will be an interactive meeting to be sure that the employee is comfortable working the unmodified work routine and that all parties are clear about the ability of the employee to perform his/her primary job functions.

Upon submission of a medical certification that an employee is able to return to work after a worker's compensation leave, the employee under most circumstances will be reinstated to the employee's same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a worker's compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had the employee not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Town's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on the employee's qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of the employee's job because of a physical or mental disability, the Town's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act (ADA).

The Town provides medical treatment for work-related injuries through the closest facility which in this case is Avalon Urgent Care and in some instances, the Hi-Desert Medical Center. Employees who are injured in a work-related incident will be referred to Avalon Urgent Care or Hi-Desert Medical Center for medical treatment for up to thirty (30) days, unless prior to a work-related injury, the Town has received from the employee a written notice that the employee wishes to be treated by their own physician. In all cases, employees may seek treatment from their own physician after thirty (30) days, should they so desire.

The law requires the Town to notify the workers' compensation insurance company of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one (1) to five (5) years, or by a fine not exceeding \$50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may also apply.

Any leave of absence due to a workplace injury runs concurrently with all other Town leaves of absence. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

3-7. Statutory Short-Term Disability Benefits

The Town of Yucca Valley also provides statutory short-term disability insurance.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

3-8. Long-Term Disability Benefits

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between the Town and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

3-9. Salary Continuation

The Town of Yucca Valley provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by the Town. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

3-10. Employee Assistance Program

The Town of Yucca Valley provides an employee assistance program for all employees. This program offers a variety of resources from personal counseling to legal issues. Their contact information is 800-386-7055 or visit www.ibhworklife.com for more information.

3-11. Retirement Plan

Eligible employees are able to participate in the Town's retirement plan. The Town of Yucca Valley participates in the California Public Employee Retirement System (CalPERS) plan and currently pays only the employer portions of the pre-tax contributions to a retirement account. Unless otherwise exempted, all employees of the Town who work at least 1,000 hours per year are automatically covered by the Town's contract with the Public Employees Retirement System (CalPERS). Upon becoming eligible to participate in this plan, you will receive an SPD describing the plan in greater detail. Please refer to the SPD for detailed plan information.

Part time, temporary and seasonal employees are automatically enrolled in PARS (Public Agency Retirement Services). At the time of hire, an SPD describing the plan will be provided to the employee. With either plan, please do not hesitate to contact the Human Resources Department should you have any questions.

3-12. Tuition Reimbursement

It is the policy of the Town of Yucca Valley to provide a fifty percent reimbursement for tuition and other authorized costs up to a maximum of \$3000 per fiscal year, and within budget limitations, to full-time employees participating in education programs which provide broad knowledge on subjects as part of work toward an A.A., B.S., B.A., M.S., M.A. or Ph.D. which benefit the Town and directly relate to the employee's current duties or future employment with the Town. The request for reimbursement will be reviewed by the Department Director to verify the coursework pertains to the employee's position; reviewed by the Director of Administrative Services for budget review and then to the Town Manager for final approval. Please refer to the policy for more details.

Section 4 - Leaves of Absence

4-1. Military Leave

If you are called into active military service or you enlist in the uniformed services, you will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, you must provide management with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice. Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Please ask management for further information about your eligibility for Military Leave.

If you are required to attend yearly Reserves or National Guard duty, you can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). You should give management as much advance notice of your need for military leave as possible so that we can maintain proper staff levels while you are away.

4-2. Family and Medical Leave

The Leave Policy - Under the federal Family Medical Leave Act and the California Family Rights Act, you are eligible to take up to twelve (12) weeks of unpaid family/medical leave within any 12-month period and be restored to the same or an equivalent position upon your return from leave (subject to the terms of the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provided you: (1) Have worked for the Town for at least twelve (12) months **and** have a total of at least one thousand, two hundred and fifty (1,250) hours in the last twelve (12) months; **and** (2) Are employed at a work site that has fifty (50) or more employees within seventy-five (75) miles. The 12-month period is a rolling 12 months and will be measured backward from the date an employee uses any FMLA leave.

Definitions:

"Child" means a child under eighteen (18) years of age, or eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis.

"Parent" means the biological parent of employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

A child is "incapable of self care" if s/he requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, and using telephones and directories, for example.

"Spouse" means a husband or wife as defined or recognized in California State law for purposes of marriage and a domestic partner.

"Serious health condition" means an illness, injury, impairment, physical or mental condition that involves: In-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or

"Continuing treatment" by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

A "period of incapacity" (i.e., inability to work, or perform other regular daily activities due to serious health condition of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two (2) or more times by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

"12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

Reasons for Leave - You may take family/medical leave for any of the following reasons: (1) The birth of a son or daughter and in order to care for such son or daughter; (2) The placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter; (3) To care for a spouse, domestic partner, son, daughter, or parent ("covered relation") with a serious health condition; or (4) Because of your own serious health condition which renders you unable to perform any of the essential functions of your position. Leave because of reasons (1) or (2) must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses or domestic partners employed by the Town who request leave because of reasons (1) or (2) or to care for an employee's parent with a serious health condition may only take a combined total of twelve (12) weeks leave during any 12-month period.

Notice of Leave - If your need for family/medical leave is foreseeable, you must give the Town at least thirty (30) days prior written notice. If this is not possible, you must at least give notice as soon as practicable ((within two (2) business days of learning of your need for leave)). Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment you must consult with the Town first regarding the dates of such treatment. Where the need for leave is not foreseeable, you are expected to notify the Town within two (2) business days of learning of your need for leave, except in extraordinary circumstances. The Town has Request for Family/Medical Leave forms available from the Human Resources Division. You should use these forms when requesting leave.

Medical Certification - If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification Forms from the Human Resources Department. When you request leave, the Town will notify you of the requirement for medical certification and when it is due (at least fifteen (15) days after you request leave). If you provide at least thirty (30) days notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Town of Yucca Valley, at its expense, may require an examination by a second health care provider designated by the Town, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Town may require subsequent medical re-certification. Failure to provide requested certification within fifteen (15) days, if such is practicable, may result in delay of further leave until it is provided.

Reporting While on Leave - If an employee is on leave because of their own serious health condition or to care for a covered relation it is the employee's responsibility to contact the Town on the first and third Tuesday of each month regarding the status of the condition and the update of their return to work. **In addition, notice must be provided as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.**

Leave Is Unpaid - Family/medical leave is unpaid leave, **although you may be eligible for short- or long-term disability payments or worker's compensation benefits under those insurance plans or policies.** If you are entitled to receive money from these sources, your leave will be considered "paid leave" for the period during which you receive that money. If your leave is "unpaid" leave you will be required to substitute paid time off (vacation, sick days, and/or personal days) for "unpaid" FMLA leave as described below. If you request leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation and personal days first will be substituted for unpaid family/medical leave. If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal days and sick days first will be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary. **Your family/medical leave runs concurrently with other types of leave (i.e., paid vacation, state family leave laws, etc.). Those other leaves may provide for paid leave.**

Medical and Other Benefits - During an approved family/medical leave, the Town of Yucca Valley will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Town will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium. Your health care coverage will cease if your premium payment is more than thirty (30) days late. If your payment is more than fifteen (15) days late, we will send you a letter to this effect. If we do not receive your payment within fifteen (15) days after the date of this letter, your coverage may cease. If you elect not to return to work for at least thirty (30) calendar days at the end of the leave period, you will be required to reimburse the Town for the cost of the health benefit premiums paid by the Town for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

Intermittent and Reduced Schedule Leave - Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Town will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Town may temporarily transfer you to an available alternative position which better accommodates your recurring leave and has equivalent pay and benefits.

Returning From Leave - If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from the Human Resources Department. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

No Work While on Leave - The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

Exemption for Highly Compensated Employees -The Town may choose not to return highly compensated employees (highest paid 10% of employees at a work site or within 75 miles of that work site) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the Town. (This fact-specific determination will be made by the Town on a case-by-case basis). The Town will notify you if you qualify as a "highly compensated" employee, if the Town intends to deny reinstatement, and of your rights in such instances.

Domestic Partners - For the purposes of this policy, "domestic partner" means two adults who have established a domestic partnership in accordance with the requirements of California law. A domestic partnership is established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State, and, at the time of filing, all of the following requirements are met:

1. Both persons share the same residence;
2. Neither person is married to someone else nor is a member of another domestic partnership with someone else that has not been terminated, dissolved, or nullified;
3. The two persons are not related by blood in a way that would prevent them from being married to each other in California;
4. Both persons are members of the same sex and at least 18 years of age, OR, if the persons are of opposite sexes, one or both must be over the age of 62 and
5. Both persons are capable of consenting to the domestic partnership.

4-3. Pregnancy Disability Leave

If you are disabled by pregnancy, childbirth or related medical conditions, you are eligible to take a pregnancy disability leave (PDL). If you are affected by pregnancy or a related medical condition, you are 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. In addition, if it is medically advisable for you to take intermittent leave or work a reduced schedule, the Town may require you to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

The PDL is for any period(s) of actual disability caused by your pregnancy, childbirth or related medical condition up to four (4) months (or eighty-eight (88) work days for a full-time employee) per pregnancy.

The PDL does not need to be taken in one continuous period of time, but can be taken on an as-needed basis.

Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth is covered by your PDL.

Generally, we treat your pregnancy disability the same as we treat other disabilities of similarly-

situated employees. This affects whether your leave will be paid or unpaid.

You are required to obtain a certification from your health care provider of your pregnancy disability or the medical advisability for a transfer. The certification should include:

- 1) The date on which you became disabled due to pregnancy or the date of the medical advisability for a transfer;
- 2) The probable duration of the period(s) of disability or the period(s) for the advisability of a transfer; and
- 3) A statement that, due to the disability, you are either unable to work at all or to perform any one or more of the essential functions of your position without undue risk to yourself or to other persons; or a statement that, due to your pregnancy, a transfer to a less strenuous or hazardous position or duties is medically advisable.

As a condition of your return from pregnancy disability leave or transfer, the Town requires you to obtain a release to return to work from your health care provider stating that you are able to resume your original job duties **with or without reasonable accommodation**.

At your option, you can use any accrued vacation time or other accrued paid time off as part of your PDL before taking the remainder of your leave on an unpaid basis. We require, however, that you use any available sick time during your PDL. The substitution of any paid leave will not extend the duration of your PDL.

If you do not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate medical documentation, you will be deemed to have voluntarily terminated your employment with the Town. Failure to notify the Town of your ability to return to work when it occurs, or your continued absence from work because your leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of your employment with the Town, unless you are entitled to Family Leave.

Upon your return from a covered PDL, you will be reinstated to your same position in most instances.

Taking a PDL may affect some of your benefits and your seniority date. If you want more information regarding your eligibility for PDL and the impact of the leave on your seniority and benefits, please contact Human Resources.

Any request for leave after your disability has ended will be treated as a request for family care leave under the California Family Rights Act and the federal Family and Medical Leave Act, if you are eligible for that type of leave. Please refer to the Family and Medical Leave Policy.

4-4. Rehabilitation Leave

The Town of Yucca Valley is committed to providing assistance to our employees to overcome substance abuse problems. The Town will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program. This accommodation may include time off without pay or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the company. You may also use accumulated sick days, if applicable, for this purpose.

You should notify the Human Resources Manager if you need such an accommodation. The Town will take reasonable steps to safeguard your privacy with respect to the fact that you are enrolled in an alcohol or drug rehabilitation program.

4-5. Literacy Assistance

We are committed to providing assistance to employees who require time off to participate in an adult education program for literacy assistance. If you need time off to attend such a program, you should inform your direct Supervisor or the Human Resources Manager. The Town will attempt to make reasonable accommodations for you by providing unpaid time off or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the Town. The Town will attempt to safeguard the privacy of your enrollment in an adult education program.

4-6. Time Off For School Related Activities

Parents, guardians, or grandparents with school children from kindergarten through Grade 12, or who attend licensed child day care facilities, are provided time off (up to a maximum of eight (8) hours in one (1) calendar month and forty (40) hours in one (1) calendar year) to participate in school or day care activities if they work at a location with twenty-five (25) or more employees. We may require proof of an employee's participation in these activities. You must provide reasonable advance notice to your Supervisor before taking any time off under this policy.

If both parents are employed by the Town, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his/her Supervisor.

Employees must use vacation/comp time/PTO leave in order to receive compensation for this time off. Employees who do not have exception time available will take the time off without pay.

Parents, guardians, or grandparents with custody of school children who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school's request. The employee should alert his/her Supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

4-7. Time Off For Victims of Domestic Violence or Sexual Assault

Victims of domestic violence or sexual assault may take time off work to obtain help from a court, seek medical attention, obtain services from an appropriate shelter, program, or crisis center, obtain psychological counseling, or participate in safety planning, such as permanent or temporary relocation.

The employee should provide notice and certification of the need to take leave under this policy. Certification may be sufficiently provided by any of the following documents: 1) A police report indicating that the employee was a victim of domestic violence; 2) A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; 3) Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence. Whenever possible, you must provide your Supervisor reasonable notice before taking any time off under this policy. You may use any accrued vacation, sick, or other time off for the leave under this policy. The length of unpaid leave an employee may take is limited to that provided for in the federal Family and Medical Leave Act of 1993, twelve (12) weeks.

The Town will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

4-8. Time Off for Crime Victims

An employee who has been the victim of serious or violent felony, as specified under California law, or felony relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime. Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings related to the crime. "Immediate family member" is defined as spouse, registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the Town of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the Town with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued paid vacation time, paid sick leave time, or other paid time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

4-9. Time Off for Volunteer Firefighters

An employee who is a volunteer firefighter is permitted unpaid time off, not to exceed fourteen (14) days per calendar year, for the purpose of engaging in fire or law enforcement training. If you request time off under the policy you must notify your direct Supervisor immediately after the need for the leave becomes known.

4-10. Subpoenaed Absence

An employee who is subpoenaed to appear in court shall be allowed to do so without loss of compensation, unless the employee is a party or an expert.

4-11. Paid-Time-Off Leave

Paid-Time-Off (PTO) leave is available to those exempt Town employees whose attendance is required at extra hour meetings and do not receive overtime pay. These exempt employees shall be granted ten (10) days of administrative leave per fiscal year. The current list of eligible exempt employees includes: Town Manager, Deputy Town Manager, Town Clerk, Human Resources Manager, Community Services Director, Administrative Services Director, Senior Accountant, Senior Planner, Animal Care and Control Manager, Associate Planner, Public Works Supervisor, Project Engineer, Museum Supervisor, Facility Maintenance Supervisor, and Senior Administrative Analyst. Paid Time Off Leave is earned on a fiscal year basis, and may not be accumulated by an individual from year to year. PTO may be cashed out prior to the next year's allocation.

4-12. Unauthorized Leave

Any employee who is absent from work without approved leave shall be subject to termination.

4-13. Jury Duty

The Town of Yucca Valley realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees except temporary, seasonal or emergency employees will be allowed time off to perform such civic service as required by law. You are expected, however, to provide the Human Resources or the Payroll and Finance Specialist with proper notice of your request to perform jury duty and with your verification of service. You also are expected to keep management informed of the expected length of your jury duty service and to report to work for the major portion of the day if you are excused by the court. If the required absence presents a serious conflict for management, you may be asked to try to postpone your jury duty. In order to receive full pay, the employee shall submit to the Human Resources Manager or Payroll and Finance Specialist proof of attendance at jury duty for each day served and the employee may be absent from work duty during the period of such service.. The employee shall be entitled to retain the pay received for jury duty as reimbursement for the additional expenses associated with jury duty. Employees on jury duty leave will be paid for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which they perform any work for the Town.

4-14. Bereavement Leave

We know the death of a family member is a time when you wish to be with the rest of your family. If you are a full-time or part-time employee, other than a temporary, seasonal or emergency hire, and you lose an immediate family member, you will be allowed paid time off of up to three (3) days within the state and five (5) days for out-of-state to assist in attending to your obligations and commitments. For the purposes of this policy, an immediate family member includes a spouse, domestic partner, child, parent, sibling, grandparent, in-law, or foster children or legal wards and legal guardians. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. You must inform your Supervisor prior to commencing bereavement leave. In administering this policy, the Town may require verification of death.

4-15. Voting Leave

In the event an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may 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 work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day without loss of pay. Where possible, the supervisor should be notified of the need for leave at least two (2) working days prior to the Election Day.

4-16. Personal Leave

If you are ineligible for any other Town leave of absence, the Town of Yucca Valley, under certain circumstances, may grant you a personal leave of absence without pay. An employee who has been in the service of the Town continuously for twelve (12) months, and has successfully completed his/her working test period, may be allowed a leave of absence without pay to attend to his/her private affairs or other matters by submitting a written request to the Town Manager. The length of absence shall be approved by the Town Manager, but shall not exceed 1,040 hours in duration. Vacation credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits shall not accrue to a person granted leave during the period of absence.

4-17. Catastrophic Leave Donation Program

The Town has instituted a program for the voluntary donation of leave hours for catastrophic illness or injury of an employee or his/her eligible family.

Eligibility: The catastrophic leave donation plan is available to all regular (full and part-time) employees who have applied for and been approved for leave and have exhausted all paid leave or anticipate exhausting all paid leave within the next two pay periods.

Definition: Catastrophic leave is defined as a bonafide and verifiable long-term illness or injury of the employee or employee's immediate family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.

Type of leave to be donated: Donations may include vacation or sick leave.

Limits (Donor and Recipient): Donations may be made in whole hours only. Minimum donation will be 8 hours. Donors must maintain a leave balance (including sick leave) of one week (40 hours). A recipient may receive up to a maximum of three (3) months of donated leave (520 hours). More than three (3) months leave may be granted as determined by the Town Manager upon recommendation of the Department Director and the Human Resources Manager. Donation of vacation hours does not count toward the amount required to request a vacation pay out.

Integrating of Other Leave Policies: All other leave balances (including sick leave, vacation, compensatory time and paid time off) must be exhausted prior to application for donated leave. However, the approving authority may approve the solicitation/acceptance of leave donations prior to all balances being exhausted when a physician's statement and leave balances indicate the probable exhaustion of leave balances within two (2) pay periods. Donated leave will be integrated with other disability plans including, but not limited to STD, LTD, Social Security or any other disability plan. In no case will the total of disability payment and donated leave total be more than the employee's regular wages.

Procedure: The Catastrophic Leave Donation Plan will be administered by the Human Resources Manager. Leave must be requested and approved in advance. Approval will be at the discretion of the Town Manager after consultation with the Department Director and the Human Resources. Requests must be made on the Town's Catastrophic Leave Request form and submitted to Human Resources. After a leave request has been made and approved and donations made, the donor's department may request a budget adjustment from the Administrative Services Department to fund the leave donation. Upon approval and solicitation, the required information will be processed for leave balance adjustments. All donors must sign a release form. Donations are irrevocable and become part of the recipient's sick leave balance.

Upon approval of the need for catastrophic leave donation by the Human Resources Manager and provided that the requesting employee's leave request so directs, the Human Resources Manager will upon the employee's approval, send a donation request letter to all departments for posting or publication in employee newsletters. No confidential medical information will be contained in the donation request. All departments will be supplied with donation forms to give to employees who wish to donate leave.

Donated leave will be converted to sick leave on an hour for hour basis. Any excess hours remaining will be returned to a catastrophic leave pool that will be available for use by the next employee who qualifies for receipt of catastrophic leave donations.

IRS Tax Requirements: The Town's Catastrophic Leave Donation Plan will comply with all applicable IRS codes. The leave shall be taxable to the RECIPIENT and appropriate withholding shall be made by the Town. There is no tax liability to the donor.

Section 5 - General Standards of Conduct

5-1. Workplace Conduct

The Town of Yucca Valley endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Town's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Willful misrepresentation of any information pertaining to Town business or employment.
2. Incompetency, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
4. Dishonesty.
5. Violation of safety rules and policies.
6. Violation of the Town of Yucca Valley's Drug and Alcohol-Free Workplace Policy.
7. Resistance in following directions or instructions.
8. Insubordination or disobedience of a lawful management directive.
9. Violation of fire and/or safety standards.
10. Unauthorized or improper use of Town funds, equipment, records or other property.
11. Willful negligence during work or in a Town workplace which could endanger or has endangered the health or safety of the employee or others, or has caused damage to property.
12. The conviction of either a misdemeanor or a felony may constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Human Resources Manager may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this Section.
13. Discourteous treatment of the public or Town employees.
14. Political activity in violation of the law.
15. Engaging in disorderly conduct, quarreling or fighting, or threatening any member of the public or a Town employee.
16. Use of official position for personal advantage.

17. Excessive tardiness or absenteeism; tardiness or absence without proper notice to management.
18. Violation of the Town of Yucca Valley's Employee Harassment or Equal Employment Opportunity Policies.
19. Violation of the Electronic Media Policy.
20. Violation of established rules and regulations including department policies, rules, regulations or procedures.
21. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required or misuse of sick leave.
22. Willful violation of any of the provisions of the Code, ordinances, resolutions or any rule adopted by the Council relating to conduct in office of persons employed in the competitive service.
23. Conduct unbecoming an officer or employee of the Town.
24. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the agency, the employee's department or division.
25. Repeated garnishment of an employee's wages pursuant to Labor Code 2929.
26. Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in the employee's biological system while on duty which could impact the ability to do his/her job (i.e. standby).
27. Outside employment which creates any actual or potential conflict of interest with such employee's duties for the Town, or which tend to impair the employee's capacity to perform Town duties and responsibilities. The employee shall not do any work in a private capacity which may be construed by the public to be an official act.
28. Permanent or chronic physical or mental disability not arising out of the course and scope of employment which precludes the employee from performing the essential elements of his/her job if the employee cannot be reasonably accommodated or would present a direct and imminent threat to the health and safety of self and others.
29. Refusal to subscribe to any oath or affirmation which is required by law in connection with the employment with the Town.
30. Acceptance from any source of a reward, gift or other form of remuneration in addition to regular compensation to an employee for the performance of his/her official duties.
31. The refusal of any officer or employee of the agency to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in agency office is involved shall constitute of itself sufficient grounds for the immediate discharge of such officer or employee.
32. Working overtime without authorization.
33. Any other violation of Town policy.

Obviously, not every type of misconduct can be listed and the Town of Yucca Valley reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Town will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, the Town of Yucca Valley will endeavor to utilize progressive discipline, but reserves the right in its sole discretion to terminate an employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

The following are kinds of discipline the Town may utilize as part of the progressive discipline process: a) Suspension - a temporary separation from Town service without pay for disciplinary purposes; b) Reduction in Pay - a decrease in salary to a lower step within the salary range, up to 5%, but not below the first step of the employee's pay range, of any employee for a period of up to six (6) months; c) Demotion - a transfer of an employee from one class to another having lesser responsibilities and a lower maximum rate of pay for disciplinary reasons; d) Relief from Duty - to relieve an employee immediately from duty, pending investigation or Notice of Discipline or Intent, with pay until the effective date of such discipline as determined by the Town Manager or designee; e) Dismissal - the termination of an employee for disciplinary reasons; and f) Discipline During Working Test Period - an employee may be disciplined, without the right of appeal, at any time during the employee's working test period as a new hire, reinstatement or re-employment.

See Appendix D for Pre-Disciplinary "Skelly" procedures outlining the disciplinary process.

5-2. Punctuality and Attendance

You were hired to perform an important function at the Town of Yucca Valley. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, your attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive, and place an unfair burden on your fellow employees and Supervisors. We expect excellent attendance from each of you. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, that there are times when absences and tardiness cannot be avoided. In such cases, you are expected to notify your Supervisor as early as possible, but no later than the start of your work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Please call, stating the nature of your illness and its expected duration every day that you are absent.

Unreported absences of three consecutive work days generally will be considered a voluntary resignation of your employment with the Town.

If you are absent for more than three (3) days due to illness or injury, you are required to provide a doctor's note releasing you to full-duty, if appropriate.

5-3. Use of Communications and Computer Systems

The Town of Yucca Valley's communication and computer systems are intended for business purposes and may be used only during working time. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the systems.

The Town of Yucca Valley, by direction from the Town Manager, may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Town deems it appropriate to do so. The reasons for which the Town may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Town operations continue appropriately during an employee's absence.

Further, the Town of Yucca Valley, by direction of the Town Manager, may review Internet usage to ensure that such use of Town property, or communications sent via the Internet with Town property, are appropriate. The reasons for which the Town may review employees' use of the Internet with Town property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Town operations continue appropriately during an employee's absence.

The Town may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted. Records relative to matters subject to ongoing or threatened litigation or any investigation must be retained and cannot be disposed of, even if the retention period has been met on the records retention schedule, except as advised by the legal department.

The Town's policies prohibiting harassment, in their entirety, apply to the use of the Town's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Since the Town's communication and computer systems are intended for business use, these systems may not be used to solicit for religious or political causes or outside organizations.

Further, since the Town's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge. Please review the Electronic Media Policy for further details.

5-4. Camera Phones/Recording Devices

Due to the potential for issues such as invasion of privacy, sexual harassment, and loss of productivity, no employee may operate a camera phone on company property or while performing work for the Town.

The use of tape recorders, Dictaphones or other types of voice recording devices anywhere on The Town property, including to record conversations or activities of other employees or management, or while performing work for the Town, is also strictly prohibited, unless the device was provided to you by the Town and is used solely for legitimate business purposes. In the event a recording device must be used, all participants must be notified that the meeting is being recorded and their acknowledgement of the notification noted for the record.

5-5. Inspections

The Town of Yucca Valley reserves the right to search lockers, 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 the Policy.

5-6. Smoking

Smoking is prohibited on Town premises, as defined by State law, and in all Town vehicles. Employees are expected to be especially attentive to the sensitivities of the public and fellow employees who may object to smoking. Management reserves the right to limit employees from leaving their work area to smoke except at breaks and lunch time. However, employees should use reason and discretion in the frequency of leaving the work area to smoke.

5-7. Personal Visits and Telephone Calls

Disruptions during working time can lead to errors and delays. Therefore, we ask that personal telephone calls including cell phone calls should be kept to a minimum, and only be made or received after working time, or during lunch or break time.

For safety and security reasons, employees are prohibited from having personal guests visit or accompany them anywhere in our facilities other than the reception areas.

5-8. Solicitation and Distribution

To avoid distractions, solicitation by an employee of another employee is prohibited while either employee is on working time. "Working time" is the time an employee is engaged, or should be engaged; in performing his/her work tasks for the Town of Yucca Valley. Solicitation of any kind by non-employees on Town premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the Town is prohibited at all times. Distribution of literature by non-employees on Town premises is prohibited at all times.

5-9. Bulletin Boards

Important notices and items of general interest are continually posted on the bulletin boards in all three (3) buildings. Make it a practice to review it frequently. This will assist you in keeping up with what is current at the Town of Yucca Valley. To avoid confusion, please do not post or remove any material from the bulletin boards unless authorized by your Department Director, Town Manager or the Human Resources department.

5-10. Confidential Company Information

During the course of work, an employee may become aware of confidential information about the Town of Yucca Valley's business, including but not limited to information regarding Town finances, software and computer programs, suppliers, customers and potential customers, and knowledge, skills and abilities of personnel. An employee also may become aware of similar confidential information belonging to the Town's clients. It is extremely important that all such information remain confidential. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the Town may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

5-11. Conflict of Interest and Business Ethics

It is the Town of Yucca Valley's policy that all employees avoid any conflict between their personal interests and those of the Town. The purpose of this policy is to ensure that the Town's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the Town.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

- Holding an interest in or accepting free or discounted goods or services from any organization that does, or is seeking to do, business with the Town, by any employee who is in a position to directly or indirectly influence either the Town's decision to do business, or the terms upon which business would be done with such organization.
- Holding any interest in an organization that competes with the Town.
- Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the Town or which competes with the Town.
- Profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with the Town.

A conflict of interest would also exist when a member of an employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is your responsibility to report any actual or potential conflict that may exist between you (and your immediate family) and the Town.

5-12. Use of Facilities, Equipment and Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your Supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the Town's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the Town is not responsible for any damage to an employee's personal belongings unless the employee's Supervisor provided advance approval for the employee to bring the personal property to work.

5-13. Health and Safety

The health and safety of employees and others on Town property are of critical concern to the Town of Yucca Valley. The Town intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognition of dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Town's premises, or in a product, facility, piece of equipment, process or business practice for which the Town is responsible should be brought to the attention of management immediately.

Periodically, the Town may issue rules and guidelines governing workplace safety and health. The Town may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness **must** be reported to the employee's Supervisor as soon as possible, regardless of the severity of the injury or accident. The Human Resources Manager **must** be notified immediately by the Supervisor.

5-14. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, the Town of Yucca Valley will refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. Additionally, if the relationship is viewed to impact supervision, safety, security, or morale, the Department Director shall notify the Human Resources Manager. The Human Resources Manager shall be responsible for consulting with the Department Director and the specific employees in accommodating the situation in accordance with these rules. When it is determined that a situation occurs which could create potential conflicts, every reasonable attempt shall be made to transfer one employee to a position where no such potential conflict would exist. In the event such a transfer is not feasible, the employees shall be given the opportunity to make the decision as to which one shall resign. The Town Manager shall be the final determining authority in all such matters.

When an eligible candidate is refused appointment by virtue of this section, the name of the candidate shall remain on the eligibility list for openings in the same classification, (where no relative is employed, supervised by, or supervising the vacant position). In no case, may an employee participate directly, or indirectly, in the recruitment or selection process for a position for which the employee's relative has filed an employment application.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

5-15. Employee Dress and Personal Appearance

The Town considers the presentation of its image to other agencies and the public at large to be extremely important. Since the Town's product is service, and excellent service can only be provided through its employees, the Town seeks not only good performance and conduct from its employees, but also expects them to observe high professional standards in their personal presentation. It is expected that all employees dress in a manner consistent with good safety, hygiene and good taste. Employees whose jobs require them to come in contact with other agencies or the public are expected to wear appropriate apparel.

Employees should dress and groom according to the requirements of their position. Without unduly restricting individual tastes, the following personal appearance guidelines must be followed: hair should be maintained so as not to interfere with job duties or jeopardize safety in the workplace; all apparel shall be clean and in good condition, examples of appropriate dress for office work may include: slacks, trousers, jackets, shirts (including "Polo" type shirts), sweaters, skirts, blouses and dresses. Denim jeans are appropriate for job classifications performing routine field assignments or tasks requiring physical labor, (i.e. cleaning, moving furniture, equipment maintenance, filing for long-term storage), with prior approval of the Department Director.

Inappropriate dress includes but is not limited to: casual or souvenir T-shirts or sweatshirts, tank tops, warm up or jogging ensembles/exercise wear, shorts, spandex-like skin tight leggings, ripped, faded, bleached or revealing clothing. Clothing that is excessively tight, short or otherwise revealing is also considered inappropriate and shall not be worn to work.

If, in the opinion of the Department Director, an employee is not adhering to the intent of this policy, the person will be informed that they must dress in accordance with the policy. In severe cases, the Department Director shall send the person home to change. The time away from work shall not be considered hours worked. An employee may use vacation, compensatory time or PTO leave for such time away from work.

Those employees provided with uniforms shall wear their uniforms when at work. Uniforms shall not be worn when off duty, except for traveling to and from work. It is recognized that employees may have to make brief stops on the way to and from work to take care of personal business; however, uniforms shall not be worn in businesses or locations which would create a negative impression, such as bars or nightclubs.

Uniforms shall be neat, clean and in good condition at the start of the work shift. They shall not be altered inappropriately and shall be worn as they are designed to be worn.

5-16. Publicity/Statements to the Media

All media inquiries regarding the Town and its operation must be referred to the Department Director, Public Information Officer (PIO) in Community Services or the Town Manager. Only the Town Manager, or his designated representative, is authorized to make or approve public statements pertaining to the Town or its operations. No employees, unless specifically designated by Town Manager, are authorized to make those statements. Any employee wishing to write and/or publish an article, paper, letter or other publication on behalf of the Town must first obtain approval from Town Manager.

5-17. Operations of Vehicles/Cellular Phones

All employees authorized to drive Town-owned or leased vehicles or personal vehicles in conducting Town of Yucca Valley business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately. A valid driver's license must be in your possession while operating a vehicle off or on Town property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Town-owned or leased vehicles may be used only as authorized by management as defined in the Town's Use of Town Vehicles and Privately-Owned Vehicles on Town Business Policy. This applies to all Town employees who drive Town vehicles, or other personal vehicles for Town business.

The Town requires all employees to wear seat belts, whenever they drive, or ride in Town vehicles, or when traveling in their own vehicle on Town business. When driving, employees are responsible for requiring passengers to fasten their seat belts before operating the vehicle.

Cellular Phones: Cell phones and electronic data devices may be issued to employees to enhance the efficiency and effectiveness of communication. The Town of Yucca Valley shall ensure that cell phone use is appropriate and that public funds are prudently spent. If an employee is required to have a Town-provided cell phone or PDA and chooses to carry only one phone and/or wants to keep their personal cell phone number, the employee can request to keep their personal number through one of the Town provided plans. The plan administrator will ensure that the appropriate options are provided as necessary for the job requirements, (i.e. data push, calendar access, and GPS). If an employee opts to use their own personal phone, s/he will be provided a monthly taxable stipend at the discretion of the Town Manager. For further details, please refer to Policy 7.2.6.

Usage When Driving: Effective July 1, 2008, it is illegal for employees to use hand-held cell phones while driving. If your job requires that you use a cell phone, you must be able to use some type of hands free system while driving the vehicle. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly. Employees who do not drive Town cars but use a cell phone for business use also must abide by the above regulations.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their phones while driving will be solely responsible for all liabilities that result from such actions.

5-18. Business Expense Reimbursement

It is the policy of the Town that employees are only permitted to use their personal automobile in conducting Town business with prior and express approval of the appropriate Department Director. Prior to authorizing the use of a personal automobile for Town business, each Department Director shall determine the validity of the business purpose and availability of a municipally owned vehicle.

If municipally owned vehicles are available and are equally convenient to the performance of Town business, the Department Director shall not authorize the use of an employee's personal automobile for business purposes. Reimbursement for travel by personal automobile shall be made in accordance with the following procedures: 1) Employees shall be required to complete an expense reimbursement form, as approved by the Town Manager, in order to obtain reimbursement for expenses. The expense reimbursement form shall be submitted to the Department Director through the appropriate Supervisor. Supporting receipts and documentation shall be attached to the expense reimbursement form; 2) The Department Director shall determine the reasonableness of reimbursable expenses and, after approval, shall submit the expense reimbursement form to the Finance Department for payment. Following review by the Finance Department and approval by the Town Manager, The Finance Department shall reimburse approved employee travel expenses at the next available check run by accounts payable check.

Mileage reimbursement shall be made at the approved Internal Revenue Service rate per mile. When travel exceeds twenty-four (24) hours, Internal Revenue Service per diem rates for meals and hotel rates are to be used.

In the event of an accident or property damage to an employee's vehicle, employees using a personal automobile for authorized travel in conducting Town business must rely on personal assets, including insurance, for financial protection. Although Town interests are protected by insurance, the Town neither provides insurance nor assumes any liability to protect employees against damage to the employee's personal automobile or for damage to the property of others for death or personal injury to others as a result of an employee using a personal automobile in conducting Town business. It is the express policy of the Town that all liability and or property damage incurred while using a personal vehicle on Town business either in route, parked at Town facilities, or while engaged in Town business at non-Town facilities, falls entirely on the employee.

Employees suffering injury, dismemberment or death arising from an accident incurred in the performance of Town business shall be covered under the terms of the California Workers' Compensation laws and current Town Workers' Compensation policies.

Employees are expected to exercise restraint and good judgment when incurring expenses. You should contact your Supervisor in advance if you have any question about whether an expense will be reimbursed.

5-19. References

The Town of Yucca Valley will respond to reference requests through the Human Resources Division. The Town will provide general information concerning the employee such as date of hire, date of termination, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Division. **Only the Human Resources Division may provide references.**

5-20. If You Must Leave Us

An employee wishing to leave the Town in good standing shall file with the Department Director, a written resignation stating the effective date and reasons for leaving. The resignation or departure of an employee who fails to give adequate notice shall be reported by the Department Director immediately to the Human Resources Department to note such departure in the employee's personnel file. Your thoughtfulness in providing at least two weeks notice is greatly appreciated.

An employee will be separated for disability only if s/he cannot perform the essential functions of the job because of a physical or mental impairment which cannot be reasonably accommodated or if the disability presents a direct and imminent threat to the health and/or safety of self or others. Adequate medical evaluation, documentation and certification shall be provided by licensed medical personnel.

All compensation due an employee shall be payable as of the date of death, and shall be paid to the surviving spouse or to the estate of the deceased employee. Whenever an employee meets the conditions set forth in the Public Employee Retirement System (PERS) plan regulations, s/he may elect to retire.

Those individuals who are employed at the will of the appointing authority may be removed at any time without cause or right of appeal. Those individuals who are exempt from competitive service and are identified as the exempt service group may be removed at any time without cause or right of appeal. The individuals in this exempt service group are as follows: Elective officers; the Town Manager; Members of appointive boards, commissions, committees, and agencies; Persons performing technical, expert, consulting, professional, and/or other services under contract for such services; Volunteer personnel, such as disaster and other kindred workers; Emergency employees; temporary employees; seasonal employees; and persons appointed to exempt positions created in the future.

Whenever, in the judgment of the Town Manager, it becomes necessary to abolish any position or employment, the employee holding such a position or employment may be laid off or demoted without disciplinary action and without the right of appeal. Employees in their working test period or regular employees who are laid off shall have the right to re-employment for a period of one year to the classification from which they were laid off or to a lower classification for which they are qualified.

All Town property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc. must be returned at separation. Employees also must return all of the Town's confidential information upon separation. To the extent permitted by law, employees will be

required to repay the Town (through payroll deduction, if lawful) for any lost or damaged Town property.

At the end of your service, you will meet with the Human Resources Manager to complete the termination process. This will include an exit interview, final personnel action form, COBRA information and election forms, and collection of all Town property.

5-21. Exit Interviews

Employees who resign are requested to participate in an exit interview with Human Resources, if possible.

5-22. Reinstatement and Reemployment

With the approval of the Town Manager, regular or employees in their working test period, who have resigned with a good employment record, may be reinstated within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class. Such employees shall, upon completion of 2,080 hours of continuous service after being rehired, be credited with seniority for the prior service for benefit accrual purposes only. No credit will be earned for the intervening time before being rehired, except as may be required by State or Federal law. The employee's rehire date will remain the date of hire for all other purposes.

Employees who are laid off may be reemployed in their former position. Employees recalled within six months after having been laid off will be credited for their prior service for all benefit purposes. No credit will be accorded for the intervening period between the time of layoff and the time of recall.

5-23. Aids and Aids-Related Conditions in the Workplace

Guidelines: The Town recognizes that Acquired Immune Deficiency Syndrome (AIDS), related conditions such as AIDS-Related Complex (ARC), Human Immunodeficiency Virus (HIV) positive, and persons with seropositive test results pose significant concerns for employees in the workplace. Accordingly, the following guidelines are established for handling issues that may arise when an employee is affected by this fatal disease:

- A. The Town is committed to maintaining a safe and healthy work environment for all employees.
- B. Consistent with this commitment, the Town will treat AIDS the same as other illness, in terms of all employee policies and benefits, group health and life insurance, disability leaves of absence, and other disability benefits.
- C. There is overwhelming medical evidence and scientific opinion, including statements from the U. S. Public Health Service Centers for Disease Control, that the AIDS virus is not casually transmitted in ordinary social or occupational settings or conditions. Therefore, subject to changes in available medical information, Town employees with AIDS or any of its related conditions may continue to work as long as they are able to perform the essential functions of their job. The Town will provide AIDS-afflicted employees with reasonable accommodations as long as Town employees are medically able to perform the essential functions of their position. Co-workers may not refuse to work or withhold their services for fear of contracting AIDS by working with an AIDS-afflicted person, and may not harass or otherwise discriminate against an AIDS-afflicted employee. Employees who engage in such behavior by refusing to work, or by harassing, or otherwise discriminating against any AIDS-afflicted employee will be subject to discipline.
- D. The Town will treat all medical information obtained from employees with AIDS or any of its related conditions confidentially as required by law.

Section 6 - APPENDICES

Appendix A - General Provisions

A. GENERAL PROVISIONS

Violation of Rules: Violation of any of the provisions of these Rules shall constitute grounds for suspension, demotion, discharge or any other disciplinary action deemed appropriate at the discretion of Town management.

Administrative Rules and Regulations: These Rules do not preclude individual Town Department Directors from developing and administering supplemental or administrative rules as long as they do not conflict with or oppose these Rules or other Town Council resolutions or ordinances.

Administration: These rules shall be administered by the Human Resources Manager.

Fair and Equal Employment: The Town is an Equal Opportunity Employer and fully complies with applicable laws, rules, and regulations, including but not limited to those enforced by the Equal Employment Opportunity Commission, the Immigration and Naturalization Service and the California Department of Fair Employment and Housing.

Retaliation: Neither the Town, nor any employee thereof, shall take disciplinary nor punitive action against any employee, for the exercising of the employee's right to appeal any employment decision afforded by these Rules.

Forms: The Human Resources Manager shall provide forms and reports for personnel changes or actions and the general format for personnel records as s/he deems appropriate and as approved by the Town Manager.

Service of Notice: Unless otherwise provided by law, any notice or document is deemed served when personally given to the individual or placed in the United States Mail addressed to the last known address. Employees must keep the Town informed of any change of address.

"Repeal of Prior Rules in Conflict:" In the event that the terms and provisions of these personnel rules and regulations are inconsistent or in conflict with the terms and provisions of any prior Town personnel policies and procedures, resolutions or rules and regulations governing the same subject, the terms of these personnel rules and regulations shall prevail and such inconsistent or conflicting provisions or personnel resolutions, or rules and regulations are hereby repealed.

Severability: If any provisions or the application of any provision of the personnel rules and regulations as implemented are rendered or declared invalid by any final court action or by reason of any preemptive legislation, the remaining provisions of the personnel rules and regulations shall remain in full force and effect.

Appendix B- Code of Ethics

B. CODE OF ETHICS

Policy: It is the Town's policy to be a government responsive to the diverse citizenry's' needs and concerns, and secure a safe environment while maintaining the highest quality of life. To this end, employees are expected to be committed to customer care, and to continue to promote a user friendly philosophy. To effectuate this policy, all Town employees must understand and meet the standards of conduct and performance as specified in the contents of this handbook.

The Town Manager retains the authority to set standards of performance and conduct as the Town Council deems appropriate and within limits of the Municipal Code and these Rules.

Appendix C - Glossary of Terms

C. GLOSSARY OF TERMS

This Document shall be known as the "Employee Handbook with Rules, Policies, and Procedures". Terms used shall be defined as follows unless the context indicates otherwise.

Administrative Leave: A temporary separation of an employee from the work place with pay at the discretion of the Town Manager. During periods of administrative leave, the employee should be available by telephone during regular work hours or lose pay.

Administrative employee: An employee who must have a primary duty that includes the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; must have a primary duty that includes the exercise of discretion and independent judgment with respect to matters of significance; and must be compensated on a salary or fee basis at a rate of not less than \$455 per week, exclusive of lodging or other facilities.

Advancement or Merit Increase: A salary increase within the limits of a pay range established for a class based on performance.

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

Alternative Workweek Schedule: A workweek schedule other than eight (8) hours a day and five (5) days a week. Examples of an alternative workweek include the 9/80 work schedule or the 4/10 work schedule.

a. 9/80 Alternate Work Schedule - the 9/80 work schedule shall consist of eight (8) work days of nine (9) hours, and one work days of eight (8) hours for a total of eighty (80) hours during two consecutive work weeks. Under the 9/80 schedule, one calendar week shall consist of forty-four (44) hours and the alternating calendar week will consist of thirty-six (36) hours.

b. 4/10 Alternate Work Schedule - the 4/10 work schedule shall consist of eight (8) work days of ten (10) hours each four (4) days each week in the pay period totaling forty (40) hours per week and eighty (80) hours per pay period.

Anniversary Date: That recurring date used in the Rules for advancement and for rendering of performance evaluations.

Appeal: A request for review of a grievance or disciplinary action.

Applicant: An individual who has completed and submitted an application for employment with the Town.

Appointment: The designation of a person to fill a position of employment.

Appointing Authority: The appointing authority for the Town is the Town Manager or designee.

Artificial Barriers: Internal human resource policies and processes that create cultural, gender, or physical bias.

Assembled Examination: A test administered by an examiner or proctor that is conducted at a specified time and place at which applicants are required to appear concurrently for competition.

At-Will: Doctrine that employment is presumed to be voluntary and indefinite for both employees and employers. As an at-will employee, you may quit your job whenever and for whatever reason you want, usually without consequence. In turn, at-will employers may terminate you whenever and for whatever reason they want, usually without consequence.

Authorized Position: A position authorized and funded by action of the Town Council. Candidate: A person participating in an examination for employment given by the Town. Certification: Endorsement that a list of candidates has successfully completed the examination process.

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

Competitive Service: All employees of the Town except those listed below in items regarding Exempt Service, Seasonal Employee, and Suspension. The competitive service is sometimes referred to as the classified service.

Compensation: Rates of pay which have been established for the respective classes of work set forth in the compensation plan.

Compensation Plan: The official schedule of pay approved by the Town Council assigning one or more rates of pay to each class title.

Days: Calendar days unless stated otherwise.

Demotion: The transfer of an employee from one class to another class having lesser responsibilities and a lower maximum rate of pay.

Department: One of the primary organizational units which is under the immediate supervision of a Department Director who reports directly to the Town Manager.

Discharge/Dismissal: The involuntary termination of an employee by the Town for cause.

Domestic Partnership: A relationship established between two adults of the same sex, or, if one or other person is over the age of 62 and meet specified eligibility criteria, opposite sexes, who have a common residence and meet other specified criteria which would allow registration as a domestic partnership with the Secretary of State.

Eligible: A person whose name is on a certified employment list.

Emergency Appointment: The appointment of an employee as necessary to prevent stoppage of public business, damage to persons or property or when qualified personnel cannot readily be found.

Employment List: (1) Open employment list – a list of names of persons who have taken an open examination for a position in the competitive service and have been successful; (2) Promotional employment list – a list of names of persons who have taken a promotional examination for a class in the competitive service and have been successful.

Employee: An individual who is legally employed by the Town and is compensated through the Town payroll for his/her services. This excludes independent and outside contractors and volunteers.

Examination: (1) Open competitive examination – an examination for a particular class within the competitive service which is open to all persons meeting the qualifications for the class; (2) Promotional examination – an examination for a particular class, admission to the examination being limited to regular and probationary employees in the competitive service who meet the qualifications for the class; (3) 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 six months for a position within the competitive service.

Executive: An employee who has the primary duty of management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision; must customarily and regularly direct the work of two or more other employees; must have the authority to hire or fire other employees and the executive employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight; and the employee must be compensated on a salary basis at a rate of not less that \$455 per week, exclusive of board, lodging or other facilities.

Exempt Service: The following are exempt from the competitive service. a. Elective Officers; b. Town Manager; c. Town Attorney; d. Members of appointive boards, commissions, committees, and agencies; e. Persons performing technical, expert, consulting, professional, and/or other services under contract for such services; f. Volunteer personnel, such as disaster and other kindred workers; g. Emergency employees; temporary employees; seasonal employees. h. Persons appointed to exempt positions created in the future.

Immediate Family: An employee's spouse, mother, father, brother, sister, children, grandparents, in-laws, step-parents, step-children, foster children or legal wards and legal guardians and domestic partners.

Job Description: A written description consisting of a title, a general statement of the level of work and the distinguishing features of work, examples of duties, and the desirable qualifications.

Layoff: The involuntary, non-disciplinary separation of an employee from the active workforce.

Leave of Absence: An approved type of absence from work as provided for by these Rules.

Overtime: Hours worked in excess of the work period by employees who are not exempt under the Fair Labor Standards Act.

Paid Time Off: Ten (10) days of leave per fiscal year, totaling eighty (80) hours that is granted to specified employees who do not receive overtime, and whose attendance is required at extra meetings. The paid time off hours are not accruable but can be cashed out with approval from the Town Manager.

Pay Periods: All employees shall be paid every two weeks or bi-weekly. A pay period is 14 consecutive days, beginning on Saturday and ending on a Friday for regular work weeks and for 9/80 the work week begins at 12:00pm on the non-working Friday and concludes at 11:59am on the following non-working Friday.

Pay Range: The beginning and ending salaries authorized by the compensation plan for each class.

Pay Rate: A specific dollar amount expressed as an annual, monthly, bi-weekly or hourly rate as shown in the compensation plan for that class.

Probationer or Probationary Employee: An employee in the competitive service, who during a working test period is required to demonstrate his/her fitness by actual performance of the duties of the position to which he or she has been appointed.

Probationary Period or Working Test Period: A working test period of 2,080 hours of actual and continuous service during which an employee is required to demonstrate his/her fitness for the duties to which s/he has been appointed by actual performance of the duties of the position, and during which period an employee may be discharged without cause and without recourse to the grievance process or any other appeal rights.

Promotion: The movement of an employee from one class to another class having a higher maximum rate of pay and greater responsibilities.

Promotional employee: An employee who has moved from one class to another class having a higher maximum rate of pay and greater responsibilities.

Provisional Appointment: The appointment of an employee on a temporary basis to fill a position until a probationary appointment may be made. Such appointments are for a period no less than 2 weeks nor longer than 1,000 hours.

Reclassification: A significant change in duties and responsibilities through gradual accretion which would result in a change in classification, title and salary in a classification series.

Reduction of Salary: A salary decrease within the limits of the pay range established for a class.

Re-employment: The re-hiring of a former employee within twelve months after the employee has been laid off.

Regular Employee: An employee in the competitive service who has successfully completed a 2,080 hour working test period and is employed full time or part time. The regular employee receives all fringe benefits. The benefits are prorated for regular part time employees.

Rehire: The re-hiring of a former employee within twelve months after the employee has voluntarily resigned.

Reinstatement: The re-hiring, without examination, of a former regular or probationary employee within twelve months after voluntary separation.

Rejected: The separation of an employee on probation.

Relatives: Spouse, mother, father, brother, sister, children, grandparents, in-laws and legal guardians.

Salary Adjustment: A personnel action changing the compensation of an employee for recognition of special and unusual performance. A salary adjustment is not related to a promotional or demotion salary change or to merit increases.

Seasonal Employee: Seasonal employees are appointed in the same manner and are subject to the same procedure as regular employees except that they will be laid off at the close of the season for which they have been appointed. Seasonal employees are not in the competitive service and shall not be entitled to any fringe benefits other than Workers Compensation Insurance. They can be terminated without cause or right of appeal.

Short-Term Employee: Short-term employees are appointed in the same manner and are subject to the same procedure as regular employees except that they will be laid off at the close of the defined period for which they have been appointed. Short-term employees are not in the competitive service and shall not be entitled to any fringe benefits other than statutory benefits. They can be terminated without cause or right of appeal.

Statutory Benefits: Benefits that comply with Federal and State law requirements such as Medicare, Workers' Compensation, and Unemployment Insurance.

Standby Time: Period of time outside an employee's regularly scheduled work hours during which an employee is required to remain available (on-call) for emergencies with a specified response time.

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

Temporary Employee: A temporary employee is appointed to fill an appointment that shall not exceed 980 hours in any twelve (12) month period. No benefits shall be provided other than statutory benefits. They can be terminated without cause or right of appeal.

Termination: The separation of an employee from Town service because of death, discharge, lay off, resignation, or retirement.

Transfer: A movement of an employee from one position to another position in the same class, without changing the employee's maximum salary rate.

Unassembled Examination: A test consisting of an appraisal of training, experience, or work history, or any other means for evaluation of relative qualifications of applicants without the necessity of their personal appearance at a specified place.

Working Out of Class: When an employee spends a majority (i.e., more than 50 percent (50%)) of his/her time over the course of at least three (3) consecutive work weeks performing duties and responsibilities associated with a higher level existing classification that do not overlap with the classification in which said employee holds an appointment. Duties that are appropriately assigned to incumbents in the employee's current classification are not out of class.

Y-Rated: The salary paid to an employee who moved from his/her salary range to a lower salary range. The employee retains his/her current salary until the salary of the new range is equal to or higher than the salary currently received.

Appendix D - Pre-Disciplinary "Skelly" Procedures

D. PRE-DISCIPLINARY "SKELLY" PROCEDURES

The pre-disciplinary "Skelly" procedures are as follows: **a) Notice of Intent** - the Town retains the right, in any instance, to relieve an employee immediately from duty, pending investigation or Notice of Discipline with pay until the effective date of such discipline as determined by the Town Manager or designee. If a supplemental or amended Notice of Discipline is given to an employee, the employee is entitled to respond as set forth in the steps that follow; **b) Response by Employee** - the employee shall have the right to respond within at least five (5) working days to the appropriate authority orally or in writing. The employee shall have a right to be represented at any meeting set by the appropriate authority to hear the employee's response. In cases of suspensions, demotions, reductions in pay or dismissal, the employee's response will be considered before final action is taken; **c) Final Notice** - After the response or the expiration of the employee's time to respond to the Notice of Intent, the appropriate authority shall 1) Dismiss the Notice of Intent and take no disciplinary action against the employee; or 2) Modify the intended disciplinary action; or 3) Prepare and serve upon the employee a final Notice of Disciplinary Action; **d) Final Notice of Discipline** shall include 1) disciplinary action taken; 2) effective date of the disciplinary action taken; 3) Specific charges upon which the action is based; 4) Summary of the facts upon which the charges are based; 5) Written materials, reports and documents upon which the disciplinary action is based; 6) Employee's right to appeal.

The Appeal Hearing process requires **a) Request for a Hearing** - within ten (10) calendar days after receipt of final notice of suspension, reduction in pay, demotion or discharge, a regular employee may file an appeal in writing to the Human Resource Manager. If, within the ten (10) calendar day appeal period, the employee does not file said appeal, action of the Town shall be considered conclusive. The appeal shall include the following: 1) Admission or denial of each charge with an explanation why the charge is admitted or denied; 2) Statement of any affirmative defenses; 3) Statement that the employee disagrees with the penalty with an explanation of the employee's position; 4) Employee's current mailing address; and 5) Request for a hearing. **Failure to provide this information may result in the appeal not being processed.** **b) Selection of an Arbitrator** - Upon receipt of the request, the employee or his/her representative and the department head or his/ her representative shall be notified by the Human Resource Department if the matter will be heard by the Town Manager or an advisory arbitrator. If heard by an arbitrator, they shall then have ten (10) days to select the arbitrator. If they are unsuccessful, the Human Resource Department will request a list of seven from the State Mediation and Conciliation Service. The parties will select the arbitrator by alternately striking names from the list until one name remains. The employee shall strike first; **c) Scheduling of a Hearing** - The appeal hearing shall be set not less than twenty (20) working days or more than sixty (60) working days from the date of the filing of the appeal. All interested parties shall be notified in writing of the day, time and place of the hearing at least ten (10) working days prior to the hearing; **d) Pre-Hearing Procedure** - 1) The Town Manager or the arbitrator is authorized to issue subpoenas at the request of either party prior to the commencement of the hearing. After the commencement of the hearing, subpoenas shall be issued by the arbitrator only for good cause. 2) Five (5) working days prior to the date set for the hearing, each party shall serve upon the other party and submit to the Town Manager or arbitrator a list of all witnesses and a list of all exhibits; **e) Record of Proceedings and Costs** - 1) All disciplinary appeal hearings shall be recorded by a court reporter at the Town's expense. If either party requests a transcript, the cost of the transcript will be borne by the requestor; 2) Employees of the Town who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. The Town Manager or arbitrator may direct that these employees remain on call until called to testify. Employees who are subpoenaed to testify during non-working hours will be compensated for the time they are required to appear as well as the time they actually testify; **f) Conduct of the Hearing** - 1) The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be

conducted in a manner most conducive to determination of the truth; 2) any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions; 3) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions; 4) The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions; 5) Irrelevant and unduly repetitious evidence may be excluded; 6) The hearing officer shall determine relevancy, weight and credibility of testimony and evidence. Decisions made by the hearing officer shall not be invalidated by any informality in the proceedings; 7) During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party; **g) Burden of Proof** - In a disciplinary appeal the Town has the burden of proof by preponderance of the evidence; **h) Written Findings and Decision or Recommended Decision** - If an arbitrator is used, the arbitrator shall render findings and a recommended decision. If the Town Manager hears the case s/he shall render findings and a decision. If the Town Manager renders the decision the findings and decision shall conform to this section. If an arbitrator hears the case, the findings and recommended decision shall be rendered as soon after the conclusion of the hearing as possible, and in no event later than twenty (20) days after concluding the hearing, unless otherwise stipulated to by the parties. A finding must be made on each charge and/or material issue.

The decision may recommend the sustaining or rejecting of any or all of the charges filed against the employee. The decision may recommend sustaining, rejecting or modifying the disciplinary action invoked against the employee. If the arbitrator recommends a modification of the disciplinary action, s/he shall set forth with specificity the rationale for the recommended modification. If the hearing officer recommends reinstatement of the terminated employee, the employee is only entitled to back pay as set forth in the decision. At a maximum, this shall be pay during the period of absence minus the sum the employee has earned elsewhere and minus any amounts attributable to delays caused by the employee in the hearing process. If a discharge is not sustained, the proposed decision shall set forth a recommended effective date the employee is to be reinstated. **i) Recommendation to the Town Manager** - The proposed decision shall be filed with the employee, the Department Director and the Town Manager, and shall set forth all recommended findings, conclusions and decisions. The party desiring to contest the recommended decision may request a transcript for review by the Town Manager within ten (10) working days of the recommended decision. If the appealing party requests a transcript, that party shall pay the costs of the transcript; **j) Final Action by the Town Manager** - If the Town Manager hears the case, his/her decision is final. If an arbitrator hears the case within forty-five (45) calendar days of the arbitrator's decisions, the Town Manager shall ratify, modify, or reverse the proposed decision of the arbitrator. Before modifying or reversing the recommended decision, the Town Manager shall review the transcript. The decision shall be transmitted to the employee appealing disciplinary action and to the department head; **k) Judicial Review** - 1) Judicial review of any decision of the Town Manager may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in Section 1094.6; 2) Pursuant to Code of Civil Procedure 1094.6 any such petition shall be filed not later than the ninetieth (90th) day following the date on which the Town gives proper written notice of the final decision.

Appendix E - Grievance Procedures

E. GRIEVANCE PROCEDURES

It is the Town's purpose to provide an effective system whereby employees can seek resolution of grievances on matters affecting their jobs. All levels of management and supervision are expected to inform and encourage employees to discuss matters affecting their employment.

Definitions:

Grievance: A grievance is an allegation by an employee, submitted as herein specified, claiming violation(s) of the specific express terms of the Personnel Rules for which there is no other specific method of review provided by law.

Grievant: A grievant is a regular or probationary employee or group of regular or probationary employees adversely affected by an act or omission of the employer.

Representative: A person who at the request of the employee or management is invited to participate in grievance conferences.

Working Day: A working day is any day the Town is open to the public, that is any day except Saturdays, Sundays and legal holidays recognized by the Town.

The grievance procedure is not to be used for the following:

- a. For the purpose of resolving complaints, requests or changes in wages, hours, and working conditions.
- b. To challenge the content of employee evaluations or performance reviews.
- c. To challenge a reclassification, layoff, transfer, denial of reinstatement, or denial of a merit increase.
- d. In cases of verbal reprimand, written reprimand, reduction in pay, demotion, suspension or discharge.
- e. To challenge violation of law or past practice.
- f. To challenge examinations or appointment to positions. Grievance Procedure:

Step 1: The employee shall inform the immediate supervisor, orally of the grievance within ten (10) working days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. The employee shall inform the supervisor of the following:

- a) The specific section of the rules allegedly violated.
- b) The specific act or omission which gave rise to this alleged violation.
- c) The date or dates on which the violation occurred.
- d) What documents, witnesses, or other evidence support the employee's position.

1) The remedy requested.

At least one (1) conference shall be held between the employee and the immediate supervisor within two (2) working days after the employee has expressed the grievance. The immediate supervisor shall orally advise the employee of the decision within seven (7) working days after the employee has expressed the grievance. If the grievance involves the immediate supervisor, the employee may take the grievance to the supervisor of the immediate supervisor.

Step 2: If the grievance is not resolved in Step 1, the employee shall submit a written grievance to the immediate supervisor not later than five (5) working days following the employee's receipt of the immediate supervisor's decision on the Step 1 grievance. The written grievance shall include:

- a) The specific section of the rules allegedly violated.
- b) The specific act or omission which gave rise to this alleged violation.
- c) The date or dates on which the violation occurred.
- d) What documents, witnesses or other evidence support the employee's position.

1) The remedy requested:

If the grievance contains the required information, the supervisor shall review the grievance and render a written decision within five (5) working days from the receipt of the written grievance. If the grievance does not contain the required information, the immediate supervisor shall return the grievance to the employee within five (5) working days of the written grievance. An employee whose incomplete grievance has been returned to him or her shall only have three (3) working days, after it is returned to the employee, to complete it and resubmit it to the immediate supervisor.

Step 3: If the grievance is not resolved in Step 2, the employee shall submit the grievance in writing to the Department Director not later than five (5) working days following the employee's receipt of the immediate supervisor's decision on the Step 2 grievance. The Department Director shall review the matter and render a written decision within five (5) working days from the receipt of the written grievance at Step 3. If a grievance involves a department director, the grievant may submit the grievance initially at Step 4, provided the grievance is in writing and contains all the information mandated as part of the Step 2 process. If the grievance involves the Department Director, the grievant may submit the grievance to the Town Manager.

Step 4: If the grievance is not resolved in Step 3, the employee shall submit the grievance to the Town Manager not later than five (5) working days following the employee's receipt of the Department Director's decision on the Step 3 grievance. At the conclusion of the review, the Town Manager shall render a decision. The decision of the Town Manager shall be final.

General Provisions:

- a. No retribution or prejudice shall be suffered by employees making use of the grievance procedure by reason of such use.
- b. Failure at any step of this procedure to communicate the decision on the grievance within the specified time limits shall permit the grieved employee to proceed to the next step.
 1. If a grievant, at any step of the procedure, should fail to appeal a decision on a grievance within the specified time limits, the decision last made shall be deemed to be the final decision and that final decision shall be deemed to have been accepted by the grievant and is not subject to further appeal.
 2. The time limits specified at any step in the procedure may be extended by mutual agreement in writing.

General Handbook Acknowledgment

This Employee Handbook is an important document intended to help you become acquainted with the Town of Yucca Valley. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Town's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of the Town Manager.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Employee Handbook.

I have received and read a copy of the Town of Yucca Valley's Employee Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Town at any time.

I further understand that my employment is terminable at will, either by myself or the Town, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" status except an express written agreement signed by Town Manager. I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Town's Employee Handbook.

Employee's Printed Name: _____ Position: _____

Employee's Signature: _____ Date: _____

The signed original copy of this acknowledgment should be given to the Human Resources Department - it will be filed in your personnel file.