

ORDINANCE NO. 1450

AN ORDINANCE AMENDING CHAPTER 2 OF THE SANTA ROSA CITY CODE
(Personnel)

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 2.8 is hereby repealed and reenacted to read and provide as follows:

Section 2.8. Appointment; Duties and Powers of Personnel Board.

(a) The City Council shall appoint a personnel board of five (5) members. Two (2) members of the Personnel Board shall be appointed from a list of not less than seven (7) names submitted from recognized employee organizations of the City. At least four (4) of the seven (7) names shall be members of labor unions not signatories to any memorandum of understanding with the City or in the employ of the City. At least one of the two appointees above named shall be selected from the four members of labor unions submitted to the Council.

Of the members first appointed, two (2) shall be appointed for a term of two years, two for a term of three years and one for a term of four years. Upon original appointment not more than one member from the employee list shall be appointed to serve for a term of the same number of years. Thereafter, each member shall be appointed for a term ending four years from the expiration of such term for which his predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to expiration of such term shall be appointed for the remainder of the term. No salaried or elected official of the city shall serve on the board. All members shall be qualified electors of the city, and shall serve without compensation. (b) The City Council by a four-fifths vote of all the members may remove a member of the personnel board during his term of office, after allowing him an opportunity for hearing before the City Council. (c) The personnel board shall act in an advisory capacity to the city manager on matters concerning personnel administration. (d) The personnel board shall act as an appeal board to hear appeals by a classified employee relative to any situation connected with his official employment status or condition of employment as provided by the personnel rules and regulations or any amendments thereto, or any memorandum of understanding between the city and a recognized employee organization. (e) The appeal board may recommend to the city manager modifications or revocation of a disciplinary action only on the following grounds: (1) the facts do not justify the action taken; (2) a substantive violation or omission of procedure was made; (3) the action taken was unreasonable, capricious or arbitrary in view of the offense, the circumstances surrounding the offense, and the past record of the employee.

Section 2. Section 2.10 is hereby repealed and reenacted to read and provide as follows:

Section 2.10. Duties of the city manager.

(a) The city manager shall transmit to the city council, with his recommendations, the personnel board's recommendations for revisions or amendments to the personnel system, or the personnel rules and regulations.

(b) The city manager may require each department head to furnish such information as is necessary to make the personnel system effective. These reports shall be submitted on such forms as the city manager deems necessary.

(c) The city manager shall prescribe employment standards for all positions within the classified service. The city manager may amend all or any part of the employment standards for any position included in the classified service.

(d) The city manager shall have primary responsibility for the execution of the terms of any memorandum of understanding with a recognized employee organization.

Section 3. Section 2.12 is hereby repealed and reenacted to read and provide as follows:

Section 2.12. Grievances.

(a) The personnel board shall recommend to the city manager establishment of grievance procedures to promote employer-employee relations; (b) Rules governing grievance procedures shall insure employees either individually or through their designated employee organization, a systematic means of obtaining further considerations relative to conditions of employment. (c) The grievance rules shall provide that any employee in the classified service shall have the right of appeal and that the appeal shall be conducted with reasonable informality. (d) The grievance rules shall provide that employees will be assured freedom from reprisal for using grievance procedures. (e) An employee may be reimbursed for loss of pay and fringe benefits arising from a disciplinary action against him. Reimbursement shall be confined to the period of time between the date of the original action and the date of the inception of the modification and shall be made only if the action taken results in a favorable decision to the employee. (f) In the event the city has entered into a grievance procedure in an existing memorandum of understanding with a recognized employee organization, the procedure provided in

such memorandum shall form the exclusive basis for handling grievances within such recognized employee organization.

Section 4. Section 2.13 is hereby repealed and reenacted to read and provide as follows:

Section 2.13. Dismissal and disciplinary Action.

(a) Any employee of the classified service may be dismissed, suspended, or reduced in rank or compensation by the appointing authority with the approval of the city manager. Such action shall be in writing, stating specifically the reasons for the action. A copy of the order shall be filed with the chairman of the personnel board within five calendar days after the effective date of such action, and shall be furnished to the employee against whom such action is taken prior to the effective date of such action. (b) The employee shall have the right to request a conference with his immediate supervisor within forty-eight (48) hours of the grievance. (c) If the conference with the supervisor fails to resolve the grievance the matter may be appealed to the city manager provided the matter is appealed within five (5) days of the grievance. (d) If the conference at the city manager's office fails to resolve the grievance then the matter may be appealed to the personnel board provided the appeal is filed within ten (10) days from the last action taken. (e) Hearing before the personnel board shall be within ten (10) days from the date the appeal before the board was filed.

Section 5. Section 2.27 is hereby repealed and reenacted to read and provide as follows:

Section 2.27. Overtime pay or compensating time.

Overtime pay, at the rate of one and one-half times (time and a half) the regular rate of pay or compensating time off at the rate of one and one-half hour of compensable time for each hour worked shall be paid or allowed each employee at the option of the employer.

Neither overtime pay or overtime compensatory time shall be pyramided or compounded.

The City manager shall furnish rules and regulations governing distribution, use, scheduling and application of overtime pay to the various departments of the city, with special attention to those departments of the city having personnel who work odd shifts. For the purpose of this part an

odd shift shall constitute any shift differing from eight (8) hours worked for each twenty-four hour day between Monday and Friday of each week.

Section 6. Section 2.34 is hereby repealed and reenacted to read and provide as follows:

Section 2.34. Allowable compensation as juror.

Every classified city employee who serves as a trial juror or is compelled to appear on behalf of the city under service of process, shall be entitled to absent himself from his duties with the city during the period of such service or while necessarily being present in court as a result of such call. The employee shall be paid the difference between his full salary and any payment received by him, excepting travel pay, for such duty.

Time served as a juror or under subpoena for irregular shift employees shall be considered as time worked so that an irregular shift employee shall not be required to appear in court under service of process and also work a shift for the city during any twenty-four hour period.

Section 7. Section 2.35 is hereby added to Chapter 2, Division 3 of the Santa Rosa City Code, to read and provide as follows:

Section 2.35. Call back pay.

Any employee who has completed his regular shift and has gone home and who is called back to work shall receive a minimum of two (2) hours pay at the overtime rate. Any time worked in excess of two (2) hours shall be paid at the overtime rate, provided, however, that call back pay and overtime pay shall not both be paid for the same time worked.

Section 8. Section 2.36 is hereby added to Chapter 2, Division 3 of the Santa Rosa City Code, to read and provide as follows:

Section 2.36. Health and insurance plan.

The city shall maintain a health plan for each employee with benefits equal or exceeding the Blue Cross schedule of hospital and medical benefits in effect as of July 1, 1970, provided that the contribution by the city shall not exceed Ten (\$10.00) Dollars.

City shall also provide, no later than October 1, 1970, a term life insurance policy in the amount of Two Thousand (\$2,000) Dollars for each employee.

Section 9. Section 2.37 is hereby added to Chapter 2, Division 3 of the Santa Rosa City Code to read and provide as follows:

Section 2.37. Stand-by pay; defined; when payable.

For each twenty-four (24) hours spent on stand-by, a minimum compensation of two (2) hours at the employee's straight time rate shall be paid. In addition, the employee on stand-by shall be paid at the overtime rate for every call or assignment during the period he is on stand-by, provided that the minimum wage payable for any call made while on stand-by shall be one hour at the overtime rate. For the purpose of this section, stand-by is defined as time that an employee is required by the city to be available on a call basis outside of his regular work week or work schedule in order to respond to emergency calls.

The city manager shall set forth rules and regulations as to what calls shall constitute emergency calls, how they may be combined with other emergency calls and other details relating to city policy regarding response to such calls.

Section 10. Section 2.38 is hereby enacted to read and provide as follows:

Section 2.38. Meal periods.

All employees shall receive a lunch period during each work shift as near the middle of the shift as possible. Any employee who is required to work more than five (5) hours without a meal period shall be paid one-half hour (30 minutes) at the overtime rate of time and one-half for that shift in addition to his regular wages for that shift.

Section 11. Section 2.42 is hereby repealed and reenacted to read and provide as follows:

Section 2.42. Same - Allowance during probationary period.

During the probationary period of employment sick leave for the probationary employee shall accrue at the same rate as provided in Section 2.40, except that the city manager may allow a probationary employee up to six (6) days sick leave with pay before it has accrued. No employee shall accumulate more sick leave in any year than provided in Section 2.40.

Section 12. Section 2.43 is hereby repealed and reenacted to read and provide as follows:

Section 2.43. Same - minimum chargeable.

For the purpose of charging sick leave, the minimum sick leave chargeable shall be two working hours.

Section 13. Section 2. 44 is hereby repealed and reenacted to read and provide as follows:

Section 2. 44. Sick leave - eligibility.

An employee shall be eligible for sick leave when he is unable to work because of disability due to sickness or injury. No sick leave shall be payable for any sickness, disability or injury which results or occurs as follows: (1) Intentionally self-inflicted; (2) Participating in a criminal act; (3) Participating in a riot; (4) Working for an employer other than the city; (5) During vacation unless the employee was confined to a hospital or its equivalent; (6) During a layoff, leave of absence or disciplinary layoff; (7) After a termination date.

Section 14. Section 2. 46 is hereby repealed and reenacted to read and provide as follows:

Section 2. 46. Same - partial credit upon layoff or retirement.

Any employee who is retired or laid off because of elimination of his job or reduction in the work force and who has completed five (5) consecutive years of employment with the city, shall receive fifty (50%) percent of any accumulated but unused sick leave.

Any employee who retires, voluntarily resigns or whose position is eliminated and who has completed ten (10) consecutive years of employment with the city shall receive fifty (50%) percent of any accumulated but unused sick leave.

The rate of compensation to the employee shall be his salary at the time he leaves his position.

No credit or payment for unused sick leave shall be given in any situation involving a dismissal for cause.

In the event of death of an employee eligible for payment for unused sick leave, payment shall be made to his legal representative for accumulated but unused sick leave.

Section 15. Section 2. 48 is hereby repealed and reenacted to read and provide as follows:

Section 2. 48. Injury or illness incurred in city service.

Sick leave benefits shall be payable in situations where employee absence is due to industrial injury as provided in California State Workmen's Compensation Law. The amount of disability payments paid to the injured employee shall be deducted from salary payable to the employee while on sick leave. During the first seven (7) days of absence for industrial disability, employees will be compensated at their full pay rate without deduction from sick leave. Absences continuing beyond the seventh day shall be charged against the employee at the rate of one-half day for each day of absence credited or compensated by State Compensation Insurance, provided the city receives all compensation paid by State Compensation Insurance. The injured employee may choose to receive State Compensation payments only, without city payment for salary at no loss of sick leave. Benefits for safety employees shall be provided for under Section 4850 of the Labor Code. Sick leave for industrial injury shall not be allowed for a disability resulting from sickness, self-inflicted injury or willful misconduct.

Section 16. Section 2.49 is hereby added to read and provide as follows:

Section 2.49. Bereavement leave.

Bereavement leave not exceeding three (3) days may be taken because of death in the immediate family. Immediate family is defined as spouse, father, mother, brother, sister, child, including adopted children. Payment for bereavement leave must be authorized by the city manager whose duty it is to determine the eligibility to receive bereavement leave.

Section 17. Section 2.55 is hereby repealed and reenacted to read and provide as follows:

Section 2.55. Holidays observed.

Holidays to be observed by all city of Santa Rosa employees, except fire and police personnel, are as follows: (1) New Years Day; (2) Memorial Day; (3) 4th of July; (4) Labor Day; (5) Thanksgiving Day and (6) Christmas. Any of the aforementioned holidays falling on Saturday shall not be observed but any of the aforementioned holidays falling on Sunday, the Monday following shall be observed. In addition to the aforementioned holidays each city employee shall be granted five days in lieu of the holidays known and observed as Lincoln's birthday, Washington's Birthday, Admission Day, Columbus Day and Veterans Day, which may be taken at the request of the employee on approval of the department head. The request of the employee shall be granted subject

only to the necessity of convenient and continuous service to the public as determined by the department head.

Section 18. Section 2. 57 is hereby repealed and reenacted to read and provide as follows:

Section 2. 57. Police and fire

Members of the police and fire departments shall be granted the same number of holidays as miscellaneous employees. Relative to holidays falling on Saturday and Sunday for policemen: ~~and firemen~~, Section 2. 55 shall control.

Members of the police and fire departments who work on a holiday shall be compensated in pay or compensating time at the overtime rate as provided in Section 2. 27.

Section 19. Section 2. 58 is hereby repealed and reenacted to read and provide as follows:

Section 2. 58. Accrual of vacation time.

Vacation time shall accrue as follows: (a) employees with less than five years service, except temporary, part-time or seasonal employees, after having served continuously for twelve months shall be entitled to a vacation of ten working days at full pay. Vacation time for such employees shall accrue at the rate of ten-twelfths day of each completed month of service, commencing with the date of employment. Such employees may accrue vacation to a maximum of twenty days. (b) Employees completing five years service or more, except temporary, part-time or seasonal employees, shall be entitled to an annual vacation of fifteen working days at full pay, which annual vacation shall accrue to the employee at the rate of one and one-fourth days for each completed month of service, commencing with said employee's completion of five years of service. Such annual vacation for employees with five years service or more may be allowed to accumulate to a maximum of thirty working days. (c) Employees completing fifteen years of service or more, except temporary, part-time or seasonal employees, shall be entitled to an annual vacation of twenty working days at full pay, which annual vacation shall accrue to the employee at the rate of one and two-thirds days for each completed month of service, commencing with said employee's completion of fifteen years of service. Such annual vacation for employees with

fifteen (15) years service or more may be allowed to accumulate to a maximum of forty working days.

Annual vacation shall not be granted or allowed until the employee has completed one year of service in a full time position.

Section 20. Section 2.60 is hereby repealed and reenacted to read and provide as follows:

Section 2.60. Same - shift employees.
police and

Shift employees, except fire department personnel, required to work on legal holidays shall be allowed one and one-half days off, or receive one days pay at the time and a half rate for the holiday worked. The first day off shall be considered as a Saturday for irregular shift employees for the purpose of computing vacations and compensation for such employees. Any questions relative to interpretation of this section shall be the responsibility of the city manager whose determination shall be final.

Section 21. This ordinance shall be in full force and effect from and after its adoption and publication or as soon thereafter as all precedents of law have been satisfied.

IN COUNCIL DULY PASSED this 30th day of June, 1970

AYES:(5) Mayor Poznanovich, Councilmen Coddling, Downey, Guggiana, Jones

NOES: (0)

ABSENT: (0)

APPROVED:


Mayor

ATTEST:


City Clerk