



## APPENDIX A

### BUSINESS DRESS GUIDELINE FOR THE CITY OF CERES

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Business dress is a reflection of an employee's professional image and the City's image. It is not the City's intention to dictate the personal wardrobe of employees. Our goal is to provide a guide for employees and managers to follow in determining appropriate business dress.

**Slacks:** Slacks and trousers should be pressed and neat without patches, holes, frays, or tears. Appropriate slacks include corduroys, khaki's, "Docker's type", gabardine and wool, skorts are acceptable. inappropriate slacks include denim or jeans\*, cutoffs, sweatpants, shorts or overalls, leggings, or spandex. (\*Clean and presentable jeans that are not worn, faded, frayed, or with holes are acceptable on Friday only, or if your position requires regular outdoor or other rugged-type work)

**Shirts/Blouses:** Shirts should be pressed and neat. Appropriate shirts/blouses include collared shirts, polo or golf shirts, sweaters, and turtlenecks. Inappropriate shirts/blouses include T-shirts, sweatshirts, tank tops, muscle shirts, halter tops, sports jerseys, sheer or low-cut blouses, and spaghetti strap tees.

**Dresses and Skirts:** Professional dresses, skirts and suits are appropriate. Inappropriate dresses and skirts include short lengths (higher than 4" above the knee), tight fit, sheer, or low-cut necklines, and excessively high side slits. Dresses or skirts that appear unprofessional are not appropriate. Hosiery is encouraged for shorter length dresses but is optional.

**Footwear:** Footwear should be clean and neat and in good repair and should be appropriate to your position. Footwear that coordinates well with appropriate clothing is preferred. Inappropriate footwear includes tennis shoes (appropriate only on Fridays) gym shoes, thongs, and any shoes that would impact your performing your job or interfere with safety.

**Additional Inappropriate Attire:** Shorts of any type, crop tops, items with holes or cutouts, backless shirts or dresses, strapless shirts or dresses, any slogan, writing, or pictures on clothing.

**Uniforms:** Uniformed employees are expected to wear their uniforms when performing usual work activities, regardless of the time of day or day of the week. When participating in non-field related activities, such as off-site or on-site training, meetings or other activities which are non-field related, normally uniformed employees may elect to utilize the City's casual dress guideline. Employees should check with their respective departments for guidance. Uniforms should not be worn off duty.

**Grooming:** Personal hygiene should be observed daily and include trimmed beards and mustaches, appropriate hair care, routine bathing, and reasonable application of scents. Out of the ordinary body piercing jewelry such as eyebrows, noses, lips, tongues, etc. are not acceptable during business hours. Body tattoos should be covered and not visible to the general public, especially in an office environment.

**Special Situations:** Employees should always consider each day's activities when determining what to wear. If you are hosting or attending meetings, you should refrain from wearing casual attire, unless you know that meeting attendees also dress business casual.

Supervisors or managers can specify additional dress and grooming requirements based on the business needs of their departments or requirements necessary for employee safety. Supervisors and managers have the right to request an employee go home and change to appropriate attire.

**Rule of Thumb:** Business attire and casual business wear means clean, neat, professional clothing. If you question the appropriateness of an item of clothing for the office, don't wear it. Ask your supervisor or department head about an item of clothing before wearing something you have concerns about.

*The above guidelines are preferred and only met to offer guidance for office attire and not meant to be policy.*



## **APPENDIX B**

### **ANTI-HARRASMENT POLICY AND COMPLAINT PROCEDURE**

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#### **SUBJECT**

Anti-Harassment Policy and Complaint Procedure.

#### **PURPOSE AND INTENT**

The purpose of this Policy is to establish a strong commitment to prohibit and prevent unlawful harassment in employment, to define unlawful harassment, and to set forth a procedure for investigating and resolving internal complaints of unlawful harassment.

#### **POLICY**

Harassment of an applicant or employee by a supervisor, management employee, or co-worker on the basis of race, religion, sex, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation will not be tolerated. The City of Ceres prohibits, forbids, and will not tolerate any employee, manager, city volunteer or visitor, male or female, to harass an employee or non-employee participant in the workplace or to create a hostile or intolerable working environment by exhibiting, committing or encouraging activity as defined herein. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action up to and including termination will be instituted for behavior described in the definition of harassment set forth below.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

#### **DEFINITION**

Harassment includes, but is not limited to:

- Speech, such as epithets, derogatory comments, or slurs, and lewd propositioning on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This might include inappropriate sex-oriented comments on appearance, including dress or physical features; or race-oriented stories and jokes.
- Physical acts, such as assaults, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

- Visual insults, such as derogatory posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
- Unwanted sexual advances, requests for sexual favors and other acts of sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

### **COMPLAINT PROCEDURE**

- a) You are encouraged to tell an individual in a clear and unambiguous manner that their conduct is unwelcome and you want it to stop. If you are uncomfortable taking this action, or the conduct does not cease after you have warned the offending person(s) to stop, you should complain in a timely manner to one of the individuals listed below.
- b) An employee, volunteer, or job applicant who believes he or she has been harassed may make a complaint orally or in writing with any of the following:
  1. Immediate supervisor
  2. Any supervisor or manager within the department
  3. Department Head
  4. Director of Personnel
- c) When complaining of unlawful harassment you should be prepared to provide the City with a description of the conduct, its frequency; the name(s) of the offending person(s), the names of all witnesses to the conduct and your response to the conduct.

### **COMPLAINT INVESTIGATION**

- a) Every complaint of harassment reported to one of the individuals above will be investigated in a timely, thorough and – to the extent possible – confidential manner. The City does not condone and will not tolerate any retaliation against any employee for cooperating in an investigation into a complaint of harassment or for making a truthful complaint regarding unlawful harassment.
- b) Upon receiving notification of a harassment complaint, the individual notified shall:
  1. Within a timely manner, conduct an investigation of the complaint. The investigation will include interviews with: a) the complainant; b) the accused harasser; and c) any other persons the investigator has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.
  2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.
  3. Report the results of the investigation and the determination as to whether harassment occurred to the appropriate persons which

includes the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the actual discipline will not be communicated to the complainant.

4. If unlawful harassment has occurred, effective remedial action will be taken appropriate to the circumstances. The complainant will be advised, in writing, of the action taken. Any employee(s) determined by the City to be responsible for unlawful harassment will be subject to appropriate discipline action, up to and including termination.
5. Reasonable steps will be taken to protect the complainant from further harassment.
6. Reasonable steps will be taken to protect the complainant and any witnesses from any retaliation as a result of communicating or cooperating in the complaint.
7. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

#### **DISSEMINATION OF POLICY**

Upon adoption, a copy of this policy will be immediately distributed to current employees and thereafter, to all employees, supervisors and managers and City volunteers shall receive a copy of this policy when they are hired or begin service and annually thereafter.



## APPENDIX C

### ALCOHOL AND DRUG ABUSE POLICY

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#### **SUBJECT**

Alcohol and Drug Abuse Policy

#### **PURPOSE AND INTENT**

##### **I. PURPOSE**

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City of Ceres has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol on or off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public, as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

The City of Ceres has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Also, in recognition of the public service responsibilities entrusted to the employees of the City and recognizing that drug and alcohol use can hinder an individual's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City of Ceres.

##### **II. POLICY**

It is the City of Ceres' policy that employees shall not be under the influence of, use, or be in possession of alcohol or drugs; not possess alcohol or drugs while on City of Ceres property, at work locations, or while on duty or subject to being called to duty; shall not utilize such substances while they are subject to City duty; sell, manufacture, distribute, or provide drugs or alcohol to any other employee or to any person while such employee is on duty or subject to being called; nor have their ability to work impaired as a result of the use of alcohol or drugs. An exception exists for those employees whose duties may require possession in the course and scope of job duties (i.e., undercover police narcotics investigators).

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It is not a random drug testing policy. Random drug testing of employees occurs only under the procedures and for those positions designated as safety sensitive under the Federal Omnibus Transportation Employee Testing Act of 1991. It also outlines the responsibilities of city management and employees regarding the City's drug and alcohol policy. To that end the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to perform safely and effectively the functions of the particular job) which increases the

potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

While use of medically prescribed medications and drugs is not per say a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of City equipment can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to perform assigned duties while using such medications or drugs, clearance safely and effectively from a qualified physician may be required.

### **ALCOHOL AND DRUG ABUSE POLICY**

The City reserves the right to search for reasonable suspicion, without employee consent, all areas and property in which the City maintains control or joint control with the employee. The City may otherwise notify the appropriate law enforcement agency that an employee, when on duty, may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City, for example, lunch boxes, purses, etc.

Refusal to submit immediately to an alcohol and/or drug test when requested by the City's management or law enforcement personnel, when reasonable suspicion exists, may constitute insubordination and may be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be assured of safe transport from the work site to the testing site, if testing is requested, and/or home.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as protected under federal and/or state law.

The City has available to employees a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the Personnel Office for additional information on this program. It is the responsibility of each employee to seek assistance from the Employee Assistance Program before alcohol and drug problems lead to disciplinary action which may include termination.

### **III. APPLICATION OF POLICY**

This policy applies to all employees of and to all applicants for positions with the City. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to perform the functions of the job effectively

and safely.

#### **IV. EMPLOYEE RESPONSIBILITIES**

An employee must:

- A. not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use.
- B. not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while subject to duty, on breaks, during meal periods or at any time while on City property;
- C. not directly, or through a third party sell, manufacture, dispense, or provide drugs to any person, including any employee, while either employee or both employees are on duty or subject to being called;
- D. be aware that he/she may be requested to submit immediately to an alcohol and drug test when requested by their respective Department Head, and/or upon recommendation from the immediate supervisor to the Department Head, or other designated department managers, when definite and reasonable suspicion of drug or alcohol use is apparent and the safety of the public and/or fellow employees is at high risk;
- E. notify his/her supervisor before beginning work when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment; and
- F. provide within 24 hours of request bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

#### **V. MANAGEMENT RESPONSIBILITIES AND GUIDELINES**

- A. Department Heads, managers and supervisors are responsible for reasonable enforcement of this policy.
- B. Department Heads acting on their own documented recommendation, or upon recommendation to the department manager from the first line supervisor in the department, may request that an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called. The request will be supported with thorough documentation of the facts creating the reasonable suspicion of use, and shall be in writing, when practicable, prior to testing. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.



For example, the following objective facts should be considered in making a determination that a reasonable suspicion exists that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called. The total facts and circumstances of any particular incident should be considered when reaching a conclusion that a reasonable suspicion exists.

1. Slurred speech;
  2. Alcohol odor on breath;
  3. Unsteady walking and movement;
  4. An accident involving City property where circumstances indicate negligence;
  5. Physical altercation - when non-work related;
  6. Verbal altercation - when non-work related;
  7. Unusual behavior;
  8. Possession of alcohol or drugs;
  9. Verifiable information obtained from a reliable person with personal knowledge.
- C. Any Department Head, manager or supervisor requesting an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- D. The Department Head, or manager encountering an employee who refuses an order to submit to a drug and/or alcohol analysis upon request when reasonable suspicion exists, shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is currently under the influence of alcohol or drugs, the manager or supervisor should detain the employee for a reasonable time until the employee can be safely transported to either the testing location and/or home.
- E. Managers and supervisors shall not physically search the person of employees; nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- F. Supervisors shall notify their manager or department head and provide the required documentation when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. If the Department Head concurs that there is reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.
- G. Any investigations into suspected on the job drug and/or alcohol abuse will be conducted only by First Line Supervisors, Sergeants, higher management, or outside contractor as may be hired by city management.

## **VI. PHYSICAL EXAMINATION AND PROCEDURE**

The drug and/or alcohol test may test for any substance which could impair an employee's ability to perform the functions of his/her job effectively and safely, including, but not limited to, prescription medications, heroin, cocaine, morphine, and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids. The drug and/or alcohol test may require a blood test, urinalysis, or other drug/alcohol screening method.

### **RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS**

#### **A. Pre-employment Tests**

1. The City has adopted a drug testing policy for all applicants for City jobs. Drug testing is done only after a conditional offer of employment is made to an applicant.
2. A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties, or responsibilities.
3. The applicant must provide within 24 hours of request bona fide verification of a valid current prescription for a drug identified in the drug screen if an applicant has a positive pre-employment drug screen result. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

#### **B. During Testing Guidelines**

1. Employees shall have the right to a representative present prior to being tested for reasonable suspicion of use. The representative must be available and present within a reasonable time from the request. A reasonable time being herein defined as approximately two hours from notification.
2. Testing will follow the guidelines as established by the Health and Human Services as promulgated in Vol. 53, No. 69 of the Federal Register and as included and made a part of this policy by reference.
3. Testing will be done by a laboratory certified by the Department of Health and Human Services or a laboratory which follows the Department of Health and Human Services certification guidelines.

### **CONFIDENTIALITY**

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of City Manager or designee. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is

compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.



## **APPENDIX D**

### **SMOKING POLICY**

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#### **SUBJECT**

Smoking Policy – City Facilities

#### **PURPOSE AND INTENT**

Pursuant to Ordinance 9.20, establishes City of Ceres no smoking policy in facilities, vehicles, and buildings.

#### **POLICY**

1. Smoking shall be prohibited in all enclosed facilities within all city buildings and facilities. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges or eating areas, stairs restrooms, vehicles, and all other enclosed facilities.
2. Employees and volunteers with assigned vehicles, as well as employees and volunteers using City vehicles only occasionally, are prohibited from smoking in those vehicles.
3. Smoking will be allowed only in outside areas.

“Smoking” according to ordinance means lighting, inhaling, exhaling, or burning any pipe, cigar, cigarette, weed, or plant, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted weed, or lighted plant.

Violation of this policy may subject the violator to disciplinary action and possible action for an infraction under City Ordinance 9.20. Conviction of an infraction carries a fine of \$50 for the first offense; \$200 for the second (in the same year); and \$500 for the third offense for each violation thereafter (in the same year).



## APPENDIX E

### FAMILY CARE AND MEDICAL LEAVE POLICY

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#### **SUBJECT:**

FAMILY CARE AND MEDICAL LEAVE POLICY

#### **STATEMENT OF POLICY**

To the extent not already provided for under current leave policies and provisions, the City of Ceres will provide family and medical care leave for eligible employees as required by State and Federal law. The following provisions set forth certain rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

#### **II. DEFINITIONS**

- A. "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.
- B. "Child" – means a child under the age of 18 years of age, or 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 stepchild.  
A child is "incapable of selfcare" if he/she requires active assistance or supervision to provide daily selfcare 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, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- C. "Parent" – means the biological parent of an 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.
- D. "Spouse" – means a husband or wife as defined or recognized under California State law for purpose of marriage.
- E. "Serious Health Condition" – means an illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient 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 therefrom), or,

- b. 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:
- i. A period of incapacity (i.e., inability to work, or perform other regular daily activities due to serious health conditions of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition) that also involves:
  - ii. Treatment two or more times by a health care provider, by a nurse or physician's assistant under the direct supervision by a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
  - iii. 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. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition: If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
  - iv. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law an employee disabled by pregnancy is entitled to pregnancy disability leave.)
  - v. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
    1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
    2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.) Absences for such incapacity qualify for leave even if the absence lasts only one day.
  - vi. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

F. "Health Care Provider" – means:

- a. A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
- b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;

- c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State Law;
- d. Nurse practitioner and nurse midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
- e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
- f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

### **III. REASON FOR LEAVE**

Leave is only permitted for the following reasons:

- A. The birth of a child or care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Leave to care for a child, parent or a spouse who has a serious health condition; or,
- D. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

### **IV. EMPLOYEES ELIGIBLE FOR LEAVE**

An employee is eligible for leave if the employee:

- A. Has been employed for at least 12 months; and
- B. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

### **V. AMOUNT OF LEAVE**

Eligible employees are entitled to a total of 12 work weeks of leave during any 12-month period.

#### **A. Minimum Duration of Leave**

If leave is requested for the birth, adoption, or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child.

If leave is requested to care for a child, parent, spouse, or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken.

However, the notice of medical certification provisions of this policy must be complied with.

#### **B. Spouses Both Employed By the City of Ceres**

In any case in which a husband and wife are both employed with the City of Ceres are entitled to leave, the aggregate number of work weeks of leave to which both may be entitled may be limited to 12 work weeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). The limitation does not apply to any other type of leave under this policy.

### **VI. EMPLOYEE BENEFITS WHILE ON LEAVE**

While on unpaid FMLA leave, employees will continue to be covered by their selected health plan insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under any other selected benefits such as life, LTD, or cafeteria selections such as medical flexible spending or dependent care.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, you may be required to pay the carrier directly, or to the City. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (e.g., unpaid wages, vacation pay, etc.).

## **VII. SUBSTITUTION OF PAID ACCRUED LEAVES**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City will require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave for employee's own serious health condition and may require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA qualifying.

### Employee's Rights To Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, administrative leave, compensatory time, or sick leave, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent; spouse or child with a serious health condition and would be permitted as sick leave under the City's sick leave policy.

### The City's Right To Require An Employee to Use Paid Leave When Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave with two exceptions:

- a. Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and,



- b. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

#### The City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

#### The City and Employee's Right If An Employee Requests Accrued Leave Without Mentioning Either the FMLA for CFRA

If an employee request to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA qualifying, the City may require the employee to exhaust accrued leave as described above.

### **VIII. MEDICAL CERTIFICATION**

Employees who request leave for their own serious health conditions or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

#### A. Time to Provide A Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent; good faith efforts.

#### B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the city may delay the taking of FMLA/CFRA leave until the required certification is provided.

#### C. Re-certification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee but paid for by the City. The

opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinion when there is a re-certification.

**D. Intermittent Leave Or Leave On A Reduced Leave Schedule**

If employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

**IX. EMPLOYEE NOTICE OF LEAVE**

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

**X. REINSTATEMENT UPON RETURN FROM LEAVE**

**A. Right To Reinstatement**

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employee of his/her readiness to return.

**B. Employee's Obligation To Periodically Report On His/her Condition**

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

**C. Fitness For Duty Certification**

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

**D. Reinstatement Of “Key Employees”**

The City may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City and the employee is notified of the City’s intent to deny reinstatement on such basis at the time the employer determined that such injury would occur.

**XI. REQUIRED FORMS**

Employees must fill out the following applicable forms in connection with leave under this policy:

- A. “Request For Family or Medical Leave Form” prepared by the City to be eligible for leave. NOTE: EMPLOYEES WILL RECEIVE A CITY RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE;
- B. Medical Certification – either for the employee’s own serious health condition or for the serious health condition of a child, parent, or spouse;
- C. Authorization for payroll deductions for benefit plan coverage continuation; and
- D. Fitness for duty to return from leave form if leave was for employee’s own serious health condition.



## **APPENDIX F**

### **COMPUTER AND ELECTRONIC MEDIA POLICY**

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#### **SUBJECT**

Use of City computers, local area network, and other information technology resources; Use of City electronic media; IT Department Scope of Support; procedures; and computer system protocols.

#### **PURPOSE AND INTENT**

The purpose of this Information Technology Department policy is to implement guidelines for the establishment, administration, maintenance, and use of the City's information technology resources, including all hardware and software, the local area network/wide area network (LAN/WAN), the Internet, and on-line information services. This policy defines approved hardware and software standards, procedures, computer system protocols, and the IT Department's scope of support. These standards and procedures are designed to ensure that PC and network systems are available, reliable, and maintainable. The IT Department's goal is to help city employees do their jobs better by providing them with the tools they need to do their jobs - a stable desktop PC and a stable network.

#### **POLICY**

This policy shall be subdivided into the following areas:

- Use of City Computers and Other IT Equipment
- Use of Local Area Network and Other IT Resources
- Use of City Electronic Media
- IT Department Scope of Support
- IT Department Procedures
- Computer System Protocols

#### **I. Use of City Computers and Other IT Equipment**

The City encourages and supports employee use of computer systems, the local area network, telecommunication devices and other electronic media as a means of improving productivity. Certain restrictions, however, are necessary to avoid improprieties, ensure that established standards are met, maintain appropriate security of computerized data, and define privacy expectations. City computer systems are to be used primarily for official City business. Personal use of City computer devices, systems, software, e-mail, and other telecommunications and electronic media is limited according to the terms of the City's policies. Personal information kept on City computers and related systems is subject to review, search, and seizure by authorized individuals per the Public Records Act, depending on the nature of the information.

## **HARDWARE AND SOFTWARE**

### *Use of Hardware and Software –*

To ensure compatibility between computer systems and provision of adequate user support, the City will support certain standard software and hardware for commonly used applications. Use of specialized software or hardware other than those supported products may be authorized after review by the IT Department. The use of unlicensed, unauthorized, or non-standard software on city computer systems is prohibited. Consequently, employees shall not install or use unlicensed, unauthorized software or hardware, including personally owned software (including screen savers) or hardware, on City computers. Non-standard hardware or software will be reported to the immediate supervisor of the user for appropriate action. Equipment identified as containing nonstandard software or hardware may be examined by the IT Department to ensure its removal when the employee has been instructed to remove the software or hardware.

### *Installation of Software and Hardware –*

Improper installation of software or hardware can damage a computer system or cause it to malfunction. Employees are prohibited from installing unlicensed software on City computer systems. The City and individuals can be subject to civil damages of as much as \$150,000 per title copied, along with criminal penalties including fines up to \$250,000 and imprisonment for up to five years. Consequently, all software and hardware will be installed by the IT Department, (rare exceptions may be made). Upgrades to installed software shall be made on a Division, Department or Citywide basis. Any moving, relocating or rearranging of computer hardware should be done by the IT Department. Please contact the IT Supervisor if you plan to move any computer hardware.

### *Ownership and Confidentiality –*

All software, programs, applications, templates, e-mail, data and data files residing on municipal computers and storage media are the property of the City of Ceres. The City retains the right to access, copy, change, alter, modify, destroy, delete, or erase this property. Computer data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without the expressed authorization of an employee's supervisor.

### *Password Protection Control –*

Knowledge of administrator passwords for individual systems and the local area network shall be limited to the IT Department staff. Access to the administrator password for individual systems may be granted to a department head when a department uses a specialty application does not support by IT. Users will be assigned passwords that will permit them to log into their computer and the City's local area network. User passwords must be kept confidential.

### *Copying Software, Programs, Applications, Templates, Etc. –*

Users should notify IT Department Staff and receive proper authorization from their supervisor before attempting to copy software. In many cases, copyright laws and/ or licenses for commercial software, programs, applications, and templates used by the City prohibit making multiple copies. Usually, software licenses permit a single copy for backup purposes. The City and its employees are required to abide by the federal copyright laws and to abide by all software licensing agreements.

#### *Use of Employee Computers to Work on City Data Files –*

Employees who own personal computers may wish to use them for work at home. Those who choose to do so must adhere to this policy procedure guideline with regard to use of City-owned software, or data. Use of outside computers introduces the risk that a computer "virus, could infect City computer systems. Data files should be checked by virus detecting software before they are copied back onto City computers. The IT Department staff does not provide support for employees' personal computers.

#### *Monitoring of Technology Resources –*

The City reserves the right to monitor computer systems, software, or network communications systems at any time, including the right to review, audit and disclose all matters sent over network infrastructure and/ or stored in the system. This right extends to employees' personal computer files, e-mails, and any logs which may be on the system.

#### *Employee Acknowledgement –*

Employees will be asked to acknowledge that he/she has read, understands, and will abide by this policy, including the attached list of computer system protocols. Employees will also acknowledge that they understand willful violation of this policy could subject the individual to discipline as outlined in the City's Personnel Policy.

## **II. Use of Local Area Network and Other IT Resources**

Information network resources are made available to City staff to improve communications and information exchange with citizens and others, and to provide an information and research resource. While the City encourages the use of information network resources to improve communications, certain restrictions are necessary to avoid improprieties and ensure that established standards are met. To reduce potential liability, the risk of inappropriate use, and possible adverse public perceptions, City personnel shall make use of City provided LAN/WAN, Internet, on-line services, and telecommunications systems primarily for city business. City information network resources are not to be used for entertainment, outside employment endeavors, or illegal, harassing, libelous or obscene purposes during or outside City business hours. All components of the City of Ceres LAN/WAN and telecommunications systems are the property of the City and remain subject to City control. Successful operation of the LAN/WAN requires that users regard the LAN/WAN as a shared resource and conduct themselves responsibly and courteously.

Users must protect and restrict their assigned usernames and passwords. Passwords are strictly confidential; they are not to be disclosed to anyone. Users are allowed certain rights to City data as determined by their department. Users are responsible to ensure the security of the network by logging off the network when leaving their work location for an extended period, and by logging off the network at the end of their workday.

Network security protocols and policies will be established and enforced by the IT Department, which is responsible for the City's information technology systems. All network configurations,

including installation of all network software and hardware, will be done by the IT Department to ensure the integrity of the network.

For the purpose of this policy, LAN/WAN (Local Area Network /Wide Area Network) is defined as: A network consisting of electronic devices communicating with one another and sharing hardware, software, data; and information resources. Included are all of the communication and computer hardware, operating systems, data and application software of the City, any stored electronic media, and other systems that may be connected, such as electronic bulletin boards, the Internet, on-line information services, and others.

All users on the City LAN/WAN shall:

- Comply with license agreements and policies of all networks and online services made available by the City;
- Not make unauthorized changes to nor install unauthorized software or hardware on any component of the LAN/WAN;
- Not access any external networks, or information resources on City computers, or the City LAN, without proper authorization

Access to information resources and networks external to the City may make available materials which do not contribute to any City business purpose and could be offensive to the sensitivities of some users. The City shall take appropriate precautions to attempt to restrict access to controversial materials.

The City considers the value of allowing access to information resources through external networks to outweigh the potential risk of the possibility of misuse, or that users may encounter materials they may find offensive. All users of the City-provided network use the City's information resources at their own risk with regard to the possibility of encountering material they may find offensive. Moreover, users must assume responsibility for ensuring their utilization of the external networks and information resources is consistent with City business purposes.

### **III. Use of City Electronic Media**

The following policies and procedures for employee use of electronic media include computer systems, LAN/WAN, e-mail, v-mail (video), internet, IC (internet chat) system logs, and software.

Any employee conducting City business over the Internet should use their City of Ceres e-mail address (username.ci.ceres.ca.us), not their personal e-mail address.

Internet access provided by the City of Ceres shall be used primarily for City related business activities. Internet sites containing information that is not appropriate or applicable shall not be intentionally accessed. Such sites include but are not limited to, adult forums, pornography, "chat rooms," and similar or related web sites.

Sending inappropriate e-mail messages defined by the City Anti-Harassment Policy as derogatory, harassing, defamatory or obscene, or otherwise inappropriate will be considered

improper use of the system. The employee deemed responsible for the message will be in violation of this policy, thereby warranting discipline as outlined in the City Personnel Policy. Improper use of electronic mail includes, but is not limited to the following and is strictly prohibited:

- Sending or opening anonymous e-mail (defined as e-mail which does not clearly identify the sending individual, company, department, etc.) is prohibited.
- Theft and/or forgery (or attempted forgery) of e-mail messages or electronic documents.
- Unauthorized access, deletion, copying or modifying another employee's e-mail
- Any attempts to send unsolicited junk mail, for-profit messages, chain letters, pornography, or other inappropriate mail that could be considered offensive.
- Conducting any type of personal, outside employment, paid services, or advertising on City time and through City systems
- Sending religious or political messages or announcements

Under most circumstances, communications sent by e-mail and software files may be subject to disclosure under the Public Records Act and could result in litigation. The employee involved may be deemed solely responsible for payment of individual defense costs, judgments or settlements should it be determined by the City that unauthorized use of the system or violation of this policy occurred.

Deletion of an e-mail message or computer file does not assure full elimination of the information from the system which may result in a disclosure situation for the employee. Information retrieved from deleted files which violates this policy will subject the employee to discipline as outlined in the City's Personnel Policy.

Transmission, retrieving, downloading, or storing any material in violation of federal or state laws or regulations and City policies and procedures is prohibited. This includes but is not limited to messages or images relating to race, religion, color, sex, national origin, citizenship status, age, handicap, disability, sexual orientation, or any other status protected under federal, state, and local laws. Exceptions may be made for law enforcement officers who are conducting official investigations into criminal activity and are collecting evidence that may include such messages or images.

#### **IV. IT Dept Scope of Support**

Hardware/Software support will be provided only for conducting City business. All technology resources, regardless of purchase date, location, fund, or department are subject to this policy.

##### **Support**

The Ceres IT Department will provide support:

- Monday through Friday, between 7:30a.m. and 5:00p.m.
- To all City employees
- For all City-owned approved hardware



- For all City-owned approved software
- For Business related issues
- After hours in the event of a technology emergency. (Members of the IT staff may be contacted via phone or pager).

#### Support Limitations

The Ceres IT Department does NOT:

- Install or support any software that is copy-protected or requires a hardware dongle. A dongle is a hardware copy protection device that must be installed for the associated software application to run. Typically, dongles are attached to a computer's parallel port.
- Provide support for handheld devices
- Provide support for multifunction printing devices (printer, scanner, copier, fax)
- Install or support any software or hardware that conflicts with the City's default operating system, (Windows 2000 Professional). If such hardware or software is inadvertently installed and later found to cause a conflict, it will be removed. (IT will make every effort to resolve conflicts before any key specialty application is removed. Archived data files will not be removed).
- Install or support any office suite other than the City's default office suite, (MS Office XP). If such hardware or software is inadvertently installed and later found to cause a conflict, it will be removed. (IT will make every effort to resolve conflicts before any key specialty application is removed. Archived data files will not be removed).
- Install or support any software or hardware device that has not been tested and approved for compatibility with the City's network operating system, desktop operating system, and default office suite.
- Adjust or assemble furniture. Please call Building Maintenance
- Support outsourced software. If a department chooses to contract with an outside software vendor to provide an application via outsourcing, the department should also negotiate a support contract with that vendor.
- Provide one-on-one, individualized training
- Install toner cartridges, ink cartridges, or ribbons in printers. At the request of the department head, IT will train 1-2 persons per department to perform these tasks.

IT Department will provide support for approved hardware only

- Approved and listed PC models
- Approved and listed printers
- Other approved and listed devices, (an approval hardware list will be distributed periodically as an addendum to this policy.)

IT Department will provide support for approved software only

- Approved operating systems
- Approved office suite
- Approved email/internet applications

- Other approved applications, (an approval software list will be distributed periodically as an addendum to this policy.)

IT Department will provide business related support only

- Does not include users home PCs or laptops
- Does not include online greeting cards
- Does not include games
- If a single user or department needs a particular specialty application, it is up to that department to support it, or to provide third party support for it. Appropriate PC/Networks access will be granted.

## **V. IT Dept Procedures**

### **General Procedures**

In most cases, only Ceres IT Staff are authorized to:

- Install software on City PCs
- Modify hardware on City PCs
- Relocate City PCs or other IT hardware devices to new locations

Deployment of PCs and other hardware:

- PC hardware will be locked to prevent tampering. Only IT personnel will be permitted to alter hardware configurations
- Only IT personnel will be permitted to log onto PCs using the Administrator account
- Many settings on each PC will be locked by the IT Staff to ensure compatibility
- IT equipment will be inventoried, and the following information recorded:
  - Serial Number
  - City Asset Tag Number
  - Employee assigned to the equipment
  - Department assigned to the equipment
  - Physical location of the equipment
- Computers will not be replaced using the trickle-down theory. When any PC needs upgrading, a new unit will be budgeted for, acquired, and installed where the replacement is needed.
- Equipment may be reassigned at the request of a Department Head. Actual relocation will be conducted by IT Department personnel.

User Restrictions:

- With the noted exceptions, users will not be permitted to log into a local machine or the network using the administrator account, or an account that has administrator equivalency.
- With the noted exceptions, users will not be permitted to install software. Please call the IT Department.
- Users will not be given physical or remote access to City file server consoles.

### **Technology Project Procedures**

The Ceres IT Department must be included in the planning and budgeting process from the beginning for any project that may impact any City network, hardware, or software system. The IT Department must be included in all meetings with project vendors. All new technology systems must be tested and approved by the IT department prior to acquisition and installation.

### **Ergonomics**

All city desktop computers must be equipped with an ergonomic "split" keyboard, such as the Microsoft Natural Keyboard. An exception will be made for PCs in the DPS Dispatch Center, which require special 5150 emulation keyboards. Servers, laptops, mobile data computers and other nonstandard, specialty computers are exempt from this requirement.

### **Purchasing Procedures**

The following policies and procedures have been established to regulate the purchasing of IT-related equipment and software.

- All purchases of technology-related equipment or software must be budgeted in advance with the IT Department. Budget requests should be made to the IT Supervisor in writing during the budget process so they may be included in the IT Department budget.
- All purchases of technology-related equipment or software must be reviewed by the IT supervisor. Only the IT supervisor and the assistant city manager may approve expenditures of 16-502 funds.
- All technology-related equipment and software will be purchased by the IT department.
- To request the purchase of technology-related equipment or software:
  1. Check to make sure the item is on the City's list of approved hardware/software. If the item is on the list, proceed to step two. If it is not on the list, proceed to Procurement Procedures.
  2. Check to make sure the item is budgeted. If it is in the budget, proceed to step three. If it is not in the budget, find funding for the item. The only items that may be charged to IT will be items budgeted for the current fiscal year in account 16-502. Items not budgeted in 16-502 cannot be charged to IT's budget
  3. Submit the purchase request to the IT Supervisor in writing.
- If the request is for technology-related equipment or software that is
- approved and budget, the IT supervisor will either make the purchase immediately (for items totally less than \$5,000), or initiate quote requests and/ or bids (for items totaling \$5,000 or more).
- All purchases will be shipped directly to the IT Department, where they will be inventoried and cataloged prior to installation.

### **Procurement Procedures for Items Not on the Approved Hardware/Software List:**

The following procedures have been established for the evaluation, selection, testing and purchasing of new IT (information technology) related items:

1. Before requesting an item, users should check the current approved hardware/ software list for compliance.
2. If item is on the current approved hardware/software list, a written

request for acquisition (including fund number and budget number) should be submitted by a supervisor or department head to the IT supervisor.

3. If an item is on the approved list, the request moves into the purchasing process. The rest of this policy does not apply (refer to purchasing procedure).

4. If an item is not on the approved list, the department making the request should schedule a meeting with IT to assess product requirements. IT staff, a department head or supervisor from the requesting department, and affected users should be present. Users will be asked to rank product requirements by importance.

#### Meeting Agenda

- a. Introduction
- b. What are the needs/ goals this product must fill?
- c. Identify users affected by this product?
- d. What network resources will the product need?
- e. What products might fill this need? - Alternatives
- f. Etc. - hardware/software specs required by IT staff.

5. Purchases must be made per the city's purchasing ordinance.

- a. IT staff will write a Procurement specification to be sent to vendors wishing to quote/bid

- b. Etc. - Specifying the Hardware/Software expectations of the city.

6. The lowest responsible quote/bid that meets the procurement specification will enter testing

7. One user from each affected department will test the new item

8. After the specified test period, each user will fill out a user test form, and the department head of the affected department, if satisfied, will sign a completion form that specifies the product fulfills the department's needs. Test forms and completion forms are available from the IT Department.

9. IT Department will test product for compatibility with the city's existing systems

10. If the item is satisfactory, the product will be installed and brought online.

IT Department sign off list on new products:

1. Compatible with Netware 5.0, SP 5
2. Works on Windows 2000 Professional, and will run for restricted users
3. Compatible with Microsoft Office XP
4. Compatible with other preexisting applications.



## APPENDIX G

### USE OF PERSONAL VEHICLES FOR CITY BUSINESS

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City policy and Council Resolution 87-180 provide guidelines for use of employee private vehicles for City business. The following summarizes the policy and resolution.

1. Use of an employee's private vehicle on a regular basis for City business requires public liability and property damage insurance coverage with the following minimum coverage:

**\$100,000/\$300,000 bodily injury (Public liability)**  
**\$50,000 property damage**

2. Occasional use of employee's private vehicle for City business requires the following minimum coverage:

**\$15,000/\$30,000 bodily injury (Public liability)**  
**\$10,000 property damage**

The City's deductible, or self-insured retention for the public liability is \$50,000. The employee's potential exposure would, at minimum, be for any personal liability awards between the \$15,000/\$30,000 and the City's SIR of \$50,000.

3. The City will require proof of coverage within the minimum above prior to the use of an employee's private vehicle for City business.
4. "Regular use" has been defined to mean use by an employee who receives per diem or monthly allowance for the use of said vehicle.
5. "Occasional, or incidental use" has been defined to mean use by an employee who receives a mileage allowance with no reimbursement for the use of the employee's private vehicle.
6. Neither the City, nor the City's insurance pool, the Central San Joaquin Valley RMA, will be responsible for the replacement or repair of personal vehicles damaged when used by City employees for City business.
7. In the event of an accident which causes bodily injury while the employee is driving his/her vehicle on City business, the employee's insurance is primary. The City does not have a duty to defend or pay on any personal claims arising from the use of an employee's own vehicle on City business.
8. Departments should encourage employees to utilize rental vehicles for City business; especially for trips which exceed 100 miles round trip.
9. A City vehicle is available at City Hall for short, local trips. The car may be checked out through the Public Works secretary.



## **APPENDIX H**

### **USE OF CITY VEHICLES**

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#### **SUBJECT**

Use of City Vehicles – Drivers Selection Policy

These guidelines are for the selection of all employees or volunteers who may operate any vehicle and/or equipment of their personal vehicle on behalf of the City.

#### **I. THE DRIVER SELECTION POLICY**

##### **A. Driver Employment Information**

Information obtained at the time of employment should include verification of a valid California driver's license number and expiration date, pertinent to the position responsibilities. DMV pulls of driving record will be reviewed for traffic convictions/violations which may affect an individual's opportunity to successfully perform the functions of the position being considered.

##### **B. Physical Examination**

An essential function of positions that require the operation of City vehicles or equipment is the ability to operate the vehicle or equipment safely. A successful applicant for employment to a position that requires the operation of City vehicles or equipment will receive a job offer contingent upon the successful completion of a physical examination. The results will be used to evaluate the applicant's vehicles physical/mental ability to perform job-related functions such as operating City vehicles or equipment safely. All results will be kept confidential.

Drug screening will be conducted on all post-offer pre-employment candidates. Prior driving/drug test reports will be requested from prior employers on positions designated DOT safety sensitive.

Employees required to drive on a routine basis, must report to their immediate supervisor the use of any prescribed drug which might impair their ability to drive.

Current employees in paid or volunteer positions that require the operation of vehicles or equipment may be required to undergo fitness for duty examinations under certain circumstances, such as when there are legitimate concerns about an employee's ability to perform the essential functions of the position safely or after a major accident or near miss incident.

##### **C. Motor Vehicle Report**

A valid driver's license does not automatically qualify an employee or prospective employee to operate a motor vehicle on behalf of the City. In addition to a valid driver's license, all employees or volunteers who operate any vehicle on behalf of the City may be asked to obtain and provide a Motor Vehicle Report (MVR) to the City. This report can be obtained through the California Department of Motor Vehicles. An MVR that is acceptable to the City is a condition of employment and continued employment.

The City is enrolled in the DMV Pull Notice Program through the RMA. The DMV issues MVR's on every person registered in the Pull Notice Program. An MVR will be automatically issued even if there is nothing to report and an updated MVR will be issued anytime there is activity on a requested employee's report.

#### D. Road/Testing

All employees or volunteers whose job description requires that the employee or volunteer have either a Class A or Class B license as part of their job may be requested to pass a road test given by a qualified individual to ensure they are familiar with the safe operation of the vehicle and/or equipment. This road test may be requested upon such criteria as: multiple traffic violations as reported on a recent MVR, frequent driving incidents while on duty, or major injury accidents.

#### E. Driver Training Policy

1. Driver training will be provided to employees who operate a City vehicle in the course of the employment. The program will be offered on an ongoing basis and may address the following:
  - a. Fleet safety policies
  - b. Safety, emergency features and limitations of vehicles and equipment
  - c. Recommended vehicle equipment maintenance and inspection schedule
  - d. Defensive driving techniques
  - e. Method for reporting vehicle accidents
  - f. Use of accident reporting packs, including the use of cameras to document the accident scene and people involved.
2. All employees and volunteers are required to do the following:
  - a. Know how to safely operate the vehicle and equipment.
  - b. Inspect the vehicle/equipment prior to use at the start of the work shift and report any unsafe conditions to the supervisor immediately using the vehicle inspection report.
  - c. Not allow any passengers to ride on or in the vehicle or equipment at any time unless they are on official business, and they use a seat belt.
  - d. Understand and practice the rules of defensive driving.
  - e. Stay within legal speed limits and drive prudently taking into consideration the weather, traffic, and road conditions.
  - f.

## **II. CLASSIFICATION OF MOTOR VEHICLE REPORTS (MVR) RISKS**

### **A. Clear Motor Vehicle Report (MVR):**

An MVR with no activity in the last three years and no major violations in the last five years.

B. Acceptable MVR:

An MVR with no major convictions' in the last five (5) years and:

One (1) at fault accident in the last three years; or

Two (2) minor convictions in the last three years; or

One (1) at fault accident and one minor conviction in the last three years.

C. Borderline MVR:

An MVR with no major convictions within the last five (5) years and:

a. Any driver involved in three or more accidents in a twelve (12) month period regardless of fault should have their driving record reviewed and re-evaluated.

b. One (1) major conviction from three (3) to five (5) years old; or

c. One (1) at fault accident and two (2) minor convictions; or

d. Three (3) minor convictions; or

e. Two (2) at fault accidents; or

f. Two (2) at fault accidents and one (1) minor conviction

D. Possible Actions for Employees with Borderline MVR's

a. Counsel/warn the employee that employment may be jeopardized if there are additional violations or accidents.

b. Shift the employee to a non-driving position.

c. If a non-driving position is not an option, employee may be required to attend driver training instruction to reinforce defensive driver training.

d. Eliminate or restrict use of City vehicles.

e. Restrict or eliminate use of privately owned vehicles for City business.

E. Unacceptable Motor Vehicle Report (MVR):

a. One or more major convictions in the last three years; or

b. Four or more minor convictions in the last three years; or

c. Three or more at fault accidents in the last three years; or

d. Any combination of minor convictions and at fault accidents totaling four or more

F. Possible Actions for Employees with Unacceptable MVR's

The same possible actions may apply for unacceptable MVR's as noted in D.

above. Additionally, unacceptable MVR's may result in disciplinary action, up to and including, loss of employment.

### **III. DEFINITIONS**

A. Authorized Drivers:

Authorized drivers are those employees that have been identified, by verification of their driving record through the DMV, as:

1. Having an acceptable driving record in accordance with those set forth in this policy;



2. Received approval to drive City fleet vehicles from the driver's manager or supervisor, and
3. Have met any other requirements as set forth by the City.

B. Motor Vehicle Report:

A motor vehicle report is a report by the State of California, Department of Motor Vehicles. It details the driving record, by individual names and driver license numbers, for each request submitted and indicates the status of the applicable driver's license.

C. Major Convictions:

Major convictions shall include any of, but are not limited to, the following:

1. Driving under the influence of alcohol or drugs. This would include prescription drugs that have the warning that operating machinery or a motor vehicle while using this drug is not safe,
2. Driving while impaired,
3. Reckless driving, racing, or speed contest,
4. Failure to report an accident,
5. Making a false accident report,
6. Vehicular homicide or manslaughter,
7. Attempting to elude a police officer,
8. Driving while license is suspended or revoked,
9. Speeding at 25 mph over the posted speed limit and in excess of 25 mph over the posted speed limit, and
10. Hit and run.

D. Minor Convictions:

Minor convictions shall include any moving traffic violation other than a major conviction. Examples include, but are not limited to, the following:

1. Speeding (less than 25 mph over the posted speed),
2. Running a stop sign or red light,
3. Improper turn,
4. Passing across a double yellow line,
5. Failure to yield, and
6. Following too close.

E. Technical Violations:

These include, but are not limited, the following violations:

1. Motor vehicle equipment load, or size equipment,
2. Improper display or failure to display license plates, provided such plates exist,
3. Failure to sign or display registration card,
4. Failure to have driver's license in possession provided a valid driver's license exists, and
5. Failure to wear a seatbelt.

F. At-fault Accidents:

1. An accident arising out of the use of a motor vehicle due to the negligence of the operator for which the operator was at fault or any other accident where reasonable assurance of non-fault cannot be furnished. Also, damage to any vehicle that is greater than \$500 or where there is bodily injury or death must be reported to the DMV. These accidents count against the driver's record. You must also be sure that a Traffic Accident Report (SR1) has been filed for all accidents. You can get this form from any DMV or CHP office.
2. Per City policy, departments may be assessed \$500 in initial repair costs to vehicles where a driver has been deemed to be at fault in the cause of the damage.

G. Accident Prone Driver:

Any driver involved in three or more accidents in a twelve-month period regardless of fault will have their driving record reviewed and re-evaluated. Action may be taken pursuant to Section II, D and F above.



## APPENDIX I

### PERSONAL USE OF CITY EQUIPMENT AND MATERIALS

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#### **SUBJECT**

Personal Use of City Equipment and Materials

#### **PURPOSE AND INTENT**

Establish guidelines for the proper use of City Equipment and materials.

#### **GENERAL**

Public Employees are often placed under great scrutiny than those in the non-public workplace. As such, public employees need to be mindful of the public trust as well as our employer's trust. Therefore, these guidelines are intended to set a code of ethics for the use of City equipment and material which will help ensure that public trust.

#### **POLICY**

Employees frequently have a personal desire to use a typewriter, computer, copy machine, telephone, or other city equipment during the course of employment. Use of this equipment is generally permissible under the following conditions:

1. City Equipment and Material.
  - a. Department Head or Supervisor specifically authorizes the use upon request by the employee.
  - b. Use of the equipment occurs on employee's own time (i.e., definable breaks, lunch period, or before or after regular work hours).
  - c. Employee provides personal material (i.e., paper, diskettes, etc. needed in using equipment).
  - d. Specific exclusion to personal use authorization includes FAX machines, postage machines and City vehicles.
  - e. Employees may use copy machine to copy a small number of copies (5 or less) on an occasional basis without charge in compliance with b. above.
  - f. City equipment shall not be taken home for personal use. Equipment and supplies assigned for the performance of duty and taken home as part of a uniform, etc., may be authorized by the Department Head or designated individual. Personal use of the items at home is not authorized.
2. City Telephones
  - a. Personal use of telephones, which includes City issues cellphones, should be kept to a minimum, and is generally discouraged. It is recognized that situations arise which require immediate attention and require the use of the telephones. Whenever possible, calls should be made during breaks or lunch periods. When it is not possible to wait, personal calls should be kept short (generally 5 minutes or less). Please use sound judgement; and

discretion on frequency and duration of calls. When appropriate, the personal call shall be handled at a location removed from the public's view.

- b. Long distance personal calls charged to the City are prohibited. Long distance personal calls should only be made using a personal credit card or charging the call to your home phone.
- c. Continued, identified abuse of City telephones is subject to disciplinary action.