City of Bell

Administrative Policies and Procedures
Adopted on 7/08/2018
Approved By: Howard W. Brown, Jr., City Manager

Revised:

(Version 6 - 7/09/2018)
WELCOME

City Administrator's Welcome

Dear New City Employee,

Welcome to the City of Bell!

We are glad you have joined our City organization and are ready to go to work. A career in public service is a rewarding endeavor. Your dedication, expertise, and talent will make a significant contribution toward maintaining Bell as a world class community.

You are joining a team of hardworking, dedicated professionals. The people that work for this organization bring their diverse talents together to keep our City running smoothly. Over the years, City employees have been at the forefront of making Bell a vibrant City that is renowned for its beauty, quality planning, diverse activities, and safe environment. A well-run City like Bell doesn’t just happen. It is a result of employees throughout the organization working together to meet common goals and objectives.

Thanks so much for joining the City team. I wish you the best of luck in your position and hope that you enjoy a satisfying and productive career as a City Employee.

Sincerely,

Howard W. Brown, Jr.
City Manager

Our City

The City of Bell is a warm and friendly town composed of young families, small businesses, and an industrial district located on the east bank of the Los Angeles River in southeast Los Angeles County. Bell is known as the key to industry, given it is located in the heart of the central Los Angeles industrial market.

Its' convenient location and close proximity to transportation corridors including Interstate 5 (Santa Ana Freeway), Interstate 710 (Long Beach Freeway) and the Union Pacific Railroad make Bell an ideal venue for business interests. Bell is nestled between the San Gabriel Mountains and the port of Long Beach in the Los Angeles basin. It is only minutes away from Downtown Los Angeles, as well as cultural and sports attractions including Dodger Stadium, Staples Center, and the Walt Disney Concert Hall.

Although small in size, according to the 2010 US Census, the City boasts a population of 35,000 residents, a third of which are under the age of 18. Bell is vibrant community proud of its ethnic diversity with immigrants from throughout Latin America and a growing Lebanese American immigrant community. If you take a stroll through our town and you will find beautiful parks filled with families, tree-lined streets, and lots of unique shops and business. We are quite proud of our clean and safe community. Bell is a great place to locate your and a great place to call home.
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101 Purpose

These Administrative Policies and Procedures ("Policies") establish general rules and regulations for the general conduct of the administrative offices and departments of the City under jurisdiction of the City Manager, as adopted pursuant to City Charter section 604(h).

102 Adoption of Administrative Policies and Procedures

These Policies have been adopted by the City Manager pursuant to the authority granted in the Bell City Charter section 604(h) to prescribe such general rules and regulations as deemed necessary or proper for the general conduct of the administrative offices and departments of the City under jurisdiction of the City Manager.

These Policies may be amended by the City Manager from time to time, as required.

103 Application of Administrative Policies and Procedures

These Policies shall apply to all employees of the City, including both those employees who are included in the City’s Civil Service System, and at-will, unrepresented employees.

104 No Contract

These Policies do not create any contract of employment, express or implied, or any rights in the nature of a contract, nor do they modify the terms and conditions of any employee’s employment.

105 Employee Rights

- Employees shall have the right to provide input on proposed new or revised Policies that affect the salaries, benefits, and working conditions of said employees in accordance with state law.

- These Policies shall not infringe upon any rights or benefits members of employee organizations may enjoy pursuant to the terms and conditions of any applicable memorandum of understanding ("MOU").

106 Personnel Actions

Any action concerning an employee’s appointment or change in the status of employment shall be processed on a Personnel Action Form. Each department head shall prepare such form according to procedures established by the City Manager. Any appointment or change in the status of employment shall only become effective upon action of the City Manager. Each employee shall receive a copy of any Personnel Action Form that concerns the employee’s status of employment.
107 Violation of Administrative Policies and Procedures

Violation of the provisions of these Policies shall be grounds for rejection from probation and disciplinary action, up to and including dismissal.

108 Personnel Files

The official personnel file for each City employee shall be maintained by Human Resources. In order to protect the privacy of current and past City employees, the City will not allow access to employee personnel files except as specifically provided in this policy.

The content of an employee’s personnel file is confidential. Access is limited to the following: (1) the personnel officer or designee; (2) the City Attorney in the event of a legal proceeding or administrative action in which the employee is involved; (3) management employees in the direct line of supervision, where access is limited to job-related information such as performance evaluations, disciplinary actions, training records and employment history; (4) management employees who are potential supervisors of the employee when the employee has applied for a transfer or promotion to a position under that individual’s supervision, where access is limited to job-related information such as performance evaluations, disciplinary actions, training records and employment history.

An employee, or the employee’s representative, with written consent signed by the employee, shall have the right to review his/her official personnel file only in Human Resources by scheduling a specific date and time with the City Manager or his/her designee, and/or to receive a copy of his/her personnel files and records and any grievance concerning the employee that relate to his/her employment within thirty (30) calendar days from the date the City receives the request. The request for review shall be made at least twenty-four (24) hours in advance.

Documents designated by law as confidential shall not be subject to review by the employee, unless otherwise provided pursuant to Government Code 3300 et al. seq. for sworn employees.

Once per year, former employees or their representative, with written consent signed by the former employee, also have the right to inspect and receive a copy of their personnel files and records within thirty (30) calendar days from the date the City receives a written request.

The following information is not subject to review by employees: investigations of possible criminal offenses and security investigations potentially involving criminal offenses; letters of reference and written information resulting from reference checks except to the extent such information was collected by a third-party Consumer Reporting Agency on behalf of the City; investigation of grievances prior to action being taken on the grievance, or which result in no action being taken; investigations of equal employment opportunity matters and affirmative action records; and all records involving the privacy of other employees.
Chapter 2 – Definitions
200.01 Administrative Leave

Absence of an employee from work where the City, in the exercise of its judgment, determines that an employee must be removed from the workplace for investigatory or other legitimate purposes. The employee shall be paid while on administrative leave.

200.02 Advancement

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

200.03 Anniversary Date

The date of appointment, employment, reinstatement, reclassification or re-employment, or the date of promotion to a new position having a higher salary range, unless otherwise provided herein.

200.04 Appointing Authority

The City Manager, or his/her designee, shall be the appointing authority and shall have the final authority to administer these rules, including to demote, dismiss, reduce in pay or suspend without pay any employee in the Civil Service.

200.05 Appointment

The employment of a person in a position.

200.06 At-Will Employee

An employee whose position serves at the pleasure of the appointing authority, is excluded from the civil service system, has no property rights in his or her employment, and whose employment may be terminated by either the employee or the appointing authority at any time, for any reason, with or without cause.

200.07 California Family Rights Act ("CFRA")

The California Family Rights Act.

200.08 City Manager

Pursuant to the City Charter, the City established a City Administrator form of government. The term “City Manager,” as used in these Policies, is thus synonymous with the term “Chief Administrative Officer,” and is not meant to confer additional authority on such individual beyond that specified by City Charter section 604, Bell Municipal Code section 2.08.030, and the City Council.
200.09 Civil Service

The positions of employment in the service of the City, except those specifically excluded by ordinance or these rules, whereby City employees are hired and promoted through a competitive process based upon objective standards of merit and fitness as determined by competitive tests to assure fair consideration of all aspects of employment/promotion. Full-time positions in the Civil Service shall be designated as regular.

The term “Civil Service” shall be synonymous with the terms “Competitive Service” and “Classified Service.”

Unrepresented at-will employees are not members of the City’s Civil Service.

200.10 Class

A grouping of positions which are sufficiently similar in duties, authority, responsibility and working conditions, and share common standards of selection, transfer, promotion, and compensation.

200.11 Classification Plan

The designation of a title for each class, together with the specifications for each class.

200.12 Compensation

The salary, wage allowances and other forms of valuable considerations, earned by or paid to any employee by reason of service in any position, but does not include allowances authorized and incurred as incidental to employment.

200.13 Continuous Service

Employment with the City without break or interruption. Absences without pay, whether authorized or not, of thirty (30) days or more shall be construed as a break or interruption in employment, unless otherwise provided by federal and/or state law.

200.14 Demotion

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

200.15 Discipline

The dismissal, demotion, suspension, withholding of pay, reduction of pay or accrued leave, written reprimand or formal warning or any other action for punitive or corrective reasons.
200.16 Dismissal
The discharge or involuntary termination of employment.

200.17 Eligibility List
A list of names of persons who have taken a competitive examination for a class in the competitive service and have qualified.

200.18 Equal Employment Opportunity (“EEO”) 
The policy of the City that all employment practices will be conducted in a manner as to assure equal opportunity for all persons.

200.19 Fair Employment Housing Act (“FEHA”) 
Fair Employment and Housing Act.

200.20 Fair Labor Standards (“FLSA”) 
Fair Labor Standards Act. Employees in classifications that are considered exempt from the guidelines of the FLSA are not eligible for overtime pay.

200.21 Fair Medical Leave Act (“FMLA”) 
Family Medical Leave Act.

200.22 Full-Time Employees
An employee assigned by the appointing authority to a designated regular full-time position as determined by the position control list or a temporary position. A full-time employee’s normal assigned work hours equal a forty-hour workweek. Sworn employees may work more than forty (40) hours per week as part of a regular, full-time assignment, in accordance with Section 207(k) of the FLSA.

200.23 Human Resources
The Human Resources Division within the Human Resources Department in the City.

200.24 Immediate Family Member
Defined as a spouse, registered domestic partner, biological, adopted, foster or step-child, or parent.

200.25 Leave
Absence of an employee from work, whether paid or unpaid, authorized or unauthorized.
200.26 Modified Duty

Temporary work assignment, which accommodates work restrictions and allows an employee to work while recovering from an injury or illness, whether industrial or non-industrial.

200.27 Overtime

The working by employees covered by the Fair Labor Standards Act of more than forty (40) hours in a defined workweek.

200.28 Part-Time Employees

An employee whose normal assigned work hours are less than 40 hours in a defined work week, or forty (40) hours in a defined work week for an identified time period, not to exceed three years, and whose position as assigned by the appointing authority is not designated as a full-time position on the position control list. It is not the City’s intent that part-time employees become part of the Civil Service.

200.29 Probationary Period

A working test period during which an employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position. The probationary period to be considered an integral part of the examination, recruiting, testing and selection process. An employee may be dismissed without cause during his/her probationary period.

200.30 Promotion

The movement of an employee from one position to another which is allocated to a class having a higher rate of pay.

200.31 Regular Employee

An employee in the competitive service who has successfully completed the probationary period in a particular class in the competitive service and has been retained in employment with the City as hereafter provided in these rules and procedures. Unless otherwise designated, this definition refers to full-time employees.

200.32 Reinstatement

The re-employment without examination of a former regular employee within one year following his/her resignation from employment with the City, or from a non-paid leave of absence of more than thirty (30)calendar days. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave or other benefits.
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200.33 Resignation
The voluntary termination of an employee from employment with the City.

200.34 Retirement
The separation of an employee from employment with the City due to retirement.

200.35 Seniority
The total amount of actual continuous service as a regular full-time employee, excluding unpaid leaves of absence exceeding thirty (30) or more calendar days.

200.36 Separation
Leaving the service of the City for any reason.

200.37 Suspension
The temporary separation from the City service of an employee without pay for disciplinary purposes.

200.38 Temporary Employee
An employee who works either part- or full-time, and whose position is funded on a seasonal or other limited time period basis.

200.39 Termination
The separation from employment with the City.

200.40 Transfer
A change of an employee from one position to another position in the same class or in a comparable class, or from one department to another.

200.41 Volunteer
An individual who has agreed to provide a service to the City with no expectation of monetary compensation, for civic, charitable or humanitarian reasons.

200.42 Workday
The number of hours an employee in each position is required to work per day as set forth by department procedures.
Chapter 3 – Personal Conduct and Standards of Employment
301  Code of Conduct

All employees of the City will conduct their duties and responsibilities in a way that demonstrates respectful treatment of the public and other employees. Examples of respectful behavior include being patient, courteous and caring, listening carefully, keeping voices low and calm, requesting information or materials thoughtfully, treating others as you would want to be treated, treating each person as a unique individual whose needs are of utmost importance, not overreacting to others inappropriate behavior or using profanity, having empathy for the circumstances of others, and maintaining relationships with other people in a consistent manner with mutual satisfaction and helpfulness.

Conduct which violates these Policies, including violations of the Code of Conduct, may result in disciplinary action, up to and including termination.

302  Code of Ethics

All City of Bell employees are expected to be guided by prudent judgment and personal responsibility, whether when serving the public or working with colleagues. All decisions and actions will be guided by the following principles:

1. Upholding City of Bell policies in a transparent and consistent manner at all times;
2. Making unbiased decisions and using authority fairly and responsibly in all daily actions;
3. Always acting with honesty and integrity;
4. Advocating for an environment that promotes public trust;
5. Never using City of Bell resources or position for personal gain;
6. Always being mindful of how your actions may be perceived by others and avoiding conflicts of interest.

303  Customer Service

Employees are expected to be polite, courteous, prompt, and attentive to every City resident, customer or visitor. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the employee should call his or her supervisor immediately for assistance.

Ours is a service business and all of us must remember that the customer always comes first. Our customers ultimately pay all of our wages. We strive to provide excellent customer service, and this includes avoiding altercations and/or arguments with customers. If you experience a difficulty in addressing a customer concern, you should seek assistance from a co-worker or supervisor.
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Customers are to be treated courteously and given proper attention at all times. Never regard a customer’s question or concern as an interruption or an annoyance. You must respond to inquiries from customers, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

Never argue with a customer. If a problem develops or if a customer remains dissatisfied, ask your supervisor or Human Resources to intervene.

304  Equal Employment Opportunity

304.1  Policy Statement

It is the policy of the City of Bell to actively promote and provide equal employment opportunity to all persons on all matters affecting City employment. The City is committed to a policy of non-discrimination in employment practices, and re-affirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, genetic information, marital status, age, sex, sexual orientation, gender, gender identity, gender expression, military or veteran status, or perception that an individual has any of these characteristics or associates with individuals who have or are perceived to have these characteristics, or any other basis that is inconsistent with federal, state statutes, the City Charter, ordinances, resolutions rules or regulations. Any technique or procedure used in the recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants.

It is the policy of the City to promote and ensure equal opportunity for application, employment and upward mobility in City employment without discrimination. The City’s personnel system shall be administered so as to remove artificial and unnecessary barriers to employment. However, this does not imply that the City should hire, retain or promote ineffective employees, or terminate existing staff specifically to create positions for members of protected groups. With the adoption of this policy, the City is expressing its commitment to the concept of Equal Employment Opportunity as an integral component of the basic merit system principles.
The City Manager or his/her designee has responsibility for the ongoing administration of this program.

304.2 Communication

The Equal Employment Opportunity policy shall be communicated to employees. Outreach efforts shall be made to solicit employment applications from a broad base of applicants.

304.3 Periodic Review

Employee records shall be maintained as required by law. The City Manager or his/her designee will periodically review data on recruitment, selection, employee development, compensation and turnover, and make recommendations for eliminating potentially discriminatory practices, if any.

305 Harassment and Diversity

305.1 Policy Statement

It is the policy of the City of Bell to prohibit harassment, discrimination, and retaliation in the workplace and to provide a procedure for investigating and resolving internal complaints regarding such conduct. The City encourages all covered individuals to report any conduct that they believe violates this Section. By definition, discrimination or harassment is not within the course and scope of an individual’s employment with the City.

Harassment or discrimination between supervisors and employees, co-workers, and employees and non-employees on the basis of a protected class, as defined herein, is prohibited and will not be tolerated while they or any of them are on any City property or premises, and/or performing services on behalf of or for the City. This Section prohibits harassment and discrimination because: (a) of an employee’s protected classification; (b) of the perception that an employee has a protected classification; or (c) the employee associates with a person who has or is perceived to have a protected classification.

305.2 No Retaliation

Retaliation is prohibited against a person for filing a harassment, discrimination and/or retaliation charge or complaint; instituting or causing to be instituted any proceeding under or related to this Article; testifying or about to testify in any such proceeding or investigation; providing information or assisting in an investigation; and/or associating with a person who is involved in reporting harassment and/or discrimination or who participated in the complaint or investigation process. Retaliation is also prohibited
against a person who has engaged in protected activity under the Affordable Care Act, including but not limited to filing an internal or external complaint about alleged Affordable Care Act violations, and/or participating in an investigation or proceeding regarding such complaints. No employee shall be subject to any form of retaliation for reporting any violation, or participating in any investigation under this Section, provided that they have done so truthfully and in good faith.

The City has a zero tolerance policy, and will take appropriate and immediate corrective action when it concludes that discrimination, harassment, and/or retaliation has occurred. Employees found to be discriminating, harassing, and/or retaliating against another employee shall be subject to disciplinary action, up to and potentially including dismissal.

305.3 Application

This Article applies to all City employees while they are on any City property or premises, and/or while performing services on behalf of or for the City.

This Article also applies to all non-employees, including City elected and appointed officials, job applicants, vendors, contractors, business associates, volunteers, and members of the public, who are on any City property or premises, and/or performing services on behalf of or for the City pursuant to contract or other arrangements. Except where the context requires otherwise, all references to employees in this Section shall include non-employees specified in this subsection.

305.4 Definitions

1. “Protected Class” includes race, religion, color, sex, sexual orientation, gender, gender identity, gender expression, military or veteran status, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics, physical or mental disability or other statutorily protected classes,

2. “Discrimination” includes treating an individual differently because of the individual’s protected classification.

3. “Harassment” includes any conduct which would be unwelcome to a reasonable person of the recipient’s same protected class and which is taken because of the recipient’s protected class.

It is no defense that the recipient appears to have voluntarily consented to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
Simply because no one has complained about a joke, gesture, picture, physical contract, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude someone from complaining if the conduct is repeated in the future.

Even visual, verbal and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third person who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if is not explicitly or specifically directed at an individual.

Conduct can constitute harassment even if the person engaging in the conduct had no intention to harass (e.g., gifts, over attention, or endearing nicknames). Even well intentioned conduct can violate this Section if the conduct is directed at or implicates a protected class, and if a reasonable person of the recipient’s same protected class would find it offensive.

Examples of harassment include, but are not limited to, the following types of behavior resulting from a person’s protected class:

Verbal harassment, such as speech, epithets, derogatory comments or slurs, or propositioning on the basis of a protected class. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race, sexual, or ethnicity oriented stories or jokes.

Physical harassment, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering or making explicit or implied job threats or promises in return for submission to physical acts.

Visual harassment, such as derogatory posters, notices, e-mails, bulletins, cartoons, pictures, or drawings; related to a protected class.

Environmental harassment creates a work environment that is permeated with discriminatory or sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her
immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s work.

By definition, discriminatory or sexual harassment is not within the course and scope of an individual’s employment with the City.

Sexual harassment, such as unwanted sexual advances, requests for sexual favors, or unwelcome written, verbal, physical and/or visual contact with sexual overtones, when submission to such conduct is explicitly or implicitly a term or condition of an individual’s employment, when submission to or rejection of such conduct by an individual is a basis for employment decisions affecting that individual, or when such conduct has the purpose or effect of reasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

4. “Retaliation” includes any adverse action taken against an employee because he or she has reported harassment and/or discrimination, has participated in the complaint and/or investigation process regarding such a complaint, and/or has engaged in protected activity under the Affordable Care Act, including but not limited to making internal or external complaints regarding alleged Affordable Care Act violations and participating in the investigation of or proceedings regarding such complaints. “Adverse action” includes but is not limited to: (a) taking sides because an individual has reported harassment and/or discrimination; (b) spreading rumors about a complainant; (c) shunning and/or avoiding an individual who reports harassment and/or discrimination; or (d) a direct or implied threat of intimidation to prevent an individual form reporting harassment or discrimination.

5. ACA Whistleblower Complaint and Retaliation

Any complaints should be addressed using the complaint procedures in this policy, as detailed in Section 305.6 below.

305.5 Responsibility

Directors, managers, supervisors and other City management personnel are responsible for compliance with this Section and each of the following:

1. Informing employees and non-employees of this Section.
2. Modeling appropriate behavior.

3. Taking reasonable steps to prevent harassment, discrimination and retaliation from occurring.

4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.

5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.

6. Following up with employees who have complained to ensure that the behavior has stopped and that there are no reprisals.

7. Informing employees who complain of harassment and/or discrimination of their option to contact the Equal Employment Opportunity Commission or Department of Fair Employment and Housing regarding alleged violations.

8. Assisting, advising or consulting with Human Resources or employees of other City department(s) regarding this Section.

9. Assisting in the investigation of complaints involving employee(s), and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with the City’s Personnel Rules, up to and including dismissal.

10. Implementing appropriate disciplinary and remedial actions.

11. Reporting potential violations of this Article of which he or she becomes aware, regardless of whether a complaint has been submitted to any City department or management personnel.

12. Participating in periodic training and scheduling employees for training.

Supervisory personnel who are aware of ongoing harassment, discrimination and/or retaliation, as defined in this Section, but do not take responsible appropriate steps, as set forth above, shall be subject to appropriate disciplinary action, up to and including dismissal.

All employees are responsible for compliance with this Section and for each of the following:

1. Treating all employees and non-employees with respect and consideration.
2. Modeling appropriate behavior.

3. Participating in periodic training.

4. Cooperating with the City’s investigation by responding fully and truthfully to all questions posed during the investigation.

5. Maintaining the confidentiality of any investigation that the City conducts by not disclosing the substance of any investigatory interview, except as directed by the department director or Human Resources.

6. Reporting any act he or she believes in good faith constitutes harassment, discrimination and/or retaliation as provided for in this Section.

While the City vigorously defends an employee’s right to work in an environment free of harassment and discrimination based on his or her protected class, and also free of retaliation, the City also recognizes that false accusations can have serious consequences. Accordingly, any employee who is found, through the City’s investigation, to have knowingly and falsely accused another person of harassment, discrimination and/or retaliation will be subject to appropriate disciplinary action, up to and including dismissal.

305.6 Complaint Procedure

An employee or job applicant who believes he/she has been discriminated against and/or harassed based on his or her protected class, or retaliated against for making a complaint and/or engaging in protected activity, may make a complaint, orally or in writing, to any of the following individuals:

1. Immediate supervisor;

2. Any supervisor or manager within or outside the department;

3. Department director;

4. City Manager or designated representative;

5. Any analyst in Human Resources; or

6. City Clerk, for complaints against the City Manager. The City Clerk shall then report the complaint to the City Council and the City Attorney.

Any supervisor, manager or director who receives a harassment, discrimination and/or retaliation complaint shall immediately notify the City Manager.
Employees, contractors or applicants for employment may file complaints of harassment, discrimination or retaliation with the California Department of Fair Employment and Housing (DFEH), the U.S. Equal Employment Opportunity Commission (EEOC), or, for whistleblower complaints alleging retaliation for engaging in protected activity under the Affordable Care Act, the California Occupational Safety and Health Administration (“Cal-OSHA”). These administrative agencies offer legal remedies and a complaint process.

306 Anti-Bullying

306.1 Policy Statement

The City is committed to providing a safe work environment. All City employees, consultants, independent contractors and visitors, have the right to be treated with respect. This policy applies to all City employees, consultants and independent contractors, and will comply with the requirements of the Fair Employment & Housing Act, and the anti-bullying mandates of the Department of Fair Employment and Housing.

The City considers workplace bullying unacceptable and will not tolerate it under any circumstances. The City defines bullying as persistent, malicious, unwelcome, severe and/or pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

306.2 Definitions

Bullying comes in many shapes and sizes. The City considers the following types of behavior to constitute examples of workplace bullying:

- Staring, glaring or other nonverbal demonstrations of hostility;
- Exclusion or social isolation;
- Excessive monitoring or micro-managing;
- Work-related harassment, including work overload, unrealistic deadlines, and meaningless tasks;
- Being held to a different standard than the rest of the employee’s work group;
- Consistent ignoring or interrupting of an employee in front of co-workers;
- Personal attacks, including angry outbursts, excessive profanity or name-calling;
- Encouragement of others to turn against the targeted employee;
• Sabotage of a co-worker’s work product or undermining of an employee’s work performance;

• Stalking;

• Unwelcome touching;

• Invasion of another’s personal space;

• Unreasonable interference with an employee’s ability to do his/her work (i.e., overloading with emails);

• Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;

• Conduct a reasonable person would find hostile, offensive and unrelated to the employer’s legitimate business interests.

Such conduct may be perpetrated directly or via the use of telephonic or electronic communications, the internet, email, chatroom misuse, mobile threats by text messaging, or cameras and video equipment.

306.3 Complaint and Reporting Procedure

The City encourages all employees to immediately report any instance of workplace bullying to their supervisor, the Human Resources Director, and/or the City Manager. In addition, any employee who believes he/she has witnessed bullying, and any person who has received a report of such conduct, whether the perpetrator is an employee or a non-employee, should immediately report the conduct to his/her supervisor, the Human Resources Director, and/or the City Manager. City policy requires any supervisor who witnesses any bullying, irrespective of the reporting relationship, to immediately report it to the Human Resources Director.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying.

Any report of this type will be treated seriously, and will be investigated promptly and impartially. The City further encourages all employees to formally report any concerns of assault, battery or other bullying behavior of a criminal nature to the local Police Department.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that such behavior immediately stop.
The City will make every effort to stop alleged workplace bullying before it becomes severe and pervasive, but can only do so with the cooperation of its employees. All employees have a duty to cooperate in connection with any City investigation into allegations of bullying.

Any employee against whom an allegation of bullying is made will be afforded due process before any disciplinary action is taken. Employees who are determined to have violated this policy will be subject to disciplinary action, up to and including termination.

306.4 No Retaliation

No employee will be subject to any form of retaliation for reporting a bullying incident, or for participating in an investigation into allegations of bullying by the City or its representatives.

307 Discrimination and Harassment Complaint Procedure

307.1 Filing A Discrimination Complaint

The complaint process is designed to administratively resolve complaints in a timely manner, ensure that appropriate action is taken, and minimize financial impact to the City and the employee. An individual may file a complaint with their supervisor, department head or the City Manager.

307.2 Complaint Procedures

It is the City’s intent to provide a workplace that is free from harassment, discrimination and retaliation. If an employee believes he/she has been subjected to any type of unlawful harassment, discrimination, or retaliation, he/she should notify his/her supervisor, department head or the City Manager.

Under no circumstances shall an employee who believes he/she has been the victim of discriminatory or sexual harassment be required to first report that harassment to a supervisor or other authority figure if that person or authority figure is the subject of the complaint or has failed to remedy the known harassment.

All persons shall report to their supervisor, manager, department head or Personnel Director any instances of discriminatory or sexual harassment that they have directly observed, whether or not reported by the employee who is the object of the harassment. Employees are expected to use their best judgment to forward the purpose stated in this Policy when defining discriminatory or sexual harassment.
307.3 Investigation

A prompt and thorough investigation into the allegations will be conducted. Individuals with direct information pertaining to the complaint will be interviewed. To the extent possible, confidentiality will be maintained. Upon completion of the investigation, the City will determine a course of action, if appropriate. The complainant will be informed of the findings and the closure of the complaint.

307.4 Reporting Harassment, Discrimination And Retaliation Complaints

At any time during this process, the employee may elect to file a complaint with the outside regulatory agencies, either the California Department of Fair Employment or the U.S. Equal Employment Opportunity Commission.

307.5 Records

Related records will be maintained as required by state and federal law.

308 Anti-Nepotism

308.1 Policy Statement

This policy shall not apply to full-time employees hired before July 1, 2005.

Consistent with the terms of the applicable MOU, it is the policy of the City of Bell that no person shall be hired and no employee shall be appointed, promoted or transferred to a position in any department in which such employee’s relative already holds a position, when such employment would result in any of the following:

(1) A supervisor-subordinate relationship;

(2) The employee’s job duties will require performance of shared duties on the same or related work assignment;

(3) Both employees will have the same immediate supervisor.

The City also retains the right to refuse to place both relatives in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security, morale or involves potential conflict of interest.

308.2 Application

This prohibition shall apply to all full-time employees hired on or after July 1, 2005, part-time and temporary employees, and all employees working for the City through a temporary employment agency. This policy will not prevent relatives from being regularly assigned to shifts that may overlap, or from short-term, temporary or acting
assignments, as long as one relative does not supervise, directly or indirectly, another relative, nor work in a capacity which would require an employee to evaluate or control the terms, conditions and performance of a relative.

Relatives of City officers, employees or members of the City Council, or any City Board or Commission shall not be employed in any position in which the employment of such relative has the potential for adversely impacting the safety, security, morale or efficiency of supervision of other employees, or in which there may be created an actual or potential conflict of interest or the appearance of a conflict of interest.

308.3 Definitions

A “relative” may be defined as a spouse, child, step-child, sibling, parent, grandparent, grandchild, niece, nephew, aunt, uncle, parent-in-law or sibling-in-law. Half-relatives, step-relatives, adopted relatives, domestic partners and in-laws are included in these restrictions.

308.4 Procedures

In cases where an employee may marry or acquire a covered relationship with another person employed by the City, both employees shall be allowed to retain their respective positions provided that a supervisory relationship does not exist between the two employees. For the purpose of this section, a supervisory relationship shall be defined as one in which one person exercises the right to control, direct, reward or punish another person by virtue of the duties and responsibilities assigned to his or her position.

The department head shall be responsible to ensure that work assignments are made so as to avoid conflicts of interest or violation of this policy. If no conflict of interest exists, no action may be required. If a conflict of interest does exist, such action may initially include reassignment of the least senior employee, in terms of total City service, to another position for which the employee is qualified, or reassignment to another work location or work shift. If such an accommodation is not possible, either on a departmental basis or a citywide basis, the least senior employee (in total city service) may be separated from City employment.

309 Fraternization

309.1 Policy Statement

In a workforce as diverse as the City’s, it is not uncommon for employees to date, or develop significant relationships and live with, other employees. However, conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between the City’s managers/supervisors and their subordinates or other employees. Such relationships may: (i) compromise, or appear to compromise, the integrity of supervisory authority; (ii) cause actual or perceived partiality, bias, or unfairness; (iii)
involve, or appear to involve, the improper use of such relationships for personal gain; (iv) be, or are perceived to be, exploitative or coercive in nature; and/or (v) create an actual or perceived adverse impact on workplace discipline, authority, morale, and productivity. The City desires to avoid these problems as well as other misunderstandings, complaints of favoritism, potential sexual harassment claims, and any other employee morale and dissension problems that may result from certain consensual romantic and/or sexual relationships between City manager/supervisors and their subordinates or other non-manager/supervisor employees.

309.2 Application

Accordingly, City policy and more general ethical principles prohibit City managers/supervisors from fraternizing or becoming romantically involved with any non-manager/supervisor employee of the City if the managers/supervisors either (1) supervise that employee; or (2) make employment-related decisions or recommendations for raises, promotions, discipline, assignments or transfers for the employee.

If a manager or supervisor violates this policy, the City may, at its sole discretion, reassign such manager or supervisor to a different department and discipline such manager or supervisor, including, but not limited to, termination of employment.

310 Outside Employment

310.1 Policy Statement

A City employee shall not engage in any outside employment, enterprise, or outside activity which is in conflict with his/her duties, functions, responsibilities or the department by which he/she is employed, nor shall he/she engage in any compensatory outside activity which will directly or indirectly contribute to the lessening of his/her effectiveness as a City employee.

Any City employee wishing to engage in an occupation or outside activity for compensation shall inform the City Manager in writing of such desire, providing information as to time required, the nature of the activity, and such other information as may be required. The City Manager shall then determine whether or not such activity is compatible with the employee’s City employment.

310.2 Procedures

1. All City employees must obtain approval to engage in outside employment or business activities. The employee must submit a request through their department head to the City Manager that describes the nature of the employment or business activity, the duties, actions and functions to be
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performed and the number of hours per week that will be devoted to this outside pursuit.

2. Previously approved requests must be resubmitted and approved each year, no later than July 1st.

3. Any authorization shall only be valid for the work and period prescribed therein.

4. Employees who are members of the Civil Service may appeal a denial of their request for outside employment pursuant to the City’s grievance procedure, consistent with the applicable Memorandum of Understanding.

310.3. Conditions and Limitations

1. Prohibited Activities – An employee shall not engage in any employment or business activity that is inconsistent, incompatible, and inimical or in conflict with the employee’s duties and responsibilities of employment with the City.

Prohibited activities include, but are not limited to:

- The use of City time, facilities, equipment, resources, supplies, badge, uniform, prestige or influence for private gain;
- The performance of an act for money or other consideration from anyone other than the City that the employee would be required to perform as a City employee;

- The performance of an act other than in the employee’s capacity as a City employee that may later be subject to the control, inspection, review, audit, or enforcement of any other employee of the City;
- Investment of time or physical demands that would substantially impair the quality or quantity of the employee’s work for the City, or tend to increase the City’s costs for sick leave or workers compensation benefits; or
- Performance of an act that would bring discredit on the City.

2. Work Hour Limit

Full-time employees shall not work more than 20 hours per week in outside employment or business activity.

3. Revocation of Permission

Outside work permits may be issued for such length of time as noted in the permit, and all permits are subject to revocation by the City Manager for the efficiency of City operations, at his or her sole discretion.

4. Use of City Equipment Prohibited
City-owned equipment, including vehicles, trucks, instruments, supplies, machines or any other item which is the property of the City may not be used by an employee while said employee is engaged in any outside activity for compensation, or otherwise, except upon prior written permission by the City Manager.

No employee shall allow any unauthorized person to rent, borrow or use any of the items described above except upon prior written permission of the City Manager.

### 310.4 Definitions

1. **Outside Employment or Business Activity**

   Applies to any duties, acts, services or functions performed by a City employee for compensation or other personal gain from other than the City of Bell. Excluded are acts, duties, services or functions performed by a City employee without compensation or personal gain from a non-profit organization.

2. **Compensation or Personal Gain**

   Includes whatever consideration promised or received (i.e. - money, goods, services, gifts, gratuities, credits, benefits, etc.) as remuneration for the performance of any duties, acts, services or functions.

### 311 Conflict of Interest

#### 311.1 Policy Statement

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgment or action in the performance of his/her official duties. The City Manager shall determine and prescribe those activities which, for employees under his/her jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as City employees. In making this determination, the City Manager shall give consideration to employment, activity or enterprise which:

1. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of the City’s office or employment;

2. Involves the soliciting or acceptance by the employee of any money, gift, gratuity or other consideration from anyone other than the City for performing an act
which the employee would be required or expected to perform in the regular course of his/her City employment;

3. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he/she is employed;

Each City employee shall, during his/her hours of duty as a City employee, and subject to such rules and regulations as pertain thereto, devote his/her full time, attention and efforts to this City employment. Each City employee shall cooperate with the City Council and the City Manager to successfully fulfil the objectives and purposes of this Policy.

311.2 Political Activity

The political activities of all City employees shall be governed by the applicable provisions of State and Federal law.

312 Attendance

312.1 Policy Statement

Any unauthorized absence may be cause for disciplinary action, up to and including dismissal from employment. Authorized absence is defined as permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, leave and related provisions unless their absence has been authorized. Department directors shall be responsible for maintaining employee attendance records that shall be transmitted to the payroll office on standardized forms and at times specified by Human Resources and/or the City Manager or designee.

Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his/her established shift, shall notify his/her immediate supervisor no later than one hour before commencement of such shift, or earlier if required by department procedures. Failure to provide such notification shall result in the unreported period of absence for the first day being considered as leave without pay.

312.2 Absences Due to Personal Illness or Injury

Sick leave with pay shall not be considered as a privilege which an employee may use at his/her discretion, but shall only be allowed for any full-time employee who is incapacitated from the performance of his/her duties by illness or injury, by pregnancy,
or by public health requirements, such as possible infection with tuberculosis, chicken pox, and the measles. Each regular full-time employee shall earn paid sick leave as defined by the relevant Memorandum of Understanding or salary resolution. In order to receive compensation while absent due to personal illness or injury, the employee shall notify his/her immediate supervisor or department director no later than one (1) hour before the time set for beginning his/her regular duties, or as otherwise determined by individual department policies and procedures. If the need for time off due to personal illness or injury is foreseeable and/or for scheduled appointments, employees shall notify their supervisor prior to the scheduled time off and accommodate scheduled appointments so as not to cause hardship on City operations.

In all cases, absences due to illness or injury for three (3) or more days shall require a doctor's release.

An employee may be required to provide a doctor's release to return to work following an illness or injury resulting in the inability to perform his/her assigned duties.

312.3 Workers’ Compensation

An employee who is receiving temporary disability payments under the workers’ compensation laws may use his/her accumulated sick leave to supplement any of these payments. Under the terms of this paragraph, the City will apply only that portion of the sick leave that is necessary that when added to the disability will equal the full pay rate until the accumulated sick leave is exhausted. In such case, leave accruals shall be pro-rated and payment of health insurance premiums may be required pursuant to the requirements of the applicable Memorandum of Understanding or salary resolution.

312.4 Time Off to Care For Immediate Family Member

An employee is entitled to use up to half of his/her annual sick leave accrual for the purposes of caring for an immediate family member and immediate relative who is ill. An immediate family member, for the purposes of this provision, is defined as a spouse, domestic partner, child, parent, grandparent, grandchild, sibling, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

In the event that a conflict arises between this article and federal and/or state law or regulations, the federal and/or state law and regulations will prevail.
313  Leaves of Absence

313.1  Sick Leave

A.  Policy

The City provides paid time off in the form of sick leave to prevent loss of pay for incidental illness of short duration, as detailed in the applicable Memorandum of Understanding or employment contract. Sick leave shall be used by eligible employees who are absent from work due to illness, injury or disability, to attend to the personal illness or injury of immediate family members, for their own medical and dental appointments, and for a death in the employee’s immediate family. “Immediate family” is defined as the employee’s spouse, parents, biological or adopted children, brothers, sisters, grandparents, grandchildren or other close relatives residing in the employee’s household.

Sick leave is not considered or equivalent to vacation leave and is to be used solely for illness, disability, injury, medical/dental treatment, or in the case of an illness or injury in the employee’s immediate family, as defined above.

To receive compensation while absent on sick leave, the employee shall notify the City Human Resources Department or his/her immediate supervisor within one (1) hour before the start of the first day he/she is absent, unless extenuating circumstances preclude such notification. If the employee is unable to notify the City of his/her absence, his/her representative may do so. When an employee is absent due to illness or injury for more than three (3) consecutive working days, a physician’s certificate is required. The City may, at its discretion, also require a fitness-for-duty certification for absences longer than fourteen (14) days in length.
B. Sick Leave Accrual And Accrual Caps

Eligible employees shall accrue sick leave as specified in the applicable Memorandum of Understanding, Benefits Resolution, state and federal law, and/or their City-Council approved employment contract. Sick leave accrual shall be capped as specified in the applicable Memorandum of Understanding, Benefits Resolution, and/or their City-Council approved employment contract.

Part-time, seasonal and temporary employees who are not eligible for sick leave benefits will be provided with sick leave benefits in accordance with the requirements of state law, including the Healthy Workplace, Healthy Families Act (“HWHFA”), and will be provided with notification about these benefits, as required by state law. Please contact the City Manager or Office Manager with any questions.

C. Deductions From Sick Leave Accruals

Unless otherwise provided, sick leave will be deducted as follows:

Regular employees absent for a full day due to personal injury or illness, medical or dental treatment, the illness or injury of an immediate family member, or a death in their immediate family shall be charged one day of sick leave for each full day absent. For non-exempt employees, unless exceptions are approved by the City Manager or designee, absences of less than a full day will result in deductions from sick leave at the rate of one (1) hour sick leave for each hour absent.

Exempt employees shall not be subject to partial day deductions from their sick leave accrual.

An employee with no sick leave balance shall not receive compensation for days he/she does not work.

D. Working At Other Positions While on Sick Leave

Employees who work a second job will not be eligible for sick leave on days they do not work at the City but still report to their second job. If the City discovers the employee was working elsewhere while on sick leave, the employee will be subject to disciplinary action and may be charged with an unexcused absence.

313.2 Unpaid Medical Leave After Depletion of All Accrued Sick Leave

In the event an employee’s continuing illness which results in the depletion of all accumulated sick leave, the employee or his representative may request an unpaid
leave of absence in writing to the Human Resources Manager for the purpose of recovering from the illness, provided:

1. The employee has used all his/her accumulated sick leave;

2. The employee presents to the Human Resources Manager a written request for leave and an estimate of the time needed for recovery, signed by the employee’s health care provider;

3. The maximum period of such leave shall be three (3) calendar months (this is in addition to any leave available under the Family Medical Leave Act (“FMLA”) or California Family Rights Act (“CFRA”).

4. If the employee is unable to return to work at the expiration of his/her medical leave, he/she may, prior to the expiration of his/her current leave, request additional medical leave by following the procedure set forth in paragraph (2) above. His/her request shall be subject to the approval of the Human Resources Manager. Any additional leave beyond the original leave shall be granted in thirty (30) day increments.

5. If further leave is granted, the employee must notify the City of his/her intent and ability to return at least every thirty (30) calendar days, and must provide appropriate medical certification during each leave extension.

6. If further leave is not granted, and no accommodation is possible, the employee's services with the City may be terminated.

Provided the City determines the employee is eligible for unpaid leave based on the certification provided by a health care provider that the employee cannot perform the essential functions of his/her job with or without accommodations, injury or illness and upon recommendation of the Human Resources Manager or designee, the employee will be placed on a medical leave of absence without pay.

Prior to resuming his/her duties, the employee may be required to take a medical examination at City expense and provide a medical return-to-work release from either the employer’s health care provider or the employee’s health care provider, at the Human Resources Manager’s discretion.

313.3 On-The-Job Injury

A. Policy

When an employee is disabled by injury or illness arising out of and in the course of his/her duties for the City, he/she shall be entitled, regardless of his/her period of service with the City, to a leave of absence for the period of such
disability provided the City’s workers’ compensation carrier determines the injury or illness is work-related, until such time as he/she either recovers from his/her disability or is determined to be permanent and stationary and either returned to work or retired on a permanent disability pension.

B. Use of Sick Leave Prior to Availability of and After Expiration of Workers’ Compensation Disability Benefits

An employee who is on leave from work because of a work-related injury or illness covered by workers’ compensation shall continue on a paid status, rather than on a disability leave status, subject to the following conditions:

1. The employee may elect to receive the difference between his/her workers’ compensation benefits and his/her regular rate of pay by way of payments based on deductions from the employee's accumulated sick or vacation leave.

2. Such employee will continue in a paid status and if requested, will receive his/her regular rate of pay by way of payments based on deductions from the employee’s sick and vacation leave until his/her accumulated sick and vacation leave has been exhausted. Upon exhaustion of the employee’s sick and vacation leave, the employee will only receive workers’ compensation payments.

3. While absent from work because of a work-related injury or illness covered by workers’ compensation, and so long as the employee has not been declared permanent and stationary and/or released to return to work, he/she shall continue to accrue sick leave and vacation benefits as though he/she were not on a workers’ compensation leave of absence.

4. Once the employee depletes his/her accumulated sick and vacation leave to maintain pay status while absent from work because of a work-related injury or illness covered by workers’ compensation shall be removed from paid status and placed on a disability leave of absence until the City receives a physician’s certificate and a notice from its worker's compensation carrier stating the employee cannot return to work because of his/her work-related injury or illness. Unless the City receives such certificate and notice, the employee will no longer accrue sick and vacation leave.

313.4 Authorized Leave of Absence Without Pay

Excluding leave which may fall under the Family Medical Leave Act (“FMLA”), the California Family Rights Act (“CFRA”) or the Pregnancy Disability Leave Law (“PDL”),
upon written approval by the City Manager or designee, a regular full or part-time City employee may be granted a leave of absence without pay in cases of emergency or where such absence would not be contrary to the best interest of the City, and in conformance with applicable federal, state and local law, for a period of up to one (1) year, except as otherwise required by federal, state or local law, and/or the applicable MOU. Unpaid leaves of absence extending longer than thirty (30) days will also require City Council authorization. Employees on an authorized leave of absence without pay may not extend such leave without express, written approval of the City Manager or designee. No vacation or sick leave benefits shall be used for illness which occurs during the period of such leave, except as otherwise required by federal, state and/or local law, and the applicable MOU. Approval of such leave shall be in writing and a copy filed with the Human Resources Manager.

1. **Approval by Human Resources Manager**: The Human Resources Manager has the authority to grant leaves of absence without pay for pay for one (1) week or less, consistent with applicable federal, state and local law, and the applicable MOU. Leaves of absence without pay which extend longer than one (1) week are subject to the approval of the City Manager.

2. **Approval by City Manager**: Leaves of absence without pay of one (1) week or more may be granted by the City Manager depending on the merit of the individual case, consistent with the applicable MOU.

### 313.5 Absence Without Leave

Absence without leave shall be considered to be without pay, and reduction in the employee’s pay shall be made accordingly. Absence without leave may result in disciplinary action, up to and including termination of employment.

### 313.6 Bereavement Leave

Regular, probationary and part-time employees may be granted bereavement leave of absence by reason of death in the immediate family. Upon approval of such leave, the employee shall be allowed a maximum of three (3) working days paid leave away from work.

For the purpose of this section only, the employee’s immediate family shall mean his/her spouse, registered domestic partner, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, or a close relative residing in the employee’s household, or as otherwise provided in the applicable MOU.

Leave without pay may be granted regular, part-time and probationary employees by the City Manager in the event of death of a family member other than one of the
immediate family, or in the event of a significant other. Such leave will be granted in accordance with Section 3.13.04.

313.7 Family Medical Leave Act Leave/California Family Rights Act Leave

A. Eligibility

To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the federal Family Medical Leave Act (“FMLA”) and in the California regulations implementing the California Family Rights Act (“CFRA”). Unless otherwise provided by this article, “Leave” under this section shall mean leave pursuant to the FMLA and the CFRA.

Employees are eligible for FMLA and CFRA leave if:

1. They have been employed by the City for at least twelve (12) months; the months need not be consecutive, and

2. They have been employed by the City for at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.

B. Reasons for Leave

Leave is only permitted for the following reasons

1. For the birth of the employee’s child, or to care for the employee’s newborn;

2. The placement of a child with the employee in connection with the adoption or foster care placement of the child;

3. For the employee’s own serious health condition;

4. For the employee to care for his/her child, parent, spouse or domestic partner.

5. For any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member on “covered active duty;”

6. To care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent or next of kin (military caregiver), in which case the employee is eligible to take twenty-six weeks of leave during a single 12-month period.
C. **Amount of Leave**

Eligible employees are entitled to a total of twelve (12) work weeks of unpaid, job protected leave in a twelve (12) month period, for the reasons specified below. Employees may elect to use accrued sick and/or vacation leave during the period of their unpaid leave.

1. **Birth or placement of a child:** If leave is requested for the birth, adoption or foster care placement of a child, it must be concluded within one (1) year of the birth or placement of the child. The basic duration of such leave is two (2) weeks. However, employees are entitled to leave for one of these purposes, such as bonding, for at least one (1) day, but less than two (2) weeks’ duration, on two (2) occasions.

2. **Employee’s Own Serious Medical Condition or That of Child, Parent, Spouse or Domestic Partner:** If leave is requested for the employee’s own serious medical condition or that of a child, parent, spouse or domestic partner, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be followed.

3. **Spouses Both Employed by City:** in any case where both the employee and his/her spouse are employed by the City, and both are entitled to leave, the aggregate number of leave to which both may be entitled is limited to twelve (12) workweeks during any twelve (12) month period if the leave is taken for bonding as a result of the birth or placement of a child. This limitation does not apply to any other type of leave under this policy.

**Military Caregiver Leave:** Eligible employees are entitled to a total of twenty-six (26) work weeks of unpaid, job protected leave in a twelve (12) month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent or next of kin (military caregiver), in addition to twelve (12) weeks of unpaid, job protected leave for other FMLA-qualifying reasons. Employees may elect to use accrued sick and/or vacation leave during the period of their unpaid leave. For military caregiver leave that also qualifies as leave taken to care for a family member with a serious health condition, the City will designate the leave as military caregiver leave first, and will not count the leave that qualifies as both military caregiver leave and leave to care for a family member with a serious health condition against both the employee’s entitlement to 26 workweeks of military caregiver leave and 12 workweeks of leave for other FMLA-qualifying reasons.

**Qualifying Exigency Leave:** Eligible employees are entitled to a total of twelve (12) work weeks of unpaid, job protected leave in a twelve (12) month period for
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any qualifying exigency arising out of the fact that a covered military member is on active duty or call to active duty status. (See section K for definition of “qualifying exigency.”)

D. Intermittent or Reduced Work Schedule Leave

If the employee requests leave intermittently in periods of a few days or hours at a time, or on a reduced work schedule, he/she must provide medical certification that such leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and the leave can best be accomplished through an intermittent leave or reduced work schedule.

E. Notice of Leave

1. Non-Military, Non-Qualifying Exigency Leave Notice Requirements

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

2. Military Caregiver Leave Notice Requirements

The employee must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. When thirty (30) days advance notice is not possible, the employee must provide notice as soon as practicable taking into account all of the facts and circumstances. When the need for leave is unforeseeable, the employee must comply with the City’s normal notice or call-in procedures, absent unusual circumstances.

3. Qualifying Exigency Leave Notice Requirements

An employee must provide notice of the need for qualifying exigency leave as soon as practicable. For example, if an employee receives notice of a family support program a week in advance of the event, it should be practicable for the employee to provide notice to his or her employer of the need for qualifying exigency leave the same day or
the next business day. When the need for leave is unforeseeable, an employee must comply with an employer’s normal call-in procedures absent unusual circumstances.

F. Certification Requirements

1. Medical Certification (non-military leave; non-qualifying exigency leave)

When an employee requests FMLA/CFRA leave for his/her own serious health condition or that of his/her child, parent, spouse or domestic partner, he/she must provide written certification from the health care provider of the individual requiring care, if requested by the City. If the leave is for the employee’s own serious health condition, his/her certification must include a statement that he/she is unable to work at all or are unable to perform the essential functions of his/her position.

a. Advance Provision of Certification When Leave Foreseeable: When leave is foreseeable, the employee must provide the requested medical certification before his/her leave begins. When this is not possible, the employee must provide the requested certification to the City within the time specified by the City, which shall be at least fifteen (15) calendar days following his/her request for leave, unless it is not practicable for him/her to do so despite his/her diligent, good faith efforts.

b. Incomplete/Insufficient Medical Certification: If the employee provides an incomplete or insufficient medical certification, he/she will be given a reasonable opportunity to cure any deficiency in the medical certification. However, if the employee fails to provide a sufficient medical certification within fifteen (15) calendar days after being notified that his/her certification is incomplete, the City may delay his/her FMLA/CFRA leave until the required certification is provided.

c. Recertification: If the City has any reason to doubt the validity of the employee’s medical certification, or if the employee fails to provide a sufficient medical certification, the City may require a medical opinion from a second health care provider chosen and paid for by the City. If the second opinion differs from the first medical certification opinion, the City may require the opinion of a third, mutually agreeable health care provider, at the City’s expense. The employee may request a copy of the second and third health care provider opinions when there is a recertification.

d. Obligation to Periodically Report Status and Intent to Return to Work: The employee may be periodically required to report on his/her status and intent to return to work. This will avoid delays in reinstatement when the employee is ready to return to work.
2. **Military Caregiver Leave Certification Requirements**

When leave is taken to care for a covered servicemember with a serious injury or illness, an employer may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. The Department has developed a new optional form (WH-385) for employees’ use in obtaining certification that meets military caregiver leave certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness.

Given the seriousness of the injuries or illnesses incurred by a servicemember whose family receives an “invitational travel order” (ITO) or “invitational travel authorization” (ITA), and the immediate need for the family member at the servicemember’s bedside, the City will accept the submission of an ITO or ITA, in lieu of the DOL optional certification form or the City’s own form, as sufficient certification of a request for military caregiver leave during the time period specified in the ITO or ITA. An eligible employee who is a spouse, parent, child or next of kin of a covered servicemember may submit an ITO or ITA issued to another family member as sufficient certification for the duration of time specified in the ITO or ITA, even if the employee seeking leave is not the named recipient of the ITO or ITA. If the covered servicemember’s need for care extends beyond the expiration date specified in the ITO or ITA, the City requires the employee to provide certification for the remainder of the employee’s leave period.

A private health care provider can complete certifications for military caregiver leave if the health care provider is either a DOD TRICARE network authorized private health care provider or a DOD non-network TRICARE authorized private health care provider. Department of Defense health care providers and Veterans Affairs health care providers can also complete a certification for military caregiver leave.

The same timing requirements for certification apply to all requests for FMLA leave, including those for military family leave. Thus, an employee must provide any requested certification to the employer within the time frame requested by the City (which allows at least 15 calendar days after the City’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

3. **Qualifying Exigency Leave Certification Requirements**

The first time that the employee request qualifying exigency leave, the City may require the employee to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service.
In addition, each time the employee first requests leave for one of the qualifying exigencies, the City may require certification of the exigency necessitating leave. Certification supporting leave for a qualifying exigency includes: appropriate facts supporting the need for leave, including any available written documentation supporting the request; the date on which the qualifying exigency commenced or will commence and the end date; where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and appropriate contact information if the exigency involves meeting with a third-party. The United States Department of Labor has developed a new optional form (WH-384) for employees’ use in obtaining certification that meets qualifying exigency leave certification requirements.

The same timing requirements for certification apply to all requests for FMLA leave, including those for military family leave. Thus, the employee must provide the requested certification to the City within the time frame requested by the City (which allows at least 15 calendar days after the City’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

G. Benefits While on Leave

FMLA/CFRA leave is unpaid.

1. **Continuation of Group Health Benefits:** While on leave, you will continue to be covered by the City’s group health insurance to the same extent coverage is provided while you are on the job. However, if you fail to return to work after your leave entitlement has been exhausted or expires, the City shall have the right to recover its share of your health plan premiums for the entire leave period unless you do not return to work because of the continuation, recurrence or onset of a serious health condition of you or your family member which would entitle you to leave or because of circumstances beyond your control, such as a layoff.

2. **Other City Benefit Plans:** Employees will not continue to be covered by any other City benefit plans which are not provided pursuant to the City’s group health plans, except as provided by their applicable Memorandum of Understanding. However, employees may make the appropriate contributions for continued coverage under these non-health benefit plans by payroll deductions or direct payments made to the plans. Depending on the particular plan, the City will inform you whether the premiums should be paid directly to the provider or to the City. Your coverage on a particular plan may be dropped if you are more than thirty (30) days late in making a premium payment. However, you will receive at least fifteen (15) days’ notice before coverage ceases, advising you that you will be dropped if your premium is not paid by a certain date. Your contribution rates
are subject to any change in rates that occur while on you are on leave.

3. **No Accrual of Benefits During Unpaid Leave:** Leave benefits such as sick and vacation leave will not accrue during an employee’s unpaid leave.

H. **Substitution of Paid Leave Benefits**

While on leave under this policy, you may elect to use paid accrued leaves concurrent with FMLA/CFRA leave.

1. **Sick Leave:** The City shall require you to use paid sick leave while you are on FMLA/CFRA leave for your own serious health condition. However, when you use accrued sick leave concurrently with your FMLA/CFRA leave, you have the right to coordinate your sick leave use with your State Disability Insurance or Paid Family Leave benefits.

2. **Vacation Leave:** Where you have accrued unused vacation leave, you may substitute that leave for all or part of any unpaid leave under this policy. You are not required to use accrued vacation for all or part of your unpaid leave under this policy.

I. **Reinstatement From Leave**

1. **Right to Reinstatement:** Upon the expiration or exhaustion of your FMLA/CFRA leave, you are entitled to be reinstated to the position you held with the City when your leave commenced, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

You have no greater right to continued employment, benefits or other conditions of employment than if you had been continuously employed without leave during your FMLA/CFRA leave.

2. **Reinstatement Date:** If you and the City agreed on a definite date of reinstatement when your leave commenced, you will be reinstated on the agreed-upon date, subject to the limitations above. If your actual reinstatement date differs from the originally agreed-upon date, you will be reinstated within two (2) business days after notifying the City of your readiness to return to work, when feasible, unless a fitness-for-duty certification is required and subject to the conditions above.

3. **Fitness For Duty Certification:** As a condition of your reinstatement where your leave was for your own serious health condition, which rendered you unable to perform the essential functions of your job, you must obtain and present a fitness-for-duty certification from your health care provider, stating you are able
to return to work. Failure to provide such certification will result in the denial of reinstatement.

4. **Reinstatement of “Key” Employees:** The City may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid ten (10) percent of all employees) 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 it determines such injury would occur.

J. **Other Leave**

Even if you are not eligible for FMLA and/or CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your own period(s) of actual disability.

If you are also FMLA/CFRA-eligible, you have certain rights to take BOTH a pregnancy disability/FMLA leave and a CFRA leave for reason of the birth of your child.

When medically necessary, leave may be taken on an intermitted or a reduced work schedule. If you are taking CFRA leave following the birth, adoption or foster placement of a child, the basic minimum duration for such leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

K. **Definitions**

Under both the FMLA and the CFRA, the following definitions apply:

1. **“Twelve-month Period:”** means a rolling twelve month period measured backward from the date leave is taken and continuous with each additional leave day taken.

2. **“Child:”** means a child under the age of 18, or a child over 18 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 responsibilities and includes a biological, adopted, foster or step-child, legal ward or a child of a person standing in loco parentis.

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

4. **“Spouse:”** means a husband or wife as defined or recognized under California
5. “Domestic Partner:” means a person defined under California Family Code section 297.

6. “Serious Health Condition:” means an illness, injury, impairment or physical or mental condition that involves either (1) inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility; or (2) continuing treatment by a health care provider.

7. “Military Caregiver Leave:” is one of two new military leave provisions. Such leave may be taken by an eligible employee to care for a covered servicemember with a serious injury or illness. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember with a serious injury or illness may take job-protected FMLA leave to provide care to the servicemember. Military caregiver leave extends to those seriously injured or ill members of both the Regular Armed Forces and the National Guard or Reserves.

8. “Covered Servicemember:” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty. Former members, including retired members, of the Regular Armed Forces, the National Guard, or the Reserves are not considered “covered servicemembers” under the military caregiver leave provision. Military caregiver leave does cover seriously ill or injured servicemembers on the temporary disability retired list; servicemembers on the permanent disability retired list, however, are not covered.

9. “Serious Injury or Illness:” is an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

10. “Qualifying Exigency Leave:” includes:

Issues arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;

- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted
by the military, military service organizations, or the American Red Cross;

- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;

- Making or updating financial and legal arrangements to address a covered military member’s absence;

- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;

- Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;

- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member; and

- Any other event that the employee and employer agree is a qualifying exigency.

11. “Covered military member:” an employee’s spouse, son, daughter or parent who is on active duty or call to active duty status.

12. “Active duty or call to active duty status:” refers to a member of the National Guard or Reserves who is under a call or order to active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

313.8 Pregnancy Disability Leave

Under California’s Fair Employment and Housing Act ("FEHA"), if you are disabled by pregnancy, childbirth, breast feeding or related medical condition, you are eligible for
up to four (4) months of unpaid Pregnancy Disability Leave (“PDL”) leave, and may also eligible to transfer to a less strenuous or hazardous position or to less strenuous duties, if your health care provider determines such transfer is medically advisable.

There is no minimum amount of time that you need to have worked for the City to be entitled to take PDL.

The PDL need not be taken in one continuous period of time; it can also be taken on a reduced schedule or an intermittent, as-needed basis.

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

Certification From Health Care Provider: You shall obtain a certification from their health care provider of your pregnancy-related disability or the medical advisability for a transfer to a less-strenuous position and provide it to the City Manager. The certification should include: the date on which you become disabled due to pregnancy or the date of the medical advisability of the transfer; the probable duration of the period(s) of disability or the duration of the intermittent leave or transfer to a less strenuous position; and a statement that, due to the disability, you are unable to work at all or perform any one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy or to other persons, or a statement that, due to pregnancy-related disability, an intermittent leave or transfer to a less strenuous position is medically advisable.

Use of Sick Leave Mandatory: The City requires employees to use all accrued sick leave during their PDL.

Use of Additional Accrued Time Off: At your option, you may use any additional accrued time off as part of your PDL before taking the remainder of your leave as an unpaid leave. While on paid leave, you will continue to accrue vacation and sick leave benefits. Once your paid leave is exhausted, you will no longer accrue vacation or sick leave benefits.

Health Benefits: During your PDL leave, your group health benefits will continue at the same level and conditions as if you had continued working, and the time the City maintains health coverage during your PDL leave will not be used to offset the twelve (12) weeks of coverage to which you are entitled under the FMLA and the CFRA, regardless of whether the PDL leave is designated as FMLA leave.

PDL Concurrent with FMLA Leave: PDL leave shall run concurrently with FMLA leave, if you are FMLA-eligible. However, it shall not run concurrently with California Family Rights Act (“CFRA”) leave.
Return to Work: Upon your return to work following PDL leave, you are entitled to your same position, if available. If your position has been eliminated, you are entitled to a comparable vacant position for which you are qualified. Your return rights are the same as your rights would have been had you been employed continuously in your position.

Seniority: You will continue to accrue seniority while on PDL, whether your leave is paid or unpaid.

If you want more information regarding your eligibility for a leave, the impact of the leave on your seniority and benefits and/or our complete policy on pregnancy disability leave, please contact the Human Resources Manager

313.9 Military Leave of Absence

Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the City Manager the opportunity within the limits of military regulations to determine when such leave shall be taken. Whenever possible, the employee shall notify the City Manager of such leave request ten (10) working days in advance of the beginning date of such leave.

313.10 Use of Sick Leave During Disability or Leave of Absence

When an employee is on short-term disability, long-term disability, Family Medical Leave Act (“FMLA”) leave, California Family Rights Act (“CFRA”) leave, Pregnancy Disability Law (“PDL”) leave, or other unpaid leave of absence, no additional sick leave shall accrue. However, to the extent any such leaves are paid leave - including FMLA, CFRA and PDL leave - because of the employee’s use of accrued sick and/or vacation leave, an employee is on a paid leave of absence, the employee shall continue to accrue sick leave while on such paid leave status. Sick leave accrual shall cease immediately upon expiration of paid leave status, including when a previously paid leave is converted to an unpaid leave.

Employees on a disability leave, FMLA leave, CFRA leave and/or PDL leave must use any accrued, unused sick leave while on leave.

313.11 Employee Time Off to Vote

Time off with pay to vote at any general, direct primary, or presidential primary election shall be granted as provided in the State of California Election Code, and notice that an employee desires such time off shall be given in accordance with the provisions of said Code.

314 Computer, E-mail and Internet Use

314.1 Policy Statement
The purpose of this policy is to guide the appropriate use of City-supplied computers and related equipment, networks, software, e-mail and Internet access by employees and contractors and to ensure City computer resources are secure and reliable while enhancing the productivity, efficiency and effectiveness of City operations. All files, including e-mails, are property of the City and are subject to audit and review even if sent as authorized incidental personal use of the computer. There is no expectation of personal privacy when using City-supplied computers and related equipment, networks, software, e-mail and Internet access.

These rules are in place to protect the User and the City. Inappropriate use exposes the City to risks, including virus attacks, legal challenges and threats to the integrity of network systems and services.

314.2. Procedures

1. Application

All current full-time and part-time employees and contractors ("covered individuals") who have access to the City's computers and related systems are covered by this regulation.

2. Conditions of Employment/Service

The following conditions of employment/service apply to all covered individuals in their use of computers and related equipment, e-mail and Internet access:

   a. All City computers (including laptop/notebook computers) and related equipment are formal communication and analytic tools. They should be used for City business-related purposes in a professional and courteous manner. Any use of City computer equipment for personal purposes, including sending and receiving e-mails and Internet access, shall be limited, brief, and infrequent provided that the use does not directly or indirectly interfere with City computer systems, or services, burden the City with additional incremental cost, interfere with other City computer users employment or other obligations to the City, or reflect negatively on the City or it’s employees. Covered individuals shall not use City computers and City provided Internet access to log onto personal e-mail accounts due to the potential of exposing the City's information systems and network to viruses, worms or other unauthorized programs.

   b. All files, including e-mails, are property of the City and are subject to audit and review even if sent as authorized incidental
personal use of the computer. **There is no expectation of personal privacy.** City computers and related equipment/systems are the sole and exclusive property of the City and may be monitored when the City deems it necessary to do so.

c. City e-mail users should use care when sending e-mail messages from City supplied e-mail addresses. Messages should be professional. The text of any e-mail should be appropriate to be sent as a signed letter on City letterhead. E-mail users should consider that certain e-mails may constitute electronic public records subject to inspection and copying under the Public Records Act.

d. Internet access is for City business-related purposes. Covered individuals should not have any expectation of privacy regarding websites accessed through the City’s computers and network systems. The City may monitor individual Internet access and produce reports documenting Internet use.


e. Covered individuals are strictly accountable for the use of their personal password as it provides an audit trail for system activity.

f. Covered individuals shall use a strong password to gain access to the City’s computer network. When not using the computer, covered individuals are to log-off or shut down the computer.

g. Hardware or software, which is requested by a user department, may only be installed, changed, removed or added by authorized personnel.

h. The following are restricted activities under this policy:

   (1.) The City prohibits unauthorized copying, transfer, or reproduction of City owned software. Loading of privately owned software, or non-City software, must be approved in advanced by authorized personnel.

   (2.) Covered individuals shall not access, take, copy or send data or files that disclose sensitive, personal, confidential or proprietary information without appropriate authorization.
(3.) Covered individuals shall not attempt to decode system or user passwords; or read, delete, copy or modify data without appropriate authorization; or attempt to gain unauthorized access to any City equipment, computers or technology system.

(4.) Covered individuals shall not share passwords with anyone. Passwords shall not be revealed in e-mail messages or saved on files in any computer system. All passwords are to be treated as confidential City information.

(5.) Covered individuals shall not use City computers and related equipment/ systems to engage in non-City related social activities, individual charity sponsorships, political activities, commercial use for profit, outside employment, or other activities outside of their job scope without appropriate authorization. Covered individuals shall keep their use of City computers and related equipment/systems to engage in association/union business to a minimum, and shall keep in mind they have no expectation of privacy when using City computers and related equipment so they do not inadvertently disclose confidential association/union business.

(6.) Covered individuals shall not use City computers and related equipment, City e-mail or Internet access to create, send, forward, reply to, transmit store, display, copy, download, read, or print inappropriate material. This includes, but is not limited to, material that is: unlawful or illegal; obscene or pornographic; defamatory; threatening; offensive; or violates the City’s discrimination or harassment policies, as well as jokes and chain letters.

(7.) Covered individuals shall not use City computers and City provided Internet access to log on to personal e-mail accounts due to the potential of exposing the City’s information systems and network to viruses, worms or other unauthorized programs.

(8.) Covered individuals shall not download or install audio, video, or data files on City equipment for personal use, including but not limited to, photos, music and movies.
3. Personal Use

The City’s Internet connection exists solely for the purpose of conducting City business (research, service and other activities). Users who want to have personal e-mail or Internet access need to establish their own personal account and shall not utilize the City’s Information Technology to access such. However, limited and appropriate personal use of the City’s Internet connection or other Electronic Services may be allowed, provided that it meets the following criteria:

   a. The use does not occur during a User’s on-duty hours, nor interfere with the performance of the User’s duties.

   b. The use is occasional, brief in duration and does not disrupt or distract from the conduct of City business including volume and frequency.

   c. There is no cost to the City or the cost is minimal (e.g. the total cost to the City is less than $2.00).

   d. The use does not interfere with regular City business, nor cause an adverse impact (e.g. congestion, viruses, etc.) to the City’s network, nor compromise the integrity or security of the City’s Information Technology or Electronic Services.

   e. The use is in accordance with all other guidelines and restrictions set forth in this policy or any other applicable City policy.

In addition to the criteria above, Users shall be aware that they are responsible for exercising good judgment regarding the reasonableness of personal use.

4. Violation of Policy

Covered individuals who violate this policy may have their computer and technology system usage and access, and related privileges, revoked or suspended, and may be subject to progressive disciplinary action, up to and including termination. Violations of local, state, and federal laws carry additional penalties.

5. Notification

All covered individuals are directed to acknowledge receipt of this policy by signing a condition of employment/service form indicating they have received, read, understand, and will abide by its provisions. If a covered individual declines to sign, a witness shall make a notation that the individual has received the information. The
original form shall be placed in the personnel file and a copy shall be given to the employee, or attached to a contractor’s service agreement.

6. Responsibilities and Guidelines

Covered individuals are responsible for complying with this policy. Department heads are responsible for enforcing this policy. Newly hired covered individuals shall be given this document during the orientation process.

314.3 Definitions

1. “Personal Computer” – means a microcomputer designed for individual use for applications such as word processing, financial analysis, data management, and graphic presentations and to access e-mail and the Internet.

2. “E-mail” – means messages entered into a personal computer or personal communications device and sent to a receiving personal computer or device. This refers to e-mail on the City’s network and on the Internet.

3. Electronic Information – means all data, images, information, files, documents, recordings, work product or correspondence stored on any Information Technology or utilizing any Electronic Service including photographs, pictures, videos, music, electronic mail (“e-mail”), voicemail, text messages and instant messages.

4. Electronic Service – means Internet, Intranet, Extranet, messaging (e.g., e-mail and instant messaging) or any other office system including wireline telecommunications service, file transfer, remote computer access, virtual computer network (VPN); news services, social networking (e.g. Facebook, Twitter, etc.), instant messaging, sports league websites (e.g. fantasy football), music services (e.g. Pandora) blogs, wikis, gambling, gaming and video (e.g. YouTube) and other file sharing sites. and any other information delivery or exchange technology hosted by the City or accessed by any Information Technology.

5. Information Technology – means all computer equipment, including portable computers (laptops, notebooks, or tablets), desktops, servers, firewall, switch, voice over internet protocol (VOIP), as well as peripherals (regardless of whether device is connected by wireline or wireless), such as printers, routers, facsimiles, copiers, scanners and/or wireless network access cards, provided to Users by the City. Also included are computer applications or software; wireline phones, handheld devices such as personal data assistants (PDAs), wireless phones, pagers, smartphones and tablets; and any other electronic device or means of
electronic communication that are owned, leased, rented or borrowed by Users when used in the course and scope of employment.

6. User — means City elected officials, appointed officials, employees (full-time, part-time, temporary and seasonal), contractors, consultants, vendors and other persons at the City, including all personnel affiliated with third parties who have access and/or authorization to use Information Technology and City-provided Electronic Service(s).

7. “Internet” -- means a world-wide collection of publicly accessible networks linked together for the exchange of information and services.

8. “Independent Contractor” — means a person who contracts to supply certain materials or do certain work for a stipulated sum for the City; not a City employee.

315 Violence in the Workplace

315.1 Policy Statement

The City of Bell is committed to providing a safe work environment that is free of violence or the threat of violence. Threats, threatening behavior, or acts of violence against employees, visitors, or other individuals by anyone on City property will not be tolerated. Violations of this policy by City employees will lead to disciplinary action, up to and including termination, and may include arrest and prosecution. Violations by non-City employees may result in arrest and prosecution as well.

315.2 Procedures

1. Emergency Incidents

Any employee who is subjected to, witnesses, or has knowledge of actions which pose immediate danger to themselves or others must report these acts to appropriate authorities at once. When the incident constitutes an emergency, the employee should notify their supervisor and/or obtain Police assistance by calling 9-911. Information provided to the emergency dispatcher should include: details regarding the location, nature of the incident and the persons and/or weapons involved.

After the incident has been reported to the Police, the employee should notify their supervisor and/or the department head of the incident and file a report with the risk manager. The department head, in turn, shall be responsible for contacting the City Manager.
The primary objective in dealing with an incident in-progress is to stabilize the situation, de-escalate the potential for violence, and ensure that there is no harm to person or property. Once the emergency has passed, the department head shall be responsible for conducting a thorough investigation of the incident, and reporting findings to the City Manager and to file an incident report with the risk manager.

2. Natural, Manmade or War-Caused Emergencies

The State of California Disaster Service Worker (“DSW”) Program includes all public employees impressed into service by a person having authority to command the aid of citizens in the execution of his or her duties during a state of war, a state of emergency, or a local emergency. As public employees, City of Bell employees are DSWs. Examples of emergencies for which City employees may be called upon to help as DSWs include fire, flood, earthquake, or public health emergencies.

In the event of a natural, manmade or war-caused emergency that results in conditions of disaster or extreme peril to life, property and the resources of the state, City employees shall be subject to be called back to work to assist the City in addressing such emergency. The determination on whether to call an employee back to work shall be solely determined by the City Manager, Director of Civil Defense or Disaster or designee.

3. Non-Emergency Incidents

When an employee becomes aware of a potential violation of this policy that does not pose an immediate threat of violence, he/she is responsible for notifying their department head and for reporting the incident to the risk manager. Even without an actual threat, employees should also report any behavior which they may regard as threatening or violent when the behavior is job-related or might be carried out on City property or at a City facility. It will then become the responsibility of the department head to investigate the incident and to file an incident report with the risk manager.

The situation will be evaluated to determine whether there was a violation of the policy and what the appropriate management response should be. No employee who, acting in good faith, initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment. Any employee reported to be in violation of this policy will be entitled to due process.

315.3 Definitions

For the purposes of this policy, threats and violent behavior are defined as:
1. The actual or implied threat of harm to an individual, group of individuals, or relatives of those individuals. These threats may be made in person, over the telephone, through the mail or by electronic communication.

2. The possession, on City property, of weapons of any kind, unless specifically authorized by the Police Department or the City Manager, or the brandishing of any object, that could reasonably be construed as a weapon.

3. Loud, disruptive or angry behavior or language that is clearly not part of the work environment.

4. Blatant or intentional disregard for the safety and/or well-being of others.

5. Willful destruction of City or personal property.

6. Commission of a violent felony or misdemeanor on City property.

7. Any other act that a reasonable person would perceive as constituting a threat of violence.

**316 Drug and Alcohol Policy**

**316.1 Policy Statement**

It is the policy of the City of Bell to provide a healthy and safe work environment free from problems related to alcohol, illegal drugs, or any other substance that would interfere with the employee's safe and effective job performance. While the City has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on performance and employee safety. The City requires that employees be able to perform their jobs safely and efficiently so as not to jeopardize the safety of themselves, their co-workers or the public. The presence of alcohol and illegal drugs on the job, and the influence of these substances on employees during working hours, is inconsistent with this objective.

Employees who believe they may have an alcohol or drug problem are urged to voluntarily seek assistance from their physician. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those employees who refuse treatment for such usage. Alcohol and drug abuse on the job will not be tolerated. All persons covered by this policy should be aware that violations of this policy may result in discipline, up to and including termination.
316.2 Procedures

1. All employees shall comply with the following conditions of employment:

   a. Employees shall not consume alcohol, be under the influence of alcohol, or possess an open container of alcohol, or unlawfully manufacture, distribute, dispense, possess, or use illegal drugs while at City work locations or elsewhere during work hours, during meal and rest periods, while in or operating City vehicles or equipment, while wearing clothing which identifies the individual as a City employee, while foreseeably subject to being called to duty, or at any time which would interfere with the employee’s safe and effective job performance. Exceptions pertaining to alcohol may be allowed while performing an approved police task.

   b. Employees shall notify their supervisor before beginning work when using, before or during work, drugs, medications, or any other substance which the employee believes could foreseeably interfere with the employee’s safe and effective job performance or operation of City vehicles or equipment.

   c. While the use of medically prescribed medications is not a per se violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, that he/she is taking medication that could interfere with his/her safety and effective performance of his/her duties or the operation of City equipment may result in discipline, up to and including termination. In the event there is a question as to whether an employee can safely and effectively perform his/her assigned job duties while using such medication, the City reserves the right to obtain a fitness-for-duty certification from a health care professional.

   d. Employees may be required to take a drug and/or alcohol test if there is a reasonable suspicion of violation of this policy.

   e. Employees who are convicted of any violation of a criminal drug law occurring in the workplace must notify their department head within five (5) calendar days of such conviction.

   f. Employees who enter City work locations shall be subject to inspections, searches and seizures, as allowed by law, when there is a reasonable suspicion that this Alcohol and Drug Use policy has been violated.
g. Refusal to submit immediately to a drug or alcohol test when requested by City management based on reasonable suspicion, or by law enforcement personnel, may constitute insubordination and may be grounds for discipline, up to and including termination.

h. Employees the City reasonably believes are under the influence of alcohol or drugs shall be prevented from engaging in further work, shall not be permitted to drive and may be detained for a reasonable time until they can be safely transported from the work site.

i. Employees may be required by their department head to comply with additional terms and conditions of employment not specifically stated above, in accordance with federal, state and City laws, regulations and procedures.

j. The City is committed to providing reasonable accommodation to those employees whose alcohol or drug problem renders them a qualified individual with a disability pursuant to Federal and/or State law.

2. Exceptions To Policy

Employees shall not be in violation of this policy for consuming or possessing an open container of alcohol while performing an approved police task (e.g. vice detail).

3. Violation of Policy

Employees who are in violation of this policy and any of the provisions listed under Section 3.16 shall be required to satisfactorily complete an Employee Assistance Program (“EAP”) along with the substance abuse program (“SAP”). In addition, depending upon the circumstances and the severity of the incident, they may be subject to disciplinary action, up to and including termination from employment.

4. Employee Notification

a. All current employees shall receive a copy of the City's Policy Statement and Conditions of Employment located in the appendix.

b. All newly hired employees shall receive a copy of the City's Policy Statement and Conditions of Employment during the new employee orientation process.
c. All employees are requested to sign that they have received, read, understood and will abide by the policy and conditions of employment. If an employee refuses to sign, a witness shall sign that the employee refused and was given a copy.

d. The original shall be placed in the employee's personnel file and a copy shall be retained by the employee.

5. Employee Responsibilities

a. An employee must not report to work or be subject to duty while/his her ability to perform his/her job duties is impaired due to on or off-duty alcohol or drug use;

b. An employee must not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during work hours or while subject to duty, on breaks, during meal periods or at any time while on City property.

c. An employee must not, directly or through a third party, sell or provide alcohol to any person, including any employee, while either employee or both employees are on duty or subject to being called;

d. An employee must submit immediately to an alcohol and/or drug test when requested by a responsible City representative based on a reasonable suspicion that the employee is under the influence of alcohol or drugs;

e. An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, that may interfere with the safe and effective performance of that employee’s job duties or the operation of City equipment; and

f. An employee must provide within twenty-four (24) hours of request a 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.

6. Management Responsibilities and Guidelines

a. Enforcement – Department heads are responsible for enforcement of this personnel policy and procedure.

b. Notice of Drug Conviction for Federal Grant-Funded Employees - The employee’s department head shall notify the appropriate federal
granting agency within ten days after receiving a drug conviction notice from a federal grant-funded employee. The convicted employee shall enter the Employee Assistance Program and/or, if appropriate, may be subject to disciplinary action, up to and including termination from employment. This personnel action must be taken within thirty-days after the City receives the drug conviction notice for a federal grant-funded employee.

c. Any employee who is determined to be under the influence of alcohol or illegal drugs shall not be permitted to drive.

d. Drug and Alcohol Testing

(1.) Employees may be required to take a drug and/or alcohol test if there is a reasonable suspicion of violation of this policy and any of the conditions of employment listed under Section II-A.

(2.) Before an employee is tested for reasonable suspicion, two managers/supervisors must concur in the decision to test. At least one manager or supervisor must have direct knowledge of the facts used as the basis for the decision to test. Within a reasonable time after the incident, the appropriate department head will provide a report of the facts and/or observed conditions necessitating the drug test. A copy of the report shall be given to the employee upon written request.

(3.) A positive test may result in disciplinary action, up to and including discharge.

(4.) If a drug screen is positive at the pre-employment physical, the applicant must provide within twenty-four (24) hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. 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, even with accommodations, the applicant may not be hired.

(5.) If an alcohol or drug test is positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge shall be carried out in conformance with applicable Federal and State law, as well as the City’s adopted rules and regulations.
(6.) To arrange for a drug or alcohol test between 7:30 a.m. and 4:30 p.m., contact Human Resources. If the employee appears to be under the influence of alcohol, the Station Commander at the Police Department should be contacted to request an alcohol breath analysis.

(7.) Employees will be afforded the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty days and to explain the circumstances surrounding the use of such drugs. This information will be kept in the employee's confidential medical file.

(8.) An employee whose drug test results are positive may, within 30 days, submit a written request for a retest of the original sample. The retest will be conducted at the original laboratory or at another NIDA Certified laboratory approved by the City Manager. The retest will be conducted at the employee's expense. If the results of the retest are not consistent with the original test, the process shall be considered inconclusive and shall not be used as the basis for subsequent action. The employee will be reimbursed for the cost of the retest if the results are negative.

7. Employee Assistance Program (EAP) (See Section 5.04 for additional information regarding the EAP)

Employees may be referred to the EAP by the following two methods:

a. Voluntary Referral - Employees should be encouraged to voluntarily get help in dealing with alcohol or drug related problems through the City's EAP and/or the appropriate health insurance plan. The employee's participation in a voluntary referral shall be held strictly confidential with the EAP staff.

b. Mandatory Referral - Upon approval by the employee's department head, an employee may be required to contact the EAP staff for initial evaluation and intake into the program. Refer to the discipline procedures on mandatory referrals.

8. Alcohol and Drug Awareness Program

The Employee Assistance Program staff shall conduct an on-going awareness program to inform employees about the dangers of alcohol and drug use, the City's policy and conditions of employment regarding alcohol and drug use, any available alcohol and drug counseling, rehabilitation, or employee assistance
programs, and the penalties that may be imposed upon employees who violate the policy and conditions of employment regarding alcohol and drug use.

9. Confidentiality

Laboratory or test results shall not appear in an employee’s general personnel folder. Information of this nature shall be contained in a separate confidential medical file that will be kept securely under the control of the Personnel Officer/City Manager or designee. The reports or test result may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosure, without patient consent, may occur when:

a. The information is compelled by law or by judicial or administrative process;

b. The information has been placed at issue in a formal dispute between the employer and employee;

c. The information is to be used in administering an employee benefit plan; or

d. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

316.3 Definitions

1. Alcohol - means any alcohol or alcoholic beverage as defined in California Business and Professional Code Sections 23003 and 23004.

2. Conviction for a Criminal Drug Law Violation - means a finding of guilt, a no contest plea, or an imposition of sentence by any judicial body for any violation of a criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance.

3. During Work Hours - means during all compensated work time.

4. Foreseeably Interfere - means when any reasonable person should have known that using a drug, medication, alcohol, or any other substance could cause drowsiness, potentially hazardous side effects, or have mind and mood altering properties which could interfere with the employee's safe and effective job performance or operation of City vehicles or equipment.

5. Foreseeably Subject to Being Called to Duty - means when an employee has been placed on "standby" status, or placed "on call" to appear in court, or given notice to return to work the same day.
6. Illegal Drug - means any controlled substance, drug, narcotic or immediate precursor which is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) which may subject an individual to criminal penalties, or a legal drug which has not been legally obtained or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.

7. Reasonable Suspicion - means a suspicion based on objective facts and reasonable inference drawn from those facts, that an employee is under the influence of drugs and/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 safely perform his/her job is reduced. Examples include, but are not limited to:
   a. Slurred speech, bloodshot eyes;
   b. Odor of intoxicants on breath or clothing;
   c. Unsteady standing, walking, or movement;
   d. Increased absenteeism, especially surrounding days off or holidays;
   e. Substandard performance whether in quantity or quality that cannot be otherwise explained;
   f. General unhappiness, mood swings, increased inattentiveness, changes in appearance;
   g. Physical altercation;
   h. Verbal altercation;
   i. A preventable accident generally of a reckless nature involving City property;
   j. Information from a reliable person with personal knowledge of the drug/alcohol use;
   k. Actual observation of the possession or use of alcohol or drugs.

8. Workplace - means at City work locations or elsewhere during work hours, or while in or operating City vehicles or equipment.
Chapter 4 – Compensation Practices
401 Pay Plan and Administration

The City Council has sole authority for determining appropriations in the City budget for employee compensation. Within the constraints of the approved budget, the City Manager shall have the authority to determine the time, method, and amount of any employee salary adjustments.

The rates of compensation to be provided for full-time positions shall be as set forth in the City’s Pay Plan. Employees shall not be compensated below the minimum or above the maximum rate of pay in the salary range established for their classification.

The Pay Plan shall include the salary ranges for all classifications showing the minimum and maximum rates of pay; a designation of the position as full-time, part-time or temporary; and a designation of the position as exempt or non-exempt from overtime requirements.

The salaries or rates of compensation prescribed are fixed on the basis of full-time service in full-time positions unless otherwise designated.

Each employee in the City service shall be paid the salary or compensation for services rendered on behalf of the City in accordance with the pay grade or salary range prescribed for the class to which each employee's position is allocated.

402 Advancement and Adjustments Within the Range

The salaries within the applicable pay grades and salary ranges are intended to recognize individual differences among positions allocated to the same class, the purpose of which is to provide employee incentive and reward employees for meritorious service and continued improvement within a particular position. All increases in salary within any range shall be made only on the basis of fully satisfactory performance and continued improvement. Increases in salary within any range shall be neither automatic nor a matter of right and shall be effected only upon the recommendation of the department head, with approval of the City Manager, after completion of a thorough employee performance evaluation.

The following general provisions shall govern the granting of salary increases within the range:

1. Advancement shall be effected only after the employee’s supervisor has completed a thorough evaluation of the employee's performance in the position and has determined that the employee has improved his/her performance within the position resulting in increased value to the City. Advancement shall be made only upon such recommendation by the department head and approval of the City Manager or designee.

2. Full-time, regular non-sworn employees are eligible for salary adjustments at the successful completion of their initial probation period and annually thereafter as part of the City's annual review process. Under no circumstances shall
advancement beyond the maximum rate of the established salary range be allowed.

Newly hired full-time, sworn employees are eligible for salary adjustments after the first eighteen (18) months of employment with the City, at the successful completion of their initial probation period and once annually thereafter. Under no circumstances shall advancement beyond the maximum rate of the established salary range be allowed.

3. If in the opinion of the supervisor and/or department director the employee has not performed in a manner so as to merit salary advancement, a recommendation for retention at present salary shall be made to the City Manager or designee. The reasons cited for retention shall also be communicated to the affected employee. The employee shall be entitled to place a written response in his/her personnel file.

4. If the supervisor and/or department director determines, subsequent to completion of a thorough employee evaluation, that an employee has not performed in a manner so as to merit retention or advancement, he/she may recommend disciplinary action including reduction of an employee's salary. A recommendation for reduction of an employee's salary shall be made in writing by the department director to the City Manager. The reasons cited for reduction shall also be made in writing to the employee affected.

5. In those instances where an employee has received his/her performance evaluation later than the time lines prescribed pursuant to these rules and procedures, through no fault of his/her own, the employee shall be reimbursed retroactively for any resulting salary increases that are recommended.

6. The City Manager may, based on consideration of such factors as external market data, internal salary relationships, position responsibilities, individual performance and sound management principles, increase the salary of an employee within the limits of the employee’s salary range.

403 Standard Work Period

The City’s wage practices are governed by the FLSA.

1. The standard workweek runs from 12:00 a.m. on Monday through 11:59 p.m. on Sunday.

2. The City Manager is hereby authorized to designate other work periods and working hours for employees when in his or her opinion, the best interests of the City may be served by such adjustment of the standard work period and hours.
404 Overtime

Overtime shall not be authorized without prior approval by the department head or designee, absent unforeseeable and unusual emergent circumstances such as a natural disaster, where it is difficult or impossible to obtain advance authorization for overtime. If an employee works unauthorized overtime because of an unforeseeable, unusual emergent circumstance, the employee must obtain retroactive approval for that overtime within one (1) business day. Employees shall be paid for all hours worked in accordance with the requirements of the FLSA, but employees who work overtime without prior authorization, except in unforeseeable, unusual emergent circumstances, may be subject to discipline. All overtime compensation is governed by the applicable Memorandum of Understanding. All overtime, whether payment or compensatory time off, must have the prior approval of the department head or designee. Employees are required to report all overtime per City procedures.

1. For non-exempt employees, overtime shall be compensated at one and one-half times their regular rate of pay in the manner prescribed by the Fair Labor Standards Act, unless otherwise specified in the applicable Memorandum of Understanding.

2. Any employee of the City, upon direction of his or her appointing authority, may be required to perform his or her regular duties for the City on an overtime basis, that is in addition to his or her normal working hours. Such employee shall be entitled to be paid his or her straight hourly rate for such overtime, or given compensatory time off as may be determined by the appointing authority with the approval of the City Manager.

3. For non-exempt employees, compensatory time off may be given in lieu of overtime compensation, consistent with the applicable Memorandum of Understanding, at the hourly rate of time and one-half.

For sworn employees, overtime pay and/or compensatory time accrual is governed by the applicable Memorandum of Understanding provisions. All other eligible employees may elect compensatory time off in lieu of overtime compensation, provided the City, at its sole discretion, elects to offer this option.

Requests for use of compensatory time off shall be made in writing as prescribed by the City Manager or designee. Only employees eligible for overtime compensation shall be eligible for compensatory time off.

Accumulation of compensatory time shall be limited to a maximum accrual as specified in the applicable Memorandum of Understanding between the City and a Recognized Employee Organization, and consistent with federal, state and local law. All unrepresented eligible employees are limited to the maximum accrual specified in the applicable Memorandum of Understanding and consistent with federal, state and local law.
4. In the event a non-exempt employee is promoted, reclassified or reassigned to a classification designated as "exempt" under FLSA regulations, he/she shall not be eligible to accrue compensatory time. In this case, the employee shall be paid for the accrued compensatory time at his/her previous rate of pay in the non-exempt classification, no later than the end of the calendar year.

5. The City has determined that various executive, administrative and professional employees are exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA").

405 Recognized Holidays

The City recognizes certain days as paid City holidays for all regular and probationary employees. Recognized holidays will be governed by the applicable Memorandum of Understanding or salary resolution.

Holidays Falling on Weekend: When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the actual holiday. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the actual holiday.

Holidays Falling During Employee’s Scheduled Vacation: Should a holiday occur during an employee's scheduled vacation, the employee's vacation leave account shall not be reduced for that day.

Holidays Falling During Approved Leave of Absence With Pay: when any regular employee is on paid leave status, he/she shall be eligible for and receive holiday pay as if he/she were working the day immediately prior to and following the approved leave. This includes sick leave.

Holidays Falling During Approved Leave of Absence Without Pay: when any regular employee is on an approved leave of absence without pay and a paid holiday occurs during that leave, the employee shall be eligible for holiday pay only if the employee worked either the day immediately preceding or following the holiday. Where the holiday falls on a day immediately prior to or following a weekend, the employee must work either the day before or the day after such weekend to be eligible for holiday pay.
Chapter 5 – Employee Development and Recognition
501 Training

Training is governed by the applicable Memorandum of Understanding or applicable salary resolution.

502 Education Reimbursement

Education Reimbursement is governed by the applicable Memorandum of Understanding or Management Benefits resolution. Non-safety employees who successfully complete job-related classes shall be reimbursed for tuition and supplies. Said reimbursement shall be paid subsequent to the completion of the school term.

Regular City employees are eligible to receive tuition reimbursement of the cost of applicable tuition, less applicable taxes, so long as the course or program will improve their ability to perform their City job, and so long as funds are available as outlined in the respective Memorandum of Understanding or Management Benefits resolution. Prior City Manager approval of the course/program is required for tuition reimbursement. Additionally, to be eligible for tuition reimbursement, the employee must receive a passing grade in the course/program, if applicable.

The maximum amount of tuition reimbursement available per employee per fiscal year is governed by the applicable Memorandum of Understanding or Management Benefits resolution subject to fund availability.

503 Employee Service Awards

Employee Service Awards are awarded on a yearly basis based on years of service in five year increments. Five (5) year service pin, ten (10) year service pin, fifth teen (15) year service pin, twenty-year (20) service pin, twenty-five (25) service pin, thirty-year (30) service pin, etc.

504 Employee Assistance Program

The Employee Assistance Program (EAP) is a voluntary and confidential resource to help you or a family member living with you through a period of personal difficulty. You will be referred to a counselor who will assist you in reviewing options and planning an effective approach to a wide range of problems. Please contact Human Resources for more information.
Chapter 6 – Safety and Loss Prevention
601 Safety Committee

601.1 Safety Committee: Each department shall designate a “Department Safety Representative.” The Department Safety Representative will conduct safety meetings on a regular basis. All meetings will include information on subjects as applicable to the department employee job functions as outlined in Bell’s Injury and Illness Prevention Plan.

601.2 Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To help the City maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the human resources department. In compliance with California law, and to promote the concept of a safe workplace, the City maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the City Manager’s office.

In compliance with Proposition 65, the City will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

601.3 Recreational Activities and Programs

Neither the City nor its insurer shall be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

601.4 Security

The City has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to security personnel. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.
602 Accident Reporting and Investigation: Employees will report all accidents, industrial injuries or illness or incidents that could have resulted in an injury, illness or property damage (near miss incidents) to their supervisors immediately. In the event your supervisor is unavailable, you shall report accidents or injuries to your Department Manager and shall send an incident report sent to the Human Resources and Risk Manager within twenty-four (24) hours after the incident’s occurrence. If you require medical attention as a result of an industrial injury or illness, the City will provide you with a treatment authorization form for the City’s Occupations Health Clinic. If your industrial injury or illness occurs after regular work hours or on the weekend, you should seek medical attention at the closest emergency room and provide your employee identification to the treating facility, notifying the treating facility before treatment commences that you have a work related injury. All medical notes and work status updates shall be provided to the employee’s direct supervisor and a copy sent to the Human Resources and Risk Manager.

603 Workers Compensation Program: Workers’ Compensation is a state-regulated program. The purpose of workers’ compensation is to provide you with the medical care you need to recover from a job-related injury or illness. It also provides you and your family with a means of support when you are unable to return to work because of a job-related disability. The goal of the City’s workers’ compensation program is to bring about your prompt return-to-work and medical recovery.

604 Job Related Injury or Illness: Employees will report all accidents, industrial injuries, or illnesses or incidents that could have resulted in an injury, illness or property damage (near-miss incidents) to their supervisor immediately.

After ensuring the injured employee has received appropriate medical treatment, the supervisor shall conduct an accident investigation. The investigation shall include the factual details surrounding the event (who, what, when, where, witnesses, etc.), the probable cause of the event, and corrective actions to prevent a reoccurrence of the incident. The investigation shall be documented on the City’s Accident Report Form. The supervisor will forward the completed report to the Department Manager for review and concurrence. A copy of the Accident Investigation and Notice of Injury shall be sent to Human Resources with twenty-four (24) hours after the incident’s occurrence.

Please refer to the City Injury and Illness Prevention Plan for further details.

605 Motor Vehicle Safety

Employees who are required to drive their own vehicles on City business will be required to show proof of current valid driving licenses and current effective insurance coverage before their first day of employment, and as required by the City thereafter.
The City participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

The City retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the City's policy.

Employees who drive their own vehicles on City business will be reimbursed at the standard mileage rate per the Internal Revenue Service

Cell Phone Policy: California Motor Vehicle Code 23123 prohibits the use of handheld wireless telephones while driving unless they are being utilized as a hands’ free device. If an employee must make or answer a call while driving and is not able to use hands’ free technology, he or she should pull over and stop to use the phone. In doing so, the employee should make certain he or she is well to the side of the road when stopping.

Writing, sending, or reading text-based communication - including text messaging, instant messaging, e-mail, web browsing and use of smart phone applications - on any wireless device or cell phone while driving is also prohibited under this policy unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen, and it is used in that manner while driving.

Violating this policy is a violation of law and a violation of City rules. Failure to comply with this policy will result in disciplinary action.

606 Vehicle Fleet Safety Policy

606.1 Purpose

The purpose of the City’s Vehicle Fleet Safety Policy is to prevent vehicle accidents and to promote safe driving practices while maintaining City vehicles and heavy equipment in proper operating condition.

606.2 Policy

The City’s Vehicle Fleet Safety Policy serves as the uniform best practice standard governing the privilege of operating City vehicles and/or heavy equipment within the scope of employment.

Failure to comply with this policy shall lead to disciplinary action, up to and including termination.
606.3 Discussion

The City’s Vehicle Fleet Safety Policy applies to all City full-time, part-time and seasonal employees. In addition to the provisions of this Policy, all employees are required to comply with applicable Federal and California DOT motor vehicle and local traffic laws, and the established City driving safety work rules, best practices and procedures.

606.4 Procedures

A. Responsibilities

(1) Department Heads: Department Heads are obligated to implement the adopted Vehicle Fleet Safety Policy and overall Vehicle Fleet Safety Program by:
   1. Directing all supervisors and employees to endorse and comply with the adopted policy and program components.
   2. Providing appropriate safety and financial resources.
   3. Providing support and interest in the Vehicle Fleet Safety Program.

(2) Supervisors: Supervisors are obligated to:
   1. Provide training to employees so that they are fully qualified to drive and maintain fleet vehicles and heavy equipment.
   2. Ensure the safe operation of fleet vehicles in compliance with the overall Vehicle Fleet Safety Program requirements.
   3. Enforce the established Vehicle Fleet Safety Policy’s driving work rules, procedures, policies and best practices.
   4. Thoroughly investigate all vehicle accidents and make recommendations to avoid future accidents.
   5. Demonstrate support and interest in the Vehicle Fleet Safety Program.
Employees: Employees have the responsibility to:

1. Adhere to the directives of this Vehicle Fleet Safety Policy and overall Vehicle Fleet Safety Program.

2. Participate in in-service training and apply their education and training to the safe operation of assigned vehicles and heavy equipment.

3. Immediately report any changes to the status of their driver’s license to their immediate supervisor, department director or Human Resources.

4. Conduct required pre-trip inspection and maintenance forms.

5. Report unsafe condition and/or mechanical defects.

6. Report all accidents immediately to the supervisor, thoroughly complete the City of Bell investigation report, and turn it in to his/her supervisor.

7. Maintain a satisfactory driving record both on and off the job.

8. Employees are required to obey all federal, California, local and City of Bell traffic regulations.

9. Seat belts MUST BE WORN while operating or riding in City of Bell-owned commercial and fleet vehicles, personal vehicles while on duty, or when operating heavy equipment that has been equipped with a manufacturer’s installed seat belt and a rollover protection (ROP) feature. Inoperative or missing seat belts and/or harnesses shall immediately be reported to the immediate supervisor. The vehicle or equipment shall not be operated until the repairs have been made. (Law enforcement personnel shall follow Department Policy as outlined in California Vehicle Code 27315.5).

10. Employees who are assigned a vehicle and/or heavy equipment are responsible for the daily inspection of the vehicle and/or heavy equipment and completion of the required forms. If an employee is unfamiliar with the operation or maintenance of this vehicle or piece of heavy equipment, it is his/her responsibility to
request information and instructions on the proper procedures from his/her immediate supervisor.

606.5 Use of City of Bell Vehicles

The operation of City-owned or leased vehicles and/or heavy equipment is a privilege which may be withdrawn at any time at the sole discretion of the City. All City employees operating City-owned vehicles must comply with the following fleet safety driving rules and best practices and satisfy the requirements in order to retain the ability to operate vehicles and, where applicable, to operate heavy equipment:

a. Maintain an approved and valid California driver’s license with the applicable classifications and endorsements at all times. Any loss or restriction of driving privileges during the employee’s employment must be immediately reported to the employee’s immediate supervisor, department director or Human Resources.

b. Employees who operate fleet automobiles, light trucks, and medium trucks SHALL conduct a visual pre-trip inspection of the tires, brakes, headlights, taillights, directional lights, 4-way flashers, wipers, heater, and defroster on the vehicle at each fueling. (See Exhibit 1) The only exception to this will be Police vehicles, which will follow Departmental inspection guidelines.

c. Employees who operate commercial vehicles SHALL conduct and document the required “Pre-trip/Post-trip Inspection” prior to and at the conclusion of operating on public roadways as required by federal DOT regulations. (See Exhibit 2)

d. Engines SHALL BE stopped and ignition keys removed when parking or leaving City vehicles and/or heavy equipment, unless parked within an enclosed garage.

e. City-owned vehicles shall only be used for official business and, when approved by the City Manager, Human Resources, Department Head or supervisor, for commuting to allow City employees to respond to City-related business outside their regular work hours.

f. Employees shall not use a City vehicle to conduct any personal business without express authorization from the City Manager or his/her designee.

g. Employees shall not use a City vehicle to conduct any personal business without express authorization from the City Manager or his/her designee.
h. No employee of the City operating any City vehicle shall permit persons other than employees of the City to ride in such vehicle, except such persons which are required to be conveyed in the performance of their duty or unless authorized by the City Manager or designee, a Department Director, Human Resources or the City Attorney’s Office. If a Department Director is unsure whether a request to transport a non-City employee constitutes an acceptable deviation of the policy they should consult with the City Attorney’s Office or Risk Management/Human Resources Department to determine acceptable risk levels.

i. While fueling fleet vehicles and/or heavy equipment:

1. Smoking is PROHIBITED.
2. Engines MUST BE turned OFF during the fueling operation.
3. The vehicle shall not be left unattended at any time while fueling.
4. Using an object to “lock the nozzle” on a fuel pump while fueling is PROHIBITED.
5. Fuel leaks and/or spills (gasoline, diesel fuel, and hydraulic fluid) over one gallon SHALL BE reported immediately to the person responsible for safety so that an internal spill report can be completed.

j. Non-emergency vehicles are PROHIBITED from parking in fire lanes or in front of fire hydrants while on job sites.

k. Report any fleet vehicle and heavy equipment mechanical problems immediately. NEVER drive a fleet vehicle and/or operate heavy equipment that does not appear to be in safe working order.

l. Protective guards, deflectors and shields SHALL BE in place before starting and operating any heavy equipment.

m. Heavy equipment SHALL BE properly maintained and inspected prior to each use.

n. Employees SHALL BE properly trained and certified on specialty and heavy equipment prior to its use.

o. Metal vehicle jack stands must always be used when working under a raised vehicle. Safety blocks to secure the body of a vehicle in a raised position must also be used. Never exceed the rated capacity of jack stands.

p. The “3-POINT CONTACT” concept SHALL BE used when mounting and dismounting commercial vehicles, large specialty equipment, and heavy equipment. Jumping off vehicles and heavy equipment is PROHIBITED.
City of Bell
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q. Employees ARE NOT ALLOWED to tamper, over-ride or disconnect any manufacturer installed safety features and devices.

r. All heavy or specialty equipment SHALL BE turned OFF under the following field conditions:
   1. Changing attachments;
   2. Manually loading or unloading equipment;
   3. Adjusting attachments;
   4. In proximity of the general public.

s. Vehicle interiors are to be kept clean and free of rubbish.

t. Excess material and debris SHALL BE CLEANED OFF after trailers and trucks are loaded prior to moving (i.e. trailer wheel fenders, bumpers, side panels, truck bed ledges, etc.).

u. Riders and/or passengers ARE NOT PERMITTED on heavy equipment while it is moving unless authorized by a supervisor, department director or Human Resources.

v. Vehicle and equipment steps, platforms, and deck plates SHALL BE kept clear of grease, oil, ice and mud.

t. Loading and unloading of trailers:
   1. Loading and unloading of heavy or specialty equipment on trailers SHALL BE done on a level surface area.
   2. The “4-POINT TIE DOWN” practice and application of the emergency brake SHALL BE done when transporting large riding landscape and construction-type equipment on trailers. The combined strength of all cargo tie-downs (straps, chain, ropes, tensioning devices) must be strong enough to lift half the weight of the piece of cargo tied down.
   3. Cargo on trailers SHALL NOT exceed the load capacity of the trailer.
   4. Equipment attachments SHALL BE lowered and secured on trailers while transporting.
606.6 Unscheduled Use

City employees utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify and obtain permission for such use from the City Manager or designee of the reason for such use. Human Resources and the employee’s Department shall be notified in advance that the employee is utilizing a City-owned vehicle.

This section does not apply to employees permanently assigned an individual vehicle who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

606.7 Assigned Vehicle Use

City employees who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The employee must be approved for an assigned vehicle by the City Manager or designee, and shall sign an agreement that includes the following criteria:

(a) The employee must live within a 60-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to City Manager or designee approval. Employees who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the City Manager or designee.

(b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.

(c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The employee may be required to maintain insurance covering any commuting or personal use.

(d) The employee may be responsible for the care and maintenance of the vehicle. The City shall provide necessary care and maintenance supplies.

(e) The vehicle shall be parked in secure off-street parking when parked at the employee's residence.

(f) Vehicles shall be locked when not attended.
(g) When the employee will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the employee’s residence or at the appropriate City facility.

Employees are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the employee. Employees should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the City Manager or designee. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

606.8 Toll Road Use

To avoid unnecessary toll road charges, all City employees operating a City-owned vehicle upon the toll road shall adhere to the following:

(a) All City employees operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Employees may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) All City employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, their Department Head, supervisor or Human Resources within five working days explaining the circumstances.

606.9 Driver Orientation and Training

Orientation and training must supplement the employee’s trial period to ensure attainment of the knowledge and skills necessary to perform the job in the manner expected, as well as to review the City of Bell’s policies and practices with each employee. The orientation and the type and amount of training that is needed will vary directly with the complexity of the job assignments, and the knowledge and experience level of the employee.

Immediate supervisors, or designated trainers, are responsible for orienting and training both new and current employees regarding the proper use, maintenance and operation of City vehicles and heavy equipment. The following components shall be thoroughly covered during the employee’s orientation/trial period.

a. Vehicle Safety Rules, Policies, Procedures and Practices: Employees will be instructed before using the vehicles and/or heavy equipment for the first time on the following:
• Approved use of City vehicles
• Vehicle accident procedures
• Maintenance repair reporting process, procedures and mandatory forms
• Vehicle and/or heavy equipment field breakdown procedures
• Proper storage and parking procedures
• Fueling practices and mandatory forms
• Drug Free Workplace Policy
• Vehicle Fleet safety driving rules and best practices

b. Vehicle Operation (Off Road): Employees will be instructed on the proper use of vehicles and/or heavy equipment off road and the following:

• Proper use of the vehicle and/or heavy equipment's controls, features and attachments
• Procedures for operating vehicles or heavy equipment on the roadway
• Required inspection techniques and preventative maintenance practices
• Completing the mandatory inspection and maintenance forms
• Proper use of safety features and equipment
• Cargo loading, unloading, and tie-down practices
• Backing procedures and use of spotters

In addition, the City will provide ongoing in-service training programs which address the knowledge and skills necessary for all employees to perform in a satisfactory and safe manner.

606.10 Vehicle and Heavy Equipment Maintenance and Care

It is the responsibility of each department or division head to ensure that all City owned or leased vehicles and heavy equipment assigned to their respective departments are in proper working condition at all times. The department or division head shall ensure that an orientation and training program is developed for vehicles and heavy equipment in his/her department. Routine checklists shall be developed and utilized for the vehicles and heavy equipment.

All supervisory personnel are accountable for the City assigned vehicles and heavy equipment. This accountability includes instruction of employees in the proper operation and preventative maintenance procedures and ensuring that routine vehicle inspections are performed on a pre-use basis and that inspection forms are completed and submitted in accordance with the established procedure.

606.11 Vehicle Emergency Breakdown Procedure
Employees are responsible for following the breakdown procedures whenever a vehicle becomes disabled in a public roadway:

a. Get completely off the traveled roadway. Avoid curves, hills or where the view may be obstructed.
b. Shut down the vehicle.
c. Set the parking brake to prevent movement.
d. Turn on the 4-way flashers. If reflective triangles are available, set them near the vehicle and at approximately 100” to warn approaching traffic.
e. Call for assistance (911, supervisor on duty).
f. Stay in and with the vehicle.

**606.12 Emergency Equipment and Supplies**

Supervisors and employees are required to maintain and ensure that all commercial vehicles are carrying the following emergency equipment:

a. Reflective triangles
b. Basic first aid kit
c. Small multi-purpose dry fire extinguisher
d. Proof of insurance
e. Vehicle and trailer registration cards

**606.13 Accident Procedures**

Supervisors and employees are required to evaluate the situation. Ask the other parties involved if they require medical attention. Call 9-1-1 if medical attention is needed. When the scene is safe, call the Bell Police Department Dispatch Center at 323-773-3248:

a. Call your immediate supervisor and notify them of your location, current condition and an update of what has happen. Reach into the City vehicles glove box and remove the “Accident Kit.”

b. Identify yourself by name and title to the other parties involved.

c. Read the instructions in the “Accident Kit”

d. Provide Proof of insurance, and driver’s license.
e. Obtain statements from involved parties. Identify workers in the area by company, address, etc.

f. Obtain name, address, telephone number, and age of injured.

g. If possible, determine if alcohol, or drugs were involved.

h. Take photos, if possible.

i. Fill out as much of the vehicle accident report as practical and give it immediately to your supervisor.

607 Safety and Loss Prevention Programs: The City of Bell’s Loss Prevention Program is based on the premise that every employee is entitled to a safe and healthful work environment. Our Loss Prevention Program is designed specifically for the protection of our employees and visitors. Management and all employees are directed to make safety and loss prevention a top priority.

We believe every employee is concerned for his or her own safety and the safety of coworkers and will recognize that these rules and policies are for their protection. The goals we have set for our Loss Prevention Program are achieved through a cooperative effort among all employees and management. Safe work habits and the awareness and knowledge of all safety rules and policies are a condition of your employment at the City of Bell. All employees are required to attend training to become familiar with rules and policies and to abide by them. These rules and policies will be enforced just as any other City policy. Failure to comply can result in reprimand, suspension or employment termination.

All employees are encouraged to make suggestions that will assist in maintaining safe work conditions and should bring these suggestions to their supervisor’s attention. It is through our joint participation that accidents can be prevented, but only you can make safe work practices a habit.

Accidents cause pain and suffering, wasted time and money, and can cost someone his or her life. The City of Bell is committed to providing you with a safe place to work. We require your assistance and participation in keeping it that way. We will never ask you to commit an unsafe act or violate a safety rule. We expect the same from you.

Our policy toward safety is in no way limited to the rules that follow. All unsafe practices, whether listed here or not, will be addressed. For additionally information on employee safety please refer to the City of Bell’s Injury and Illness Prevention Plan or your Department’s Safety Representative.
Chapter 7 – Miscellaneous
701 Business and Travel Expense Reimbursement

701.1 Meeting, Training, Conference Attendance.

The Bell City Council believes that it is important that City officials (including volunteer members of boards, commissions, and committees) remain informed and trained in issues affecting the affairs of the City and that attendance at institutes, hearings, meetings, conferences, or other gatherings is of value to the City and its citizens. The benefits include:

- The opportunity to discuss the community’s concerns with state and federal officials;
- Participation in regional, state and national organizations whose activities affect the City;
- Attending educational seminars improve officials’ skill and information levels; and
- Promoting public service and morale by recognizing such service.

In order to promote these endeavors, to protect public resources and foster public trust in the use of those resources, as well as comply with state law requirements regarding reimbursement of expenses, the City Council hereby sets forth the travel and expense reimbursement policies for the City.

The City’s operating budget shall provide for a conference and seminar line item for all anticipated and/or unanticipated conferences, conventions and professional meetings. **A City Travel Authorization Form must be filled prior to spending or committing any City funds. If you have any questions regarding employee travel procedures please contact the City’s Finance Department to seek clarification.**

701.2 Transportation

Employees shall be reimbursed for transportation costs at the least expensive method of travel between the current allowable private automobile rate, the "tourist" class air travel, or a combination thereof.

701.3 Mileage

Employees who are requested to use their personal vehicles in the conduct of City business will be compensated for all miles traveled for business-related purposes at the effective standard rate under the Internal Revenue Service rate in effect at the time the expense is incurred. The mileage distance subject to reimbursement should be calculated based on the actual miles traveled. Any employee incurring out-of-pocket
expenses due to traffic accidents while on City business (i.e. deductibles), may, in the sole discretion of the City, be reimbursed by the City.

Those of you driving private vehicles on City business will be required to provide the City with proof of insurance coverage for your personal vehicle.

You are expected to practice good defensive driving techniques and operate the vehicle in a safe and responsible manner.

701.4 Hotel Accommodations

Reimbursement for hotel accommodations shall be at the rate of a single occupant. The City shall not reimburse employees for costs incurred because they elect to bring companions or family members on the trip.

701.5 Per Diem Expenses

Employees are granted a $50.00 per diem allotment for each 24-hour period in they are in attendance at a conference. Employees attending conferences must itemize all conference expenses in a completed expense report to be eligible for reimbursement.

Whenever an employee is out of the City for a number of days attending training courses, including weeklong seminars, etc., the employee’s regular working schedule will have no relationship to his/her work hours and no additional compensation other than regular pay and attendance expenses will be authorized.

Under unusual circumstances, deviation from the foregoing procedure may be warranted; any such deviation requires approval from the City Manager.

701.6 Travel Time

Employees in positions classified as non-exempt under the Fair Labor Standards Act are eligible for compensation for the time they spend traveling during non-work hours. The compensation an employee receives depends upon the kind of travel and whether the travel time takes place within normal work hours or outside of normal work hours.

“Travel time” is defined as Time to and from the conference/meeting minus normal commute time. If an employee is traveling to a location, then the destination is either the hotel or the work site. Travel between home and work is considered normal commuting time and is not eligible for compensation.

Before planning any travel for which compensation may be payable by the City, an employee shall obtain approval from his or her department manager or, if applicable,
the City Manager with respect to the necessary travel arrangements and compensation issues. Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours that are subject to compensation for non-exempt employees. When non-exempt staff are required to travel outside of normal work hours, he/she will be compensated for that portion of travel time that takes place outside of normal work hours at his/her regular hourly rate. Unlike work hours, outside travel hours are not factored into overtime calculations.

702 Cell Phones

All employees are forbidden to carry on conversations on cell phones when operating any motorized vehicles. The usage of hand-held cell phones while operating a City vehicle or operating personal vehicle on City business is prohibited under California State Law and by the City. Employees who use cell phones while driving must use a hands-free device.

Employees are advised to exercise good judgment when using personal cell phones and hand-held devices during working hours. Occasional use of these devices is permissible so long as such use does not interfere with the employee’s work and the work environment of others.

Employees who qualify for cell phone stipends will not be reimbursed for additional phone expenses.

702.1 Cell Phone Use Policy- Applicability and Purpose

Section 1: This policy and procedure applies to the use of personal and City of Bell issued cell phone devices by employees within the course and scope of employment. Violation of this policy may result in disciplinary action. For purposes of this policy, cell phone includes any electronic communications device in which the user can write, send or read text-based communications.

Section 2: General Policy on the Use of City of Bell Phones

All City of Bell cell phones are provided as a tool to conduct City-related business. City of Bell cell phones are issued on an as-needed basis with the approval of the Department Head. All City employees shall use such devices in a responsible, appropriate, and safe manner. All employees assigned communication equipment shall assume the responsibility to use the equipment in accordance with the provisions of this policy.

A. Employees are prohibited from installing any third party equipment to City cell phones unless approved by the employee’s supervisor in writing.
B. Employees have no expectation of privacy as to data residing in telecommunications devices and/or voice mail. The City may inspect that data at any time and without notice, as permitted by state and federal law.

C. Employees shall protect City cell phones from loss or damage. An employee assigned a City phone is responsible for its good care and will be required to reimburse the City of Bell’s cost for any damage, or lost cell phones due to negligence. If such a device is damaged, fails to work properly, or is stolen or lost, the employee shall immediately notify the Department Head.

D. City of Bell cell phones should only be used for City employees in the performance of their official duties. Personal use of City cell phones is strictly prohibited and will result in disciplinary action and reimbursement of changes for personal use.

E. Employees shall acquaint themselves with the rate plan that applies to their cell phone and use their best effort to make the most economical and cost efficient use of the cell phone. Cell phones are unique in that they may have charges for both incoming and outgoing calls and texts. In addition, local calls can still incur airtime charges if the plan minutes are exceeded. A call may be made from a cell phone only if it cannot be made at any other time with a provided wired landline telephone. Because cell phones have additional “air time” and possible other charges, employees are expected to use a wired landline telephone when available.

F. Employees are prohibited from using the camera function on City cell phones, except as authorized by a supervisor for work-related purposes.

Section 3: Use of Personal Cell phones

A. Employees should limit personal cell phone usage during working hours to breaks or lunch periods. Usage outside of the break and lunch periods should be minimal and must follow the guidelines in this policy.

B. Personal cell phones must be in silent or vibrating mode during work hours and must not be disruptive to co-workers.

C. Employees are prohibited from using the camera function on personal cell phones in the work place.

Section 4: Use of City of Bell or personal cell phones while operating a vehicle in the course of and scope of employment
In the interest of the safety of our employees and other drivers, City employees are generally prohibited from using cell phones while driving within the course and scope of employment for the City. Personal and/or company provided cell phones are generally required to be turned off any time an employee is driving a City or personal vehicle in the performance of their job duties for City of Bell. The City of Bell’s employees may not send or receive text messages, emails or other forms of written communications on cell phone, PDA or other electronic communications device while operating a vehicle on City time.

As determined by City management, if you job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device while using your cell phone to conduct agency business while driving in compliance with the City of Bell’s Cell Phone Use policy and as required by law. Under no circumstances should employees read/send/compose any text messages, emails or instant messages while operating a motor vehicle while driving in the performance of their job duties for the City.

Pursuant to City policy and as required by law, an employee under the age of 18 years is prohibited from driving a motor vehicle while using a cell phone or any other electronic communication or mobile services, even if equipped with a hands-free device. This prohibition does not apply to such a person using a wireless telephone or a mobile service device for emergency purposes. Any violation of this policy is a violation of City rules subject to disciplinary action and may be a violation of law subject to criminal penalties.

703 City-Owned Equipment and Property

Lockers, furniture, desks, computers, cell phones, data processing equipment/software, vehicles, and are City property and must be maintained according to City rules and regulations. They must be kept clean and are to be used only for work-related purposes. The City reserves the right to inspect all City property, including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any City property may be removed from the premises.

City voice mail and/or electronic mail (e-mail) including texting, pagers and mobile email are to be used for business purposes. The City reserves the right to monitor voice mail messages, and e-mail messages, and texts to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence. The City may periodically need to assign and/or change "passwords" and personal codes for

- computers
- voicemail
- other software or web-based programs owned or purchased by the City.
These communication technologies and related storage media and databases are to be used only for City business and they remain the property of the City.

The City reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Messages on the City voice-mail and email systems are subject to the same company policies against discrimination and harassment as are any workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave the City. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

704 Gifts

704.1 Purpose

The purpose of this policy is to establish guidelines for employees to follow in regards to the acceptance of gifts or gratuities from:

- Individuals or companies doing business with the City;
- Individuals or companies seeking permits, approvals, etc. from the City; or
- Residents expressing general appreciation.

704.2 Policy Statement

No officer or employee of the City shall solicit or accept any gift, gratuity, favor, or anything of monetary value, which might be construed as consideration for present or future preferential treatment.

Gifts and gratuities may include, but are not limited to, money, services, loans, travel, entertainment, apparel, hospitality, or promises of preferential treatment of any kind.

Gifts should never be accepted in circumstances where it might reasonably be inferred that the gift was intended to influence the employee’s performance of official duties or reward an official action on the part of the employee.

Inappropriate gifts and gratuities should be rejected firmly but tactfully so that the good intentions of the giver are properly acknowledged.

If it is difficult or impossible to return the gift to the sender, it should be forwarded to the City Manager’s office, and arrangements will be made to donate the gift to a local
charity. The City Manager or designee will notify the sender of the final disposition of the gift in accordance with City policy.

It is not the intent of this policy to prohibit the acceptance of expressions of general appreciation from residents such as flowers, chocolates, fruit, popcorn, inexpensive bottles of wine, etc. These items should be shared with all members of the Department.

Any questions regarding the appropriateness of a gift should be referred to the City Manager within 24 hours of the receipt thereof. The City Manager or designee’s decision shall be final.

705 Political Activity

705.1 Policy Statement

The political activities of all City employees shall be governed by the provisions of applicable State and Federal law.

The City recognizes the importance of citizens being involved in the political and government process and being informed on public issues and candidates for public office. However, federal, state, and local law determines what is legal versus illegal political activity.

It is unlawful for the City or its employees to expend City funds on partisan and/or political matters, and on other issues that are on a ballot for an election. Additionally, this policy prohibits the use of employees’ time, City equipment and supplies, and the payment of expenses for City officials who travel for the purpose of promoting a particular view on political matters except those expressly supported and/or sponsored by an act of the City Council.

The City may also prohibit or limit the solicitation or receipt of political funds or contributions to promote the passage or defeat of a ballot measure concerning working conditions during the working hours of its officers and employees. The City also has the right to limit entry into City offices for such purposes during working hours.

The California Government Code prohibits officers and employees of the City from directly or indirectly soliciting political funds or contributions from other officers or employees of the City unless the solicitation is done through the mail and is part of a solicitation directed to a large segment of the public, which may incidentally include officers from and employees of the City. This is designed to protect employees from feeling pressured into contributing to political causes or for fear that if they fail to do so, their job will be affected.
No City employee or official shall participate in political activities of any kind while in uniform or other clothing issued by the City.

City employees and officials are prohibited from engaging in political activity or solicitation during working hours and on City property.

705.2 Application

The City's policy applies to all City employees including the City Manager, Executive Management team and mid-managers. Other City representatives, such as elected and appointed officials, contractors and consultants, may also be prohibited from using their official relationship with the City to endorse or oppose political candidates or initiatives.

The City expects all employees and elected and appointed officials to be responsible for adhering to the City’s policy regarding political activities. Additionally, contractors, consultants, or others doing business for or with the City will be required to abide by the City’s policy regarding political activities while engaged in City business or activities.

It is the responsibility of the City Manager, all department directors, mid-managers, and other supervisory employee to use their best efforts to take necessary and proper steps, including corrective or disciplinary action, to prevent improper or illegal political activities by City employees.

705.3 Reporting

Any employee who feels that improper political activities are occurring on City property is strongly encouraged to report this to his/her supervisor, the assistant city manager, or the City Manager.

In determining whether a reported political activity is improper, management will consider the totality of circumstances, the nature of the act or behavior, and the context in which the reported incident occurred.

Individuals found to have engaged in any form of improper or illegal political activity, as defined by this policy, will be subject to disciplinary action, according to the City’s corrective and disciplinary procedures, which will be based on a number of factors including the severity of the conduct and the past history of the individual’s conduct.

Questions about this policy should be directed to Human Resources.

706 Conflicts of Interest

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public
interest or would tend to impair his independence of judgement or action in the performance of his official duties. The City Manager or designee shall determine and prescribe those activities which, for employees under his jurisdiction, will be considered inconsistent, incompatible or in conflict with their duties as City employees. In making this determination, the City Manager or designee shall give consideration to employment, activity or enterprise which:

1. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of the City’s office or employment;

2. Involves the soliciting or acceptance by the employee of any money, gift, gratuity or other consideration from anyone other than the City for performing an act which the employee would be required or expected to perform in the regular course of his/her City employment;

3. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he/she is employed.

Each City employee shall, during his/her hours of duty as a City employee, and subject to such rules and regulations as pertain thereto, devote his/her full time, attention and efforts to this City employment. Each City employee shall cooperate with the Board and the City Manager or designee to successfully fulfill the objectives and purposes of these Rules and Regulations.

707 Outside Employment

A City employee shall not engage in any outside employment, enterprise, or outside activity which is in conflict with his/her duties, functions, responsibilities or the department by which he/she is employed, nor shall he/she engage in any compensatory outside activity which will directly or indirectly contribute to the lessening of his/her effectiveness as a City employee.

Any City employee wishing to engage in an occupation or outside activity for compensation shall inform the City Manager or designee in writing of such desire, providing information as to time required, the nature of the activity, and such other information as may be required. The City Manager or designee shall then determine whether or not such activity is compatible with the employee’s City employment.

Evaluation of Request: In evaluating whether the outside activity is consistent with City employment, the City Manager or designee shall consider, among other pertinent factors, whether the activity:
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1. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the prestige or influence of the City’s office or employment;
2. Involves accepting money from anyone other than the City for performing an act which the employee would be required or expected to perform in the regular course of his/her City employment;
3. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which he/she is employed;
4. Involves conditions or factors which may directly or indirectly lessen the efficiency of the employee in his/her regular City employment or conditions in which there is a substantial risk of injury or illness to the employee;
5. Any other outside activities that may bring discredit to the City.

The City Manager or designee shall issue a written statement either authorizing or rejecting such outside activity within ten (10) business days of the request having been submitted. Any authorization shall only be valid for the work and period prescribed therein.

Revocation of Permission: Outside work permits may be issued for such length of time as noted in the permit, and all permits are subject to revocation by the City Manager or designee.

Use of City Equipment Prohibited: City-owned equipment, including vehicles, trucks, instruments, supplies, machines or any other item which is the property of the City may not be used by an employee while said employee is engaged in any outside activity for compensation, or otherwise, except upon prior written permission by the City Manager or designee.

No employee shall allow any unauthorized person to rent, borrow or use any of the items described above except upon prior written permission of the City Manager or designee.

Violations and Penalties: Any violation of this provision shall constitute sufficient grounds for disciplinary action.

Appeal: An employee may appeal a denial of his/her request for outside employment pursuant to the grievance procedure outlined in the applicable Memorandum of Understanding.

708 Uniforms

City employees may receive uniforms when they are approved in the budgets of the respective divisions. Such uniforms are to be worn while on duty only and will be maintained in an acceptable manner.
Wearing of Uniforms: Uniforms are reserved to be worn during working hours and while on duty. They are not to be worn when not working. If uniforms are misused, the employee will be financially responsible for any damage and/or replacement. Any shirt with a “tail” must be neatly tucked into employees’ pants. Any shirt with buttons must be kept buttoned. Due to the potential of visual impairment, “Hoodies” or similar articles which restrict vision are not permitted to be worn. If a uniform jacket is made available, then it is to be worn on the outside of all clothing.

Employees are not to wear any damaged, ripped, stained or dirty uniforms.

Any staff wishing to purchase additional uniforms may do so from the City at cost.

Permissible Activities While In City Uniform: City employees may not wear City uniforms while performing non-City activities, except the City shall permit employees to wear City uniforms while commuting from home to work; while performing routine household tasks on the way to work or on the way home from work or while attending medical appointments. Employees must receive permission from the City Manager or designee to wear their uniforms in any other circumstance.

709 Jury Duty

Employees summoned to jury duty shall receive their regular pay up to forty (40) hours annually. In the event the employee receives any reimbursement from the pertaining jurisdiction, court and/or governmental agency, such reimbursement shall be reimbursed to the City for the first forty (40) hours of service, excluding mileage and parking for said jury duty.

Upon request, employees who are absent from work due to jury duty must provide the City with proof of attendance from the Court.
Chapter 8 – Amendments To the Policies and Procedures
801 Amendment Procedures

Amendments and revisions to these Policies shall become effective upon the approval of the City Manager. Amendments to these Policies may be authorized by the City Manager.

802 Notification

City employees shall be notified and provided an amended version of the Policies within thirty (30) days of the effective date of the amendment.
Section 9 – Severability

901 Severability

If any section, subsection, sentence, clause or phase of these Policies and Procedures is found to be illegal or unconstitutional, such findings shall not affect the validity of the remaining portions of these Policies and Procedures.