AGENDA

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY AND SPECIAL MEETING OF THE OAKLEY PUBLIC FINANCING AUTHORITY

Tuesday, February 28, 2023
6:30 PM
Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561
Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we ***Live*** in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road. Agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

The City of Oakley provides social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the City's website, and by emailing info@ci.oakley.ca.us.

If you have a physically challenging condition and require special accommodations, please call the City

Clerk's office at (925) 625-7000.

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.

Information Regarding Public Comment

Members of the public may address the Council on items of interest that are within the City's jurisdiction. In compliance with State law, the council may not take actionor have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk seated in the Council Chamber **prior to the agenda item being called.** The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at https://www.ci.oakley.ca.us/online-public-comment-card/.

1.OPENING MATTERS

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

1.2 Pledge of Allegiance to the Flag (Bella, Evelyn and Sofia - Cadette Girl Scout Troop 33790)

2.PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items.

3.CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Mayor.

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held January 10, 2023 (Libby Vreonis, City Clerk)

Minutes 1-10-23

3.2 Approve Minutes from the Special City Council Meeting held February 14, 2023 (Libby Vreonis, City Clerk)

Minutes 02-14-23 Special Meeting

3.3 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held February 14, 2023 (Libby Vreonis, City Clerk)

Minutes 02-14-23 Regular Meeting

3.4 Accept Report Out of Closed Session Memoranda (Derek Cole, City Attorney)

Memo-Special Meeting
Memo-Regular Meeting

3.5 Waive the 2nd Reading and Adopt an Ordinance Adding Section 2.1.003 to and Amending Section 2.1.005 of the Oakley Municipal Code Concerning the Annual Selection of Mayor and Vice Mayor Following the Implementation of By-District Elections (Derek Cole, City Attorney)

Ordinance

3.6 Award of Construction Contract to TGN Build, Inc. for the construction of the City Hall Human Resources Department Remodeling Project - Capital Improvement Project (CIP) Number 290 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Bid Summary

3.7 Approval of the Final Map for Subdivision 9311 (Located east of Jersey Island Road, west of Bethel Island Road and south of Dutch Slough Road) (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Vicinity Map
2. Resolution

3. Reduction of Subdivision 9311 Final Map

3.8 Approval of Contract Amendment Number 2 with Park Engineering, Inc. for On-Call Consulting Services Related to Construction Management and Inspection Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Amendment No. 2

3.9 Approval of Contract Amendment Number 1 with HMH Engineers, Inc. for On-Call Consulting Services Related to Development Engineering Support Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Amendment No. 1

3.10 Approval of Contract Amendment Number 1 with BSK Associates for On-Call Consulting Services Related to Materials Testing and Inspection of Private Development Projects for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Amendment No. 1

3.11 Approval of Contract Amendment Number 1 with F. J. Kennedy and Associates, Inc. for On-Call Consulting Services Related to Clean Water Program Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Amendment No. 1

3.12 Adopt A Resolution Terminating the Declaration of an Emergency Affecting the Public Health and Safety Due to the Novel Coronavirus (COVID-19) Pandemic (Derek Cole, City Attorney)
Staff Report
1. Resolution

3.13 Adopt a Resolution to Appoint 2 Members to the Planning Commission and Change Planning Commissioner Leonard Price's Initial 2-Year Appointment to 4-Years (Brent Smith, Community Development Director)

Staff Report
1. Resolution No. 14-23
2. Draft Resolution

4.PUBLIC HEARINGS

5.REGULAR CALENDAR

5.1 Consideration of a Resolution Approving the Fiscal Year 2022/2023 Mid-Year Budget Review and Adopting its Recommendations for Revising the Fiscal Year Operating and Capital Budgets (Tim Przybyla, Finance Director)

Staff Report
1. Mid-Year Budget Review
2. Fund Summaries (All Funds)
3. Resolution
4. Budget Transfer Form

5.2 Adopt five separate Resolutions approving the update to the City's Personnel Rules, approving the Administrative Regulation Policy, approving the Compensation and Benefits for General Staff, approving the Compensation and Benefits for Police Management, and approving a side letter to the MOU between the City of Oakley and the Oakley Police Officers Association (Jeri Tejeda, Human Resources Director)
Staff Report
1. Personnel Rules
2. Administrative Regulation Policy
3. Compensation and Benefits for General Staff
4. Compensation and Benefits for Police Management
5. Side letter to the MOU between the City of Oakley and the Oakley Police Officers Association
6. Resolution - Personnel Rules
7. Resolution - Administrative Regulation Policy
8. Resolution - Compensation and Benefits for General Staff
9. Resolution - Compensation and Benefits for Police Management
10. Resolution - Side Letter to the MOU between the City of Oakley and the Oakley Police Officers Association-Signed
11. Side Letter to the MOU between the City of Oakley and the Oakley Police Officers Association Red-Lined
12. Personnel Manual last amended April 2017

5.3 Adopt a Resolution authorizing the creation of a Citywide Retail & Industrial Revitalization Grant Program (Joshua McMurray, City Manager)
Staff Report
1. Resolution

2. Draft Application Form for the Program
3. List of Target Industries that would automatically qualify to apply for program

5.4 Appropriating American Rescue Plan Act (ARPA) funds for Recreation Classes, to establish a Tourism Fund and funding related to the Oakley Senior Citizens Club (Joshua McMurray, City Manager)
Staff Report
1. Draft Resolution
2. Oakley Senior Center Proposal dated February 20, 2023
3. Profit and Loss Statement
4. ARPA INVESTing Graphic

6.REPORTS

6.1 CITY MANAGER
(a) City Manager

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
O'Hara Properties, LLC. v. City of Oakley et al., Contra Costa Sup. Ct. Case No. N22-0924

8.2 CITY ATTORNEY PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957

8.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8
Property: 3070 Main Street, Oakley, CA, APN 037-200-010
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Kent A. Ipsen
Under Negotiation: Price and term of payment

9.ADJOURN

Minutes of Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held January 10, 2023

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

Mayor Aaron Meadows called the meeting to order at 6:31 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also in attendance.

1.2 Pledge of Allegiance to the Flag (Liam Castro and Mia Moraida, 4th Grade Students at Almond Grove Elementary)

4th Grade Almond Grove Elementary School students Liam Castro and Mia Moraida led the Pledge of Allegiance to the Flag.

Mayor Meadows announced item 1.5 would be heard next.

1.3 Update from Youth Advisory Council (Lindsey Bruno, Recreation Director)

Oakley Youth Advisory Councilmembers (OYAC) Estella Whittstruck, Sawyer Whitford and Addison Villeda presented a PowerPoint presentation reporting on events held during 2022 and shared upcoming events. Recreation Director Lindsey Bruno mentioned the photos provided in the presentation represent what OYAC would like to see in Oakley, i.e., a community magazine, teen center, more entertainment, outdoor areas, community art, more restaurants, and more small businesses.

Vice Mayor Williams inquired if they could create a task force to take steps toward progress on items shared.

City Manager Joshua McMurray indicated staff will take feedback and develop the framework; it may check some of the boxes on what staff is working on now, and staff will report back to the Council.

Mayor Meadows inquired how many members comprise OYAC.

Ms. Bruno confirmed there are 13 members in OYAC.

1.4 Update from California Department of Insurance (Mary Beth Bykowsky, Outreach Analyst)

Mary Beth Bykowsky, Outreach Analyst, California Department of Insurance, provided a pre-recorded presentation and was available by phone for questions. The presentation included the

role of the Insurance Commissioner, Community Relations and Outreach Branch 2021 outreach, progress report, plan for wildfires, regulations to lower cost and increase transparency, Climate and Sustainability Branch (CA Climate Insurance Working Group), Senior Resources from CDI-Senior Gateway, and California's Low Cost Auto Insurance (state-wide coverage and rates).

Mayor Meadows revisited item 5.1 to call upon Michael Dupray for public comment. Mr. Dupray read his written comment submitted online and it was made part of the meeting record.

1.5 Proclamation Honoring Dr. Martin Luther King Jr. (Odessa LeFrancois, President of the East County NAACP)

Item 1.5 was heard prior to item 1.3.

Mayor Meadows presented the proclamation to Odessa LeFrancois, President of the East County NAACP. Ms. LeFrancois was joined by Michael Dupray. She accepted the proclamation and thanked the Council. She provided information about the organization and Dr. King. She provided a handout and announced a breakfast to be held by East County NAACP on January 16, beginning at 8:00 a.m., at Martin Luther King, Jr. Junior High School in Pittsburg to celebrate Martin Luther King, Jr. Day.

2) PUBLIC COMMENTS

Peter Zirkle, Director, Ironhouse Sanitary District (ISD), introduced himself as the new liaison for ISD. He indicated there have been many challenges with the recent storms.

Mayor Meadows requested Mr. Zirkle provide more detail regarding the challenges he mentioned.

Director Zirkle indicated the sewage system is designed to handle household waste, not deluged with rainwater so ISD has pump trucks to keep stuff out of the system.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Special City Council Meeting held December 13, 2022 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held December 13, 2022 (Libby Vreonis, City Clerk)

3.3 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)

3.4 Fiscal Year (FY) 2022/23 Second Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.5 Appointment of City Council Standby Members for Newly Elected Councilmembers in the Event of a Declared Emergency (Libby Vreonis, City Clerk)

Councilmember Fuller requested clarification regarding item 3.4—if the Council is accepting the item.

Mr. McMurray confirmed the recommended action is to accept it.

No public comments were submitted.

Vice Mayor Williams requested to pull item 3.4.

It was moved by Councilmember Shaw and seconded by Councilmember Fuller to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

Item 3.4

Vice Mayor Williams pulled the item to highlight the projects the City is working on. She requested staff provide the timeline regarding the East Cypress Road Widening project.

Public Works Director/City Engineer Kevin Rohani indicated the contract for the reconstruction of E. Cypress Road from Knightsen Avenue to Jersey Island Road has been awarded by the Council, the utility relocation of PG&E gas lines was supposed to start December 28 but due to weather it is postponed until the rain stops, and once done, actual construction will begin and will take approximately 4-6 months, providing a two-lane road widened to six lanes with curb gutter, sidewalk, underground utility and a bike lane. He indicated E. Cypress Road from Jersey Island Road to Bethel Island Road will be constructed as part of the Grand Cypress Reserve Project with construction anticipated to start in the latter part of this year. He mentioned this will complete overall E. Cypress Road from Bethel Island Road to Main Street. He shared that the City's maintenance staff has been involved in patching the road and staff will do road repair from Knightsen Avenue to Jersey Island Road next week when the rain subsides.

Vice Mayor Williams inquired if the Holly Creek Restroom Project is near completion. She mentioned recent vandalism.

Mr. Rohani indicated it is nearly done with finishing touches being placed on the project and clean-up of vandalism; it will be open by spring.

Vice Mayor Williams mentioned the Laurel Road Extension Project (Teton Road to Sellers Avenue) and Laurel Road Widening Project (O'Hara Avenue to Cloverbrook Avenue) and asked staff to provide context regarding the amount of travel on Laurel Road and if it would require more improvement and frequency than E. Cypress Road.

Mr. Rohani indicated there is no favoritism as to which road is improved. He explained these projects involve many components, i.e., acquiring right of way and utility. He shared Laurel Road has the largest arterial with almost 20,000 trips per day; E. Cypress Road has less than 20,000 trips per day. He further explained that E. Cypress has gone through improvements by developers and projects on E. Cypress depend on developers because the City doesn't have the right of way and there are a lot of utility relocations. He indicated the condition of the road is not lost on the radar. He shared that Laurel Road has been improved section by section; the relocation of WAPA lines took 3 years to work with utility companies, it took several years to acquire the right of way to bring a design contract forward, and E. Cypress Road will be built before Laurel Road is completed because of large WAPA poles which will take a couple of

years. He added that staff looks collectively at all projects in the City and must address issues of right of way, funding, and work with multiple agencies involved, i.e., the County railroad, etc.

Vice Mayor Williams commented that Enrico Cinquini Park is also listed on the update and will include additions to the park, a bocce ball court, a cornhole court, and a splashpad water feature.

Mr. Rohani mentioned it will be one of Oakley's nicest parks funded partly by the developer and partly by park impact fees.

Vice Mayor Williams moved to accept the report.

Councilmember Fuller thanked staff for their work on E. Cypress Road to ensure safety. He indicated there is no priority of projects, there are different needs for different projects, and he appreciates what has been done and what staff is doing. He mentioned the Oakley Regional Community Park Project (CIP #176) is still being planned and does not yet have funding. He requested clarification that there has been no final approval what is going there.

Mr. Rohani mentioned Councilmember Fuller is referring to the 55-acre property located at the end of Sellers Avenue. He shared that before the holidays, a landscape architect was approved for the project who will assist the Council to bring forth a final concept plan for the project. He confirmed there is no major funding for the project, it will cost $50-$60 million to complete the project, and staff has applied for grants unsuccessfully thus far but will keep seeking funding. He indicated this year the concept will be developed to then secure funding.

Councilmember Fuller seconded the motion accepting the report. Motion was unanimous and so ordered. (5-0)

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

5.1 A Resolution of the City Council of the City of Oakley Appointing the Mayor and Vice Mayor as the City Council's Subcommittee for City Manager Employment Matters (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report.

Councilmember Fuller commented he and Mr. Cole differ on that it has always been done. He commented that Mr. Cole mentioned here that the Mayor and Vice Mayor will meet with the City Council and receive direction on the salary after the contract or whatever is being moved forward upon, but he didn't see in the resolution that the Mayor and Vice Mayor after each negotiation contact will return to the City Council to report which is imperative. He expressed if the ad hoc committee talks with the City Manager regarding salary and the City Manager wants to present a different salary, it should be reported back by the ad hoc committee so the City Council can hear it in closed session. He indicated if it does not happen that way, the only time the City Council has an opportunity to speak is on it is at the dais when the contract is made public where they cannot talk about performance, therefore, it is imperative that the negotiating

team receives direction from the City Council during closed session, negotiates with the City Manager, then returns and reports in closed session.

Mayor Meadows asked Councilmember Fuller if he is requesting to add that language.

Councilmember Fuller confirmed he is.

Councilmember Shaw commented if they go back for every discussion, it will be a lot of back and forth, however, if they meet in closed session and the City Council provide parameters and the subcommittee stays within that, there is no need to keep reporting back, but if something is proposed outside of that, she agrees.

No public comments were submitted.

Councilmember Fuller expressed his experience is that the process may be slow, it involves a lot of work, but they need to be transparent, and the Oakley City Hall family needs to be heard; they do it with unions and non-represented and it is the right way to do it.

Mr. Cole commented that it has always been the practice as long as he has been City Attorney and it should be that way. He mentioned what he is asking for is implied. He suggested for clarification he could add “or continuing” to the third “Whereas” paragraph, after the words “before commencing”.

Councilmember Fuller agreed.

Vice Mayor Williams commented she was going to ask for language to be added; parameters will help keep moving negotiations forward and if outside parameters the added language will address it.

It was moved by Councilmember Fuller and seconded by Vice Mayor Williams to approve the resolution as amended to include "or continuing" in the third “Whereas” paragraph as Mr. Cole suggested. Motion was unanimous and so ordered. (5-0)

5.2 Authorization for the City Manager to Execute the Second Amendment to a Purchase and Sale Agreement with the Yellow Roof Foundation for the sale of one additional property located at 4921Teakwood Drive (APN: 035-322-022) which will lead to the construction of 2 additional affordable housing units (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

No public comments were submitted.

Applicant Trent Sanson, Yellow Rood Foundation, expressed gratitude for the opportunity to work with the City Council and staff.

Vice Mayor Williams inquired when construction would begin if the item were approved.

Mr. Sanson responded that pending approval of the fourth lot, they would submit for design review mid-February and package 45-60 days, construction would begin in the summer.

Vice Mayor Williams inquired if the property qualifies for the next housing element cycle.

Mr. McMurray confirmed it does.

It was moved by Vice Mayor Williams and seconded by Councilmember Fuller to authorize the Second Amendment. Motion was unanimous and so ordered. (5-0)

5.3 Consideration of a Resolution Approving an Agreement between Tyler Technologies and the City of Oakley for the Conversion from the Tyler Eden Enterprise Resource Planning (ERP) System to the Tyler Enterprise ERP System and Authorizing the City Manager to Execute the Agreement (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla presented the staff report.

Vice Mayor Williams inquired if staff anticipates any downtime of any modules over the period of the conversion (July 2023 through March 2026).

Mr. Przybyla responded staff expects no downtime; one module will be implemented at a time.

No public comments were submitted.

It was moved by Councilmember Fuller and seconded by Councilmember Henderson to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.4 Consideration of a Resolution Approving a Professional Consulting Services Agreement between the City of Oakley and Koa Hills for Consulting Services Associated with the Conversion from the Tyler Eden ERP System to the Tyler Enterprise ERP System and Authorizing the City Manager to Execute the Contract (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla presented the staff report and recommended adoption with revisions including changing the year from 2026 to 2025 on page 9 and changing the contract administrator from Kevin Rohani to Tim Przybyla, CPA, Finance Director.

Councilmember Fuller inquired how much support will be provided.

Mr. Przybyla expressed he is confident the consultant is knowledgeable and will be able to provide the assistance staff needs.

No public comments were submitted.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to adopt the resolution as amended. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Joshua McMurray reported that work has been performed almost around the clock with recent storms, and overall, infrastructure has held up well. He mentioned staff is trying to keep the public informed and push out updates as needed.

Vice Mayor Williams addressed flooding of the pasture on E. Cypress that accumulated with several days of rain. She inquired if there is anything the City can help with in this area.

Mr. McMurray responded that continual flooding could shut down the roadway which causes staff great angst and concern; however, the rain is supposed to lighten up by tomorrow morning which should provide some relief and allow the area to drain; staff is monitoring it (staff during the day and Police on patrol after business hours) and keeping in contact with the County.

(b) Police Department Update from Police Chief Paul Beard

Chief of Police Paul Beard provided a PowerPoint presentation on the Police Department including a command staff introduction, mission of the department, where staff is from; staffing numbers, attrition since 2016, recruiting efforts, beat/patrol team structure, calls for service, challenges facing Police in Oakley and across America, daily toll of the occupation, 2022 accomplishments, LEICA 3D scanner, notable incidents of 2022, enforcement trends, current structure and growth of the department, and information regarding the flag pole they installed and dedicated last year.

Mayor Meadows inquired if the public could request a copy of the presentation.

Chief Beard confirmed it is available to the public.

Councilmember Fuller inquired about NIBRS.

Chief Beard explained it is a national database all agencies report stats to.

Councilmember Fuller commented 68% staffing of officers is not so unusual given the work officers perform. He inquired if there is an average number of staff that may be out ongoing to have an idea of the numbers needed to cover.

Chief Beard explained the past two years have been rough in regard to injuries with there being a cumulative effect of the number of years on the job for some requiring months off. He shared they have tried to have a cushion yet were close to needing emergency staffing and therefore recruiting and hiring have been ongoing.

Councilmember Fuller commented that people not are not currently as interested in police work, even in families with a long history of officers.

Chief Beard commented they need bodies but also continue to maintain high standards for hiring.

Councilmember Shaw inquired about the timing from an officer’s application being submitted, to training, to being on their own.

Chief Beard indicated about 60 days and once sworn in, it depends on their level of experience, anywhere between 7 weeks to 13 weeks before being on their own.

Councilmember Shaw inquired if there is a field officer and trainee with 2 bodies to a car.

Chief Beard responded that is correct; however, there are 2 officers currently in training and they are not yet operational.

Councilmember Henderson inquired if traffic collisions have increased in 2022 with taking the traffic division out.

Chief Beard responded that he feels like they were down. He mentioned staffing issues and investigations took precedent during 2022 and they will be opening up a traffic position tomorrow. He indicated the full traffic division will consist of 3 officers which he hopes to fill this year.

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Councilmember Fuller reported he forgot to mention one element from his last report regarding Diablo Water District. He mentioned the District is writing a multi-agency EIR regarding the Delta Conveyance Project which it is taking a point on leading.

Mayor Meadows reported he attended the Mayors Conference hosted by the City of Hercules last week where there were appointments to commissions, and he will attend the TRANSPLAN meeting Thursday.

(b) Requests for Future Agendas

Councilmember Henderson requested a work session to increase staffing of Police and look at needs of its facilities as they grow. The entire Council supported his request.

Councilmember Fuller requested an update and presentation on the SJPA/train platform. His request was supported by Councilmember Shaw.

Councilmember Fuller mentioned Supervisor Diane Burgis mentioned a partnership for the library. He requested a report from the non-profit organization and how much money is available.

Mr. McMurray responded that an update will be provided during the next Council meeting.

Vice Mayor Williams requested a procedure to address the items OYAC presented that will also be good for economic development.

Mayor Meadows inquired if the OYAC items could be aligned with other items.

Mr. McMurray mentioned they can have a work session to address economic development and OYAC items.

Mayor Meadows called a brief recess at 8:44 p.m. The Council reconvened at 8:51p.m.

7) WORK SESSIONS

7.1 637 and 639 Brownstone Preliminary General Plan Amendment (PA 01-22) – Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 9.97-acre site from Residential Very Low (RV) to Residential Low (RL) (Ken Strelo, Planning Manager)

Planning Manager Ken Strelo presented the staff report and PowerPoint presentation, and he summarized two incoming comments.

Vice Mayor Williams thanked the applicant for their work on the plans. She inquired if the recommendation to not have an exit on Brownstone would mean Brownstone gets no improvements because it does not seem that the developer would be on the hook for that.

Mr. Strelo explained Brownstone would still be a frontage for the project and would still be required to be dedicated and improved.

Vice Mayor Williams inquired if the amendment takes away any ag uses on these properties.

Mr. Strelo mentioned there may be some confusion based on newer General Plan land use titles. He explained that the residential very low is very similar to the previous single-family medium density which allows for 3.8 dwelling units per acre and would not typically be ag limited.

Councilmember Fuller requested clarification how that works.

Mr. Strelo inquired if he is referring to the blending of density with capped units.

Councilmember Fuller mentioned residents bought there because it is rural. He mentioned this may be less density, but right of it are vineyards and ag.

Mr. Strelo explained the property is currently residential very low which allows for a maximum of 2.3 dwelling units per gross acre meaning they could have 29 units. He indicated this would amend a portion, or one of the properties, resulting in 3.0 units per acre and the next higher density to what they are is what it would be amended to. He mentioned if the entire property were amended to that density, it would be 3.8 dwelling units per acre which is a lower density than Riata but is a higher density than what is permitted currently; there would be a 3.3 dwelling units per acre for Riata, 3.0 dwelling units per acre for this property if built as proposed, and the next property over would max out at 2.3 dwelling units per acre under the current General Plan so in that sense there would be some blending of density; it would be higher than what is currently allowed, but lower than what is currently allowed at Riata.

Councilmember Fuller inquired if it stays as is, how many units can be built per acre.

Mr. Strelo 2.3 units per gross acre (prior to any road dedication), or 13 acres x 2.3=29.9 units per acre.

Councilmember Fuller inquired if it goes to residential low; how many units would be allowed per acre.

Mr. Strelo explained it would be a maximum 3.8 dwelling units per acre; if they do the entire 10 acres as residential low, the maximum allowable units on all 13 acres would be 45 which is why the question came up regarding capping units.

Councilmember Fuller inquired if this development would have affordable housing.

Mr. Strelo responded he does not believe this project would have the allowable density to pencil as an affordable project; however, it is a market rate project.

Councilmember Fuller commented if there were fewer units, they can charge more because of larger lots, so they could get equity out of the property either way.

Mayor Meadows called for public comment.

Michael Rosalez shared he lives across the street from Riata Park, one of the busiest parks in Oakley. He mentioned Neroly Road coming into the new subdivision is a good idea and speedhumps are welcomed, but the roundabout hasn't slowed down speed much. He commented that the park is very important with a lot of young families in the neighborhood; there are young kids at the park and kids riding scooters and bikes around the park. He mentioned he would like to see a greenway at Scabbard Way for emergency vehicle access with bollards (he provided pictures). He mentioned if Neroly is the only way only in great, but if they are going to open Scabbard look, he suggested looking again at opening Brownstone. He requested the timeline.

Marilyn Tiernan shared she has lived on Brownstone since the City incorporated. She commented there is way too much traffic going way too fast on Brownstone, she appreciates the changes that have been made and that density has decreased, but it doesn't change the fact that Brownstone is an ag street with horses in backyards of the roads everyone drives. She mentioned she fought to get very low density through many Councils and here they are again not honoring previous Council decisions when she and her neighbors thought this was a done deal. She mentioned Brownstone received pavement and a line upgrades but is still Brownstone; here they are again years later.

Zachary Wright with Discovery Builders (applicant) thanked the City Council for its time and the public for their comments. He shared they are under contract for the 3 acres.

Councilmember Fuller expressed he appreciates that people bought for the rural atmosphere and residential very low but the Council is not going to stop people from coming into Brownstone to develop the property; if the developer is going to sell at a higher rate, the equity is still there at 29 units. He mentioned the area is a nightmare for school traffic and he can understand how people use Brownstone to get to Main Street, but putting the traffic onto Neroly is not the answer either and he is uncertain how to negate the traffic.

Vice Mayor Williams inquired if there is possibility of green space as proposed since the City promotes walkability and a pedestrian-friendly city.

Mr. Strelo explained the development needs a minimum of 2 emergency access points. He shared that he has not yet reached out to the Fire District as it has not yet been proposed.

Mayor Meadows commented they are looking at the General Plan amendment to change the zoning tonight, not the conceptual plan; if they approve the General Plan amendment, they will

probably bring it back for discussion. He added he appreciates the applicant listening to the Council and bringing back a less dense project. He indicated he would be in favor to approve the General Plan amendment to change the zoning tonight and later come back with a conceptual plan.

Councilmember Shaw shared she likes the idea of capping units which she brought up at the Planning Commission meeting and would want to see happen, and she likes the idea that there is gradual density. She indicated she would be open to the General Plan amendment.

Vice Mayor Williams shared she doesn't typically love density changes; she believes she has been consistent with the way the City was outlined and how the former Council decided and they should stay as true to that as possible, but she also understands making the numbers pencil out.

Mr. Wright commented there are two frontages, Neroly and Brownstone, and they are trying to amortize that cost. He mentioned it doesn't matter if they are 12,000 or 8,000 square foot lots; they will charge the same because buyers will buy the house, not the land. He indicated this plan meets the needs of the public and gets roads improved.

7.2 City Council Visioning and Strategic Plan Review (Joshua McMurray, City Manager)

Mayor Meadows commented he appreciates the applicant bringing this back. He explained he felt he didn't get a voice in 2021 and believes he can also speak for Vice Mayor Williams and Councilmember Fuller in that regard. He mentioned they pushed for a Strategic Plan a year ago to include their input and agreed they would look at doing a review every 2 years in odd years. He mentioned he wants to hear what Councilmembers Henderson and Shaw have to say; they were in the room for planning process but may have comments or additions.

City Manager Joshua McMurray commented that in early 2022, the City held a work session to go over the vision and kicked off the Strategic Plan process, they spent 4 months and $60k, and held meetings with public participation to develop a 5-year plan instead of a 2-year plan which includes 170 objectives to span all operations of the City. He mentioned there is an opportunity now for all the City Council to provide input. He also mentioned they are 9 months into the document, which was adopted April 2022, there was an update provided at the end of 2022, and 3 updates will be provided per year.

Councilmember Fuller commented Councilmember Henderson and Shaw should have priority, the rest can address particulars.

Councilmember Shaw commented she is new to the Council but participated in workshops, therefore, she feels like she has been part of it and some of her ideas are in it.

Councilmember Henderson commented he also participated in it. He mentioned it was planned when built to be a 5-year plan and layout the foundation. He expressed that the plan needs to be allowed to work and they can evaluate it in 2 years but at this point there hasn't been enough time; they would be changing things in the middle without allowing time for completion.

Councilmember Fuller referred to Section 8.5 of the handout he provided and mentioned he is still looking for a statement like this in the mission statement. He highlighted the portion, "Contractor shall not discriminate on the basis of a person's race, religion, color, national origin,

age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation,…".

Councilmember Fuller commented on the Parks and Open Space goal that they need to stress they are planning to develop the area for recreational use and funding is still needed.

Councilmember Fuller commented on NGOs that they are committed to creating NGOs but they are not coming about and need more concentration on them, similar to what has been done for the entrepreneur center.

Mr. McMurray commented that it doesn't sound like there is a desire to open the whole Strategic Plan. He indicated if there is support for any of Councilmember Fuller's suggestions this is a good time to express support. He indicated work has been done to the mission statement and staff will seek funding for the regional park. He shared that the Strategic Plan guides the budget each year; they are not presenting something public the Council is not aware of. He mentioned there is a maintenance obligation and as they embark on planning stage of the regional park, there are many aspects that haven't yet been discussed. He shared one idea is to privatize some of the park to cover maintenance and use. He indicated there is a lot they still need to talk about and if it is the Council's desire to strengthen the language, the Council should provide staff that direction. Regarding NGOs, he mentioned staff can work on programs or classes for nonprofits, like the entrepreneur program. He mentioned there are things they are doing but the Council can provide direction if it wants it in the Strategic Plan or to bring forth a work session.

Vice Mayor Williams mentioned as they are working on a business-friendly economic development plan during a downturn; they need to provide resources and support and build it into the Plan how they envision the city. She mentioned it is timelier than when they first were going through this; they want to support businesses started by residents and there is some urgency competing with Brentwood that already has approved soccer fields that will create revenue for them but will pull from Oakley. She indicated she wants to see some plans in place to get real economic development and where Oakley is an attraction, a place to go.

Mayor Meadows commented staff is working on an economic development plan that should be in place late spring.

Mr. McMurray commented that the economic development work plan can include those things. He mentioned they are working on development grants and updating the facade improvement plan. He mentioned February 28 is the date they are targeting for the plan, and it will guide the work they do daily for economic development of which ideas the consultant will obtain from the Council during interviews. He mentioned they are doing some work now for small business but can do more; it is a resource issue. He added if the Council wants to amend the Strategic Plan, staff can insert language there too.

Councilmember Shaw commented that one goal within the Strategic Plan is not more important than another and if they work on everyone's specific ideas, they are never going to get through the goals if the focus is on perfecting the plan. She suggested staff needs to spend their time on doing things to get to these goals.

Mayor Meadows commented he is okay with the mission, the way the regional park plan is worded but they are working on an update to the regional park plan, and the NGO section the way it is worded. He mentioned there are not a lot of service organizations in Oakley which is a

detriment because it is tougher for the city to put on functions, and it would be a benefit if they could promote them somehow.

Councilmember Fuller provided many examples of San Francisco NGOs and how they benefit the city and community; they provide a sense of life and bring tourism.

7.3 Process for Selecting Mayor and Vice-Mayor Following Implementation of District Elections (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report. He mentioned his intent is to bring an ordinance back after obtaining Council direction. He outlined 4 options.

Option 1: Relative Percentage

Mayor Meadows suggested they can discuss the 4 options or go by each one. He mentioned he thinks option 1 is convoluted and would not be in favor.

Councilmember Fuller indicated he wants to hear what his colleagues have to say.

Councilmember Fuller commented a tie can be settled by a coin flip and 2 elected would serve once as Mayor during the 4-year term.

Mayor Meadows commented percentages are in the staff report rather than vote count.

Councilmember Fuller commented they won't work with the way the districts are set up.

Councilmember Shaw commented she doesn't think percentages would work; it wouldn't be fair.

Vice Mayor Williams commented she doesn't like percentages.

Option 2: Random Draw

Mayor Meadows commented the second option is a random draw during a tie and he is not for it.

Vice Mayor Williams commented she is not for it. She explained that if District 2 wins the dice every time, no rotation occurs. She mentioned the way they currently rotate, essentially people were voting for it because it is based on the highest percentage of votes during the election and a random draw would not give voice to those people who voted.

Mayor Meadows commented that choice was taken away with districting.

Councilmember Shaw commented she doesn't like a random draw.

Option 3: Nominate

Mayor Meadows mentioned this option provides that they can pick a new Mayor or Vice Mayor every year, but it could be the same people every year, so he is not in favor.

Councilmember Fuller commented he is thinking they would be rotating through, but two at the end get a tie; first and second if two, they will serve as Mayor one time during the four-year term.

Mayor Meadows commented as of now, they would not because it is based on vote count; Councilmember Fuller could not be Mayor unless he runs again and wins.

Councilmember Fuller commented if there is a tie between Councilmembers Shaw and Henderson and they flip a coin, one would become Vice Mayor.

Councilmember Shaw commented this would be changing it completely moving forward in 2024; it would not be an automatic rotation.

Councilmember Fuller commented if they are going by rotation, they would need a tie breaker between the 2 new Councilmembers.

Mayor Meadows commented this option would allow the Council to choose the Mayor and Vice Mayor every year and it could be the same person year after year if voted in.

Councilmember Fuller commented he sees this as random, the person selected can change.

Mayor Meadows commented it could become political and that doesn't best serve the Council.

Councilmember Fuller agreed and commented he is not quite sure why it wouldn't work; if he runs in the rotation scenario and is not elected, Councilmember Shaw would become Mayor.

Mayor Meadows commented that the problem is now the city has districts so the percentages are different for the number of votes for Councilmembers Shaw and Henderson; the districts have different numbers of population and District 4 could have a larger district with all the homes being built on E. Cypress.

Councilmember Fuller expressed regardless of percentages, they both entered into office at the same time and they could flip a coin.

Option 4: Rotation by District

Councilmember Henderson suggested after the first election the rotation would be built, then they could go in order of district by district so by the end of it, it would be in a total rotation; at first it would take a hybrid approach. He mentioned it makes the most sense as a newly elected cannot sit in the position of Mayor the first year.

Mr. Cole commented under this option, Anissa Williams would be Mayor in 2024, and they could implement the district rotation with District 2 or 4 in 2025, when one of the two Councilmembers from these districts would be appointed as Vice Mayor.

Councilmember Henderson clarified Councilmember Fuller would rotate into being Vice Mayor and then the new system would be implemented.

Mayor Meadows commented that Anissa Williams would be Mayor in 2024 (District 3), Shannon Shaw would be Mayor in 2025 (District 4), and Hugh Henderson would be Mayor in 2026 (District 2). He indicated they will have to figure out the rotation, but he favors rotation by district.

Councilmember Fuller commented that a person without a year on the Council could not sit as Mayor or Vice Mayor.

Vice Mayor Williams commented there are currently 3 at-large positions, the majority. She suggested they could implement it once they are all in districts.

Mr. Cole commented that the Council can specify Anissa Williams as Mayor and George Fuller as Vice Mayor for 2024, and in 2025, the District 2 or 4 Councilmember would be Mayor. He mentioned they have to account guaranteed seats and they may have a problem if all 3 don't run again or don't get re-elected, speaking of Districts 1, 3 and 5.

Vice Mayor Williams suggested they could have the Mayor and Vice Mayor as District 2 and 4 for 2025.

Councilmember Fuller commented that in 2024, Anissa Williams would be Mayor and he would be Vice Mayor, and in 2025, Districts 2 and 4 would be Mayor and Vice Mayor.

Councilmember Shaw mentioned she would like to see the Mayor be Vice Mayor for 1 year and the Vice Mayor on the Council for 1 year as it gives the Vice Mayor experience.

Mr. Cole commented if Councilmember Fuller runs in 2024 and wins, they could grandfather it to preserve him being Mayor (District 5). He indicated he will work on it and bring it back for the Council to consider.

Councilmember Fuller commented he likes the idea to grandfather it.

Mayor Meadows summarized the consensus is for option 4 and the City Attorney will work on the language for the Council's consideration. He called for public comments.

Angela Lowrey commented. She suggested the Council think about districts, not people.

8) CLOSED SESSION

9) ADJOURN

There being no further business, the meeting was adjourned at 10:25 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of the Special Meeting of the Oakley City Council held February 14, 2023

1) Call to Order and Roll Call

Mayor Aaron Meadows called the special meeting to order at 5:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also in attendance.

2) Pledge of Allegiance to the Flag

Mayor Meadows led the Pledge of Allegiance to the Flag.

3) Public Comments

No public comments were submitted.

4) Closed Session

Mayor Meadows announced the closed session item. The Council held discussion in the antechambers.

4.1 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
***O'Hara Properties, LLC. v. City of Oakley et al.*,**
Contra Costa Sup. Ct. Case No. N22-0924

5) Adjourn

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held February 14, 2023

1) OPENING MATTERS

1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority

Mayor Aaron Meadows called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also present.

1.2 Pledge of Allegiance to the Flag (Oakley Elementary School Students, Cruz Perez, 5th Grade and Joseph Gomes 4th Grade)

Oakley Elementary Students Cruz Perez and Joseph Gomes led the Pledge of Allegiance to the Flag.

1.3 Presentation of Proclamations Declaring February as Black History Month (Assemblywoman Lori Wilson and Freedom High School Black Student Union)

Mayor Meadows presented the proclamation to the Freedom High School Black Student Union.

The Black Student Union shared comments regarding the importance of recognizing Black History Month.

A video was shared from Tiffanee Jones, District Director for Assemblywoman Lori D. Wilson.

Michael Dupray provided public comment calling for action, not just words, toward complete equity. His full comments were provided online in writing and are made part of the meeting record.

Trecinna Lankford-Abundis provided public comment. She indicated she works with youth and encourages the school district teaching black history year-round to educate youth early to reduce and eliminate racism and terrorism against people of color and to be more compassionate with others.

Katrina Mbonisi provided public comment. She shared her late husband was an advocate, teacher and mentor for African American youth and helped people in prison as an advocate for re-entry programs (jobs, housing, education). She supported the City recognizing Black History Month.

Dr. Lamont Francies provided public comment. He read works of Frederick Douglass and mentioned we systematize the seeds we sow. He mentioned Black History Month is a reminder of how far African Americans have come nationally but how far they have yet to come locally. He mentioned representation is lacking and outreach is minimal. He requested the City of Oakley financially support cultural events and celebrate contributions of African Americans.

Willie Mims provided public comment. He spoke about the first emancipation in Washington D.C., that Abraham Lincoln did not emancipate African Americans, and he wanted to express the true history of African Americans.

2) PUBLIC COMMENTS

None.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held January 10, 2023 (Libby Vreonis, City Clerk)

3.2 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting Held January 24, 2023 (Libby Vreonis, City Clerk)

3.3 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)

3.4 Acceptance of Subdivision Improvements Associated with Shiloh Subdivision 8975 located near the southwest corner of Main Street and Simoni Ranch Road and beginning the one-year warranty period (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.5 City of Oakley Investment Report (2nd Quarter FY 2022/2023) (Tim Przybyla, Finance Director)

3.6 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Quarterly Investment Report (2nd Quarter FY 2022/23) (Tim Przybyla, Finance Director)

3.7 Consideration of a Resolution Approving the Proposal from Bellecci and Associates, Inc., and Authorizing the City Manager to Execute Amendment Number 1 to the Consulting Services Agreement with Bellecci and Associates, Inc. for Construction Support Services related to the East Cypress Road Widening Project (Knightsen Avenue to Jersey Island Road) Project – Capital Improvement Project 247 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Approving the Agreement with Oakley Hills, LLC for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the DR 05-21 Wendy's Restaurant project located on the north side of Main Street approximately 295 feet east of Bridgehead Road and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.9 Consideration of a Resolution Establishing the Rate per Equivalent Runoff Unit for Fiscal Year (FY) 2023/24 and Requesting the Contra Costa County Flood Control and Water Conservation District to Adopt an Annual Parcel Assessment for Drainage Maintenance and the National Pollutant Discharge Elimination System Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

There were no public comments.

Councilmember Fuller requested item 3.1 be pulled.

It was moved by Councilmember Shaw and seconded by Vice Mayor Williams to approve the remainder of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

Item 3.1

Councilmember Fuller asked to have the following included for the January 10, 2023 minutes for item 7.1:

> Councilmember Shaw asked Zachary Wright who was seated in the audience whether he could expand the same probability of larger lots versus smaller lots and Mr. Zachary Wright who was representing Seeno Builders said "No, that was not possible, they were in the position of selling houses and people did not buy houses based on land available also."

Mayor Meadows requested clarification if he wants to change the language.

Councilmember Fuller clarified he would like the language added at the end.

Councilmember Shaw expressed she did not recall asking that question.

Mayor Meadows inquired if he wants the City Clerk to review the video and bring back the minutes.

City Manager Joshua McMurray indicated the City Clerk could bring it back at the next meeting.

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

5.1 Adopt a Resolution Amending the 2022-2023 Salary Schedule to include the addition and replacement of specific job classifications (Jeri Tejeda, Human Resources Director)

Human Resources Director Jeri Tejeda presented the staff report.

Vice Mayor Williams requested more detail regarding the flexibility for Planning.

Mrs. Tejeda explained the Assistant Planner position would come in at a lower hourly rate and would not have as many technical skills as they hope for with an Associate Planner which has a higher-level skill set; they want to provide flexibility to recruit an Associate Planner or an Assistant Planner that can build skills.

There were no public comments.

It was moved by Councilmember Fuller and seconded by Councilmember Henderson to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.2 Introduce an Ordinance Adding Section 2.1.003 to and Amending Section 2.1.005 of the Oakley Municipal Code Concerning the Annual Selection of Mayor and Vice Mayor Following the Implementation of By-District Elections (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report.

Vice Mayor Williams inquired about having an elected Mayor.

Mr. Cole explained it is possible but would have to go to the voters.

Mayor Meadows suggested the ordinance language reflect 360 days rather than 365 days to ensure that a Councilmember does not fall short of service to qualify for the seat of Mayor or Vice Mayor.

Councilmember Fuller suggested the language not be specific to days but rather reflect the calendar year rotation.

Vice Mayor Williams suggested it be shortened further to 345 days.

There were no public comments.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to waive the first reading and introduce the ordinance as amended to reflect 345 days. AYES: Henderson, Meadows, Shaw, Williams. NOES: Fuller. (4-1)

5.3 Interview Planning Commission Applicants and Appoint Two Members to the Planning Commission (Brent Smith, Community Development Director)

Community Development Director Brent Smith presented the staff report.

Mayor Meadows suggested two Commissioners hold two-year terms and Commissioner Leonard Price hold a four-year term. He mentioned he reached out to Commissioner Price before proposing this to confirm he is willing to serve a four-year term.

City Attorney Derek Cole mentioned it is not agendized, therefore staff can bring back an item on the Consent Calendar on February 28 to change the terms.

Councilmember Fuller suggested an opportunity be provided to anyone wishing to withdrawal their application at this time if the discussed terms do not meet their expectation.

Candidates were escorted to a conference room across from the City Council Chambers and brought into the Chambers individually to interview. The City Council interviewed each candidate using uniform questions and forced ranking sheets. The Council took a brief recess to allow staff to tabulate results. The Council reconvened.

Mr. Smith announced Jeanne Krieg and Jimmy Ramirez were the top candidates selected for the Planning Commission.

Mr. Cole suggested approving the resolution as presented to appoint the top candidates and staff will bring back a resolution on February 28 to revise the terms.

There were no public comments.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to adopt the resolution appointing Jeanne Krieg and Jimmy Ramirez to the Planning Commission. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Joshua McMurray announced the semi-annual Oakley newsletter will go out in the next couple of weeks, Friday Night Bites continues the first Friday of each month and Concerts in the Park will be added into that event May-October, Science Week is April 1-7, Taste of Oakley will be held at the Oakley Recreation Center on May 13, and the Youth Employment Workshop will be held March 11. He mentioned in response to the Council's request to do more for small businesses and non-profits, staff will hold three free small business workshops (February 23, March 23, April 27) and staff is working on scheduling an event for non-profits. He mentioned the next Entrepreneur Workshop will be held February 17; the workshops are held the third Friday of each month and are free and registration is available through Los Medanos College.

(b) City Attorney-Summary of Legislation Concerning Social Media and the Brown Act

City Attorney Derek Cole explained that any Councilmember can post on social media (i.e., Facebook, LinkedIn, Instagram, Twitter, etc.) platforms and other Councilmembers reading the post does not create a serial meeting. He mentioned a traditional serial meeting occurs where three or more Councilmembers deliberate and share their positions intentionally or unintentionally. He explained that the legislation provides that a quorum or more of the Council cannot engage with another Councilmember's post and also mentions, "No member may directly respond to another member." He mentioned it doesn't specify what "directly respond" means, but he believes it is referring to direct/private messaging. He shared he advises in trainings that is someone posts, don't respond at all to avoid any concern because it is a grey area.

Councilmember Fuller inquired if Mr. Cole indicated that they should not respond at all.

Mr. Cole explained if there is a post and only one Councilmember responds rather than a quorum or more, he thinks they are okay. He shared he believes the legislature is saying they can't direct message each other but he cannot rule out with 100% certainty the other interpretation.

Councilmember Shaw shared she wants to be cautious of not crossing the line so that is why she brought it up. She mentioned it is great that they all post to social media so long as they don't respond to one another's posts.

Mr. Cole shared the same concern and mentioned all should be cautious about not creating a record of prejudgment. He explained there is a difference between discussion of legislation and quasi-judicial decisions.

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

Councilmember Fuller reported he attended the Into Your Future breakfast at Liberty Union High School District Friday morning, a mentor program to support blacks to move into college and overcome systemic discrimination. He mentioned Freedom High School is starting the program and will have a mentor available Monday through Thursday.

Vice Mayor Williams reported she attended the Tri-Delta Transit meeting and there is a bus feeder agreement with BART meaning BART provides Tri-Delta with funds to run its buses to/from BART and this year BART only provided half the funding so they are working toward trying to get the remaining funding. She also shared there is a Tri-Delta mobility app that will soon integrate with Tri MyRide, an on-demand shuttle service now available in Oakley, which is expanding into weekends and holidays. She mentioned Tri-Delta received its independent auditor report and financials are fine. She shared that there is an emergency operation bus available that provides a full-service office to Tri-Delta and cities if needed.

Councilmember Henderson reported he attended the Diablo Water District meeting January 25.

Mayor Meadows reported he attended TRANSPLAN/HWY 4 Bypass Authority/ECCRFA meetings last Thursday. He mentioned ECCRFA approved reimbursement to a developer for part of an extension to Sand Creek Road and a meeting will be held to move it ahead of James Donlon Boulevard. He announced tomorrow night he will attend CCTA.

(b) Requests for Future Agendas

Vice Mayor Williams requested discussion on one-time allocation of ARPA funds to assist the Oakley Seniors. Discussion was supported by Councilmember Shaw.

Mr. McMurray indicated staff had met with the Seniors to discuss possible revenue-generating options including sub-leasing space and connecting with

community partners. He mentioned staff can bring back an item during the next meeting for discussion of one-time ARPA funding.

Councilmember Fuller requested Resolution 10-10 be reviewed to include: 1) City Councilmembers can communicate their own beliefs but cannot say they are communicating on behalf of the City Council until official action is taken by the Council, and 2) If a Councilmember is reporting on a meeting, the Councilmember must preface it with it is the Councilmember's opinion and the official record is the meeting minutes that have yet to be approved or have been approved and are available. Discussion was supported by Councilmember Shaw.

Councilmember Fuller also requested a work session to discuss expansion of Creekside Park to serve the community that has been marginalized as the City has grown. Mayor Meadows supported the discussion if not immediate and can be done at staff's discretion.

Councilmember Fuller also requested items involving the sale, manufacturing and distribution of marijuana go directly to the City Council, not to the Planning Commission. The request did not receive support.

7) WORK SESSIONS

None.

8) CLOSED SESSION

Mayor Meadows announced the closed session items.

8.1 CITY ATTORNEY PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957

8.2 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

City of Oakley v. Scelsi, Contra Costa Sup. Ct. Case No. MSN16-20

Joseph Searle et al. v. City of Oakley et al., Contra Costa Sup. Ct. Case No. MSC 21-01000

Schaefer v. BNSF Railway Company, et al., Contra Costa Sup. Ct. Case Nos. C22-01552 and C22-01555

8.3 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One potential case)

9) ADJOURN

There being no further business, the meeting was adjourned at 9:53 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

MEMORANDUM

Office of the City Attorney

Date:	February 21, 2023
To:	Mayor and Members of City Council
From:	Derek P. Cole, City Attorney
Cc:	Joshua McMurray, City Manager
Subject:	Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF FEBRUARY 28, 2023

Background and Analysis

The City Council considered the following closed session item during its special meeting held February 14, 2023:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
O'Hara Properties, LLC v. City of Oakley et al., Contra Costa Superior Ct. Case No. N22-0924

The City Council received an update from legal counsel and the City Council provided direction to legal counsel.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

MEMORANDUM

Office of the City Attorney

Date:	February 21, 2023
To:	Mayor and Members of City Council
From:	Derek P. Cole, City Attorney
Cc:	Joshua McMurray, City Manager
Subject:	Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF FEBRUARY 28, 2023

Background and Analysis

The City Council considered the following closed session items during its regular meeting held February 14, 2023:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

City of Oakley v. Scelsi, Contra Costa Superior Ct. Case No. MSN16-20

Joseph Searle, et al. v. City of Oakley et al., Contra Costa Superior Ct. Case No. MSC 21-01000

Schaefer v. BNSF Railway Company, et al. Contra Costa Superior Ct. Case Nos. C22-01552 and C22-01555

Legal counsel provided an update. There was no reportable action.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.
One potential case.

Direction was provided to staff. There was no reportable action.

Fiscal Impact
None.

Recommendation
Receive and file this report.

Attachments
None.

ORDINANCE NO. XX-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING SECTION 2.1.003 TO AND AMENDING SECTION 2.1.005 OF THE OAKLEY MUNICIPAL CODE CONCERNING THE ANNUAL SELECTION OF MAYOR AND VICE MAYOR FOLLOWING THE IMPLEMENTATION OF BY-DISTRICT ELECTIONS

THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Upon the effective date of this Ordinance, Oakley Municipal Code 2.1.003 shall be added to read as follows:

2.1.003 Appointment of Mayor and Vice Mayor Following Implementation of By-District City Council Elections.

a. Each year during the month of December, the City Council shall appoint one of its members as Mayor and one of its members as Vice Mayor for the following calendar year.

b. Except as provided in paragraph (e) of this Section, the Mayor and Vice Mayor shall be selected based on the number of the City Council district from which each was elected in their immediately preceding City Council elections. The Mayor and Vice Mayor shall be selected based on the rotation schedule stated in paragraphs (c) and (d) of this Section.

c. For calendar year 2025, the rotation schedule for selection of Mayor and Vice Mayor shall commence as follows:

1) If the City Council member elected to represent City Council District Five has served for at least the preceding 345 days on the City Council, then the Mayor for that calendar year shall be selected from Council District Five, and the Vice Mayor for that calendar year shall be selected from City Council District Four; or

2) If the member elected to represent City Council District Five has not served at least the preceding 345 days on the City Council, and the member elected to represent City Council District Four has served for at least the preceding 345 days on the City Council, then the Mayor for that calendar year shall be selected from Council District Four, and the Vice Mayor shall be selected from City Council District Three; or

3) If the members elected to represent City Council Districts Four and Five have not served at least the preceding 345 days on the City Council, and the member elected to represent City Council District Two has served for at least the preceding 345 days on the City Council, then the Mayor for that calendar year shall be selected from Council District Two, and the Vice Mayor shall be selected from City Council District One; or

4) If the members elected to represent City Council Districts Two, Four, and Five have not served at least the preceding 345 days on the City Council, and the member elected to represent City Council District Three has served for at least the preceding 345 days on the City Council, then the Mayor for that calendar year shall be selected from Council District Three, and the Vice Mayor shall be selected from City Council District Two.

5) If the members elected to represent City Council Districts Two, Three, Four, and Five have not served at least the preceding 345 days on the City Council, then the Mayor for that calendar year shall be selected from Council District One, and the Vice Mayor shall be selected from City Council District Five.

d. For calendar year 2026, and each calendar year thereafter, the Mayor for the calendar year shall be the councilmember who served as the Vice Mayor during the preceding calendar year; and the Vice Mayor for the calendar year shall be selected from the district number that is the next lower-numbered district below the number of district from which the Mayor is selected, except that if the Mayor is selected from City Council District One, the next lower-numbered district shall be deemed to be City Council District Five.

e. A member shall not serve as Mayor if he or she has not previously served on the City Council for at least 345 days preceding the date of selection. In addition, the City Council may decline to appoint a member as Mayor or Vice Mayor if a majority of the City Council determines any of the following circumstances exist:

1) A violation of law or City policy, or has been or is being investigated for a violation of law or of policy;

2) Intemperate, rude, or disparaging remarks or conduct toward the public, staff or City Council;

3) Lack of leadership or communications skills;

4) Excessive absenteeism as a Council member;

5) Any other conduct that would be considered to be unprofessional or unbecoming of the position of Mayor or Vice Mayor;

6) Determination that the person does not have the available time to assume the additional duties of Mayor or Vice Mayor.

f. Should a member be ineligible under paragraph (e) to serve as Mayor, or should a majority of the City Council decline to appoint a member as Mayor or Vice Mayor for any of the reasons stated in paragraph (e), or should the member serving as Mayor or Vice Mayor resign his or her service as Mayor or Vice Mayor during his or her term, the City Council shall by majority vote select another member to fill the position for the calendar year or remainder of that year. The appointment of any member under this

paragraph shall not affect, alter, or reset the mayoral and vice-mayoral rotation schedule for future calendar years, as provided in paragraph (d).

g. The provisions of this Section shall take effect on December 1, 2024, on which date and thereafter, this Section shall supersede and replace the provisions of Section 2.1.005 of this Code.

SECTION 2. Upon the effective date of this Ordinance, Oakley Municipal Code 2.1.005 shall be amended to read as follows:

2.1.005 Appointment of Mayor and Vice Mayor through Calendar Year 2024.

a. Each year during the month of December, the City Council shall appoint one of its members as Mayor. The member selected to be Mayor typically will be the member who is serving as Vice Mayor, unless the Vice Mayor is unavailable to be appointed as Mayor due to failure to be re-elected, insufficient time to dedicate to the office, or other reasons.

b. Each year during the month of December, the City Council shall appoint one of its members as Vice Mayor. The person selected as Vice Mayor shall have been a member of the Council for at least one year prior to the appointment as Vice Mayor.

c. Neither the Mayor nor the Vice Mayor serves a term of office, but rather serves in those capacities at the pleasure of the majority of the City Council.

d. It is the intent of this section to establish a rotation process so that each Council member shall have the opportunity to become either Vice Mayor or Mayor, or both.

e. The City Clerk shall establish and keep a "rotation schedule" regarding the City Council members. The member with the most continuous time of service on the Council who has not previously served as Vice Mayor and is not selected Mayor will be selected as Vice Mayor. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected. The other members with equal time of continuous service will have their rank on the rotation schedule determined by the number of votes that they received at their election, with the member having the higher number of votes receiving higher ranking.

f. When the Mayor completes his/her service as Mayor, he/she shall revert to the bottom of the rotation schedule.

g. If a member was appointed to the City Council, he/she shall be placed at the bottom of the rotation schedule when appointed, and shall continue up the rotation schedule thereafter in the same manner as the other members.

h. If a member voluntarily declines appointment as either Mayor or Vice Mayor, he/she shall then rotate to the bottom of the schedule.

i. The City Council may decline to appoint a member to serve as Mayor or as Vice Mayor if a majority of the City Council determines that the person has experienced or exhibited any of the following:

1) A violation of law or City policy, or has been or is being investigated for a violation of law or of policy;

2) Intemperate, rude or disparaging remarks or conduct toward the public, staff or City Council;

3) Lack of leadership or communications skills;

4) Excessive absenteeism as a Council member;

5) Any other conduct that would be considered to be unprofessional or unbecoming of the position of Mayor or Vice Mayor;

6) Determination that the person does not have the available time to assume the additional duties of Mayor or Vice Mayor.

j. This section shall remain effective through November 30, 2024, and thereafter shall be of no further effect due to the operative date of section 2.1.003 of this Code.

SECTION 3. CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. SEVERABILITY.

The City Council of the City of Oakley hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 6. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Oakley.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Kevin Rohani, P.E. Public Works Director/City Engineer

SUBJECT: Award of Construction Contract to TGN Build Inc. for the construction of the City Hall Human Resources Department Remodeling Project – Capital Improvement Project (CIP) Number 290

Background and Analysis

The City's adopted FY 2022/23 Capital Improvement Program Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

The City of Oakley strives to provide exemplary service to all clients. One key part of the city operations is the Human Resources Department that serves both internal and external customers. The lack of functional office space has been a challenge for the Human Resources Department staff. Due to the nature of their work, the Human Resources Department are in need of private office space for meeting with customers and having a proper and secure space for keeping confidential documents. This project will remodel the administration section of City Hall by creating office space, new functional cubicle space, a secure file room, and a private conference room for the Human Resources Department staff to meet with the internal/external clients in a private setting. As part of this project, the administration section of City Hall and Council Chambers will receive new carpet and paint.

The architectural firm of Perkins, Williams & Cotterill, Inc. were hired in August 2022 to perform the design of this project. This design work and preparation of bid documents was completed in December 2022 and the bid process began.

On February 9, 2023, seven (7) qualified bids were received for this project. Staff reviewed the bids and determined that TGN Build, Inc. was the lowest responsible company and most responsive to the City's bid process for the amount of $204,000.

It is anticipated that the construction of this project will be completed by summer 2023.

Consistency with the Oakley Strategic Plan 27+
This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact
The FY 2022/23 budget has allocated $450,000 of funding from the Facilities Fund to fully fund this construction project.

Staff Recommendation
Staff recommends that the City Council adopt the resolution approving the construction agreement with TGN Build, Inc. an amount not to exceed $204,000 and authorizing the City Manager to execute the agreement.

Additionally, due to variables associated with construction projects, and to address unforeseen circumstances during construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed $40,000 for work beyond what is defined in the base project bid.

Attachments
1) Resolution
2) Bid Summary

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH TGN BUILD, INC. FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) NUMBER 290 – CITY HALL HUMAN RESOURCES DEPARTMENT REMODELING PROJECT

WHEREAS, Perkins, Williams & Cotterill, Inc. prepared the plans, specifications, and estimates for CIP No. 290 – City Hall Human Resources Department Remodeling project; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Thursday, February 9, 2023; and

WHEREAS, seven (7) qualified bid was received prior to the close of the bidding process; and

WHEREAS, TGN Build, Inc. submitted the lowest responsible bid for a total cost of $204,000 for the work, the bid summary is attached as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with TGN Build, Inc. for the City Hall Human Resources Department Remodeling project – CIP 290, for an amount not to exceed $204,000 is approved, and the City Manager is hereby authorized to execute said Agreement and change orders in an amount not to exceed $40,000 as necessary, is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

City of Oakley Public Works Department
City Hall Human Resources Department Remodeling Project, CIP 290
Certified Bid Tabulation Bid opening: February 9, 2023 at 2:00 P.M. at the Civic Center

				Engineers Estimate		TGN Build, Inc P.O. Box 31132 Stockton, CA 95213		RB Cope Contractors, Inc. 7604 Alacia Lane Vacaville, CA 95688		Construction West Services, Inc. 837 Arnold Drive Martinez, CA 94553		All About Building, Inc. 5755 Old Antelope North Road Antelope, CA 95863		Mars Construction Inc. 56 Matisse Court Plesent Hill, CA 94523		Rodan Builders, Inc 3486 Investment Boluvard Suite B Hayward, CA 94545		Next Level Solutions 4691 La Vista Drive Oakley, CA 94561	
Item No.	*Description*	*Quantity*	*Unit*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*
1	City Hall Human Resources Department Remodeling Project	1	LS	200,000.00	$200,000.00	204,000.00	204,000.00	239,761.20	239,761.20	244,804.00	244,804.00	299,000.00	299,000.00	391,000.00	391,000.00	401,000.00	401,000.00	480,000.00	480,000.00
					$200,000.00		**$ 204,000.00**		$ 239,761.20		$ 244,804.00		$ 299,000.00		$ 391,000.00		$ 401,000.00		$ 480,000.00

This certifies that all bids were received and opened on February 9, 2023, and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By:



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of the Final Map for Subdivision 9311 (Located east of Jersey Island Road, west of Bethel Island Road and south of Dutch Slough Road)

Background and Analysis

On February 13, 2012, KT KB Oakley, LLC filed an application for approval of a Vesting Tentative Map (Subdivision No. 9311). On May 8, 2012, the City Council of the City of Oakley approved Resolution 45-12 for Vesting Tentative Map Subdivision 9311 of approximately 334 acres into 276 single family residential lots consistent with the approved East Cypress Corridor Specific Plan (ECCSP). The project area is the northern portion of Planning Area 1 as identified in Exhibit 5 of the ECCSP (also previously known as the Dal Porto Property North Property).

Vesting Tentative Map Subdivisions 9311, 9156, 9401, and 9404 are the four Vesting Tentative Maps entitled within ECCSP Planning Areas 1, 3, and 4 and all four properties are currently owned by one master developer, ACD-TI Oakley LLC. These four project areas are now currently named as the “Grand Cypress Preserve Project”.

On August 29, 2019, ACD-TI Oakley LLC, submitted a conformance letter to the City regarding the overall Grand Cypress Preserve Project. The submittal of the letter included a “Vesting Tentative Maps with Constraints” Exhibit and “Revised Land Plan with Constraints” Exhibit. On October 2, 2019, the City of Oakley Community Development Director replied with a letter stating that the presented Grand Cypress Preserve Conceptual Land Plan is consistent with the approved entitlements.

On July 22, 2021, the Public Works Department issued a grading permit to perform the grading activities required to construct the North Preserve Habitat Enhancement Plan improvements located within Parcel A of the Final Map for Subdivision 9311. This restoration project is now complete and ACD-TI Oakley, LLC has now requested approval by the City Council for the final map for the Subdivision to define the boundary of this restoration area (Parcel A), future regional levee segment (Parcel B), and for future residential parcels (Parcel C).

On December 5, 2022, East Contra Costa County Habitat Conservancy (ECCCHC) issued written approval, that confirms the created habitat is approved in conformance with the Mitigation Work Plan for the North Preserve. (Pursuant to Section 4.1 of the (Take Authorization Agreement) ECCCHC describes that the North Preserve Conservation Easement must occur no later than six (6) months following the full release of the construction security). As such, the Final Map for Subdivision 9311 is required, in order to create a legal parcel that will facilitate such a conservation easement for this area.

The recordation of this large lot Final Map for Subdivision 9311 subdivides the property in three parcels. A future final map will be recorded to further subdivide Parcel C into residential lots. Resolution 45-12 Condition of Approval 43, states that Final Maps may be phased for separate neighborhoods and on or off-site improvements may be phased as applicable to match the development allowed by each Final Map at the discretion of the City Engineer.

The City Engineer has determined that the creation of the three large lot parcels on this final map does not require the public improvements required for this development at this time. A future Subdivision Improvement Agreement will be executed at the recordation for the future final map, creating the residential parcels of Parcel C. Regional infrastructure such as the segment of levee improvements and frontage improvements along Jersey Island Road, as required per conditions of approval of this tentative map, will be bonded upon the recordation of the future final map creating residential lots.

The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the map to be technically correct, in substantial compliance with the conditionally approved tentative map, development agreement, and all final map conditions of approval have been met.

Consistency with the Oakley Strategic Plan 27+

Consistency with the Oakley Strategic Plan for Community and Economic Development Goals.

Fiscal Impact

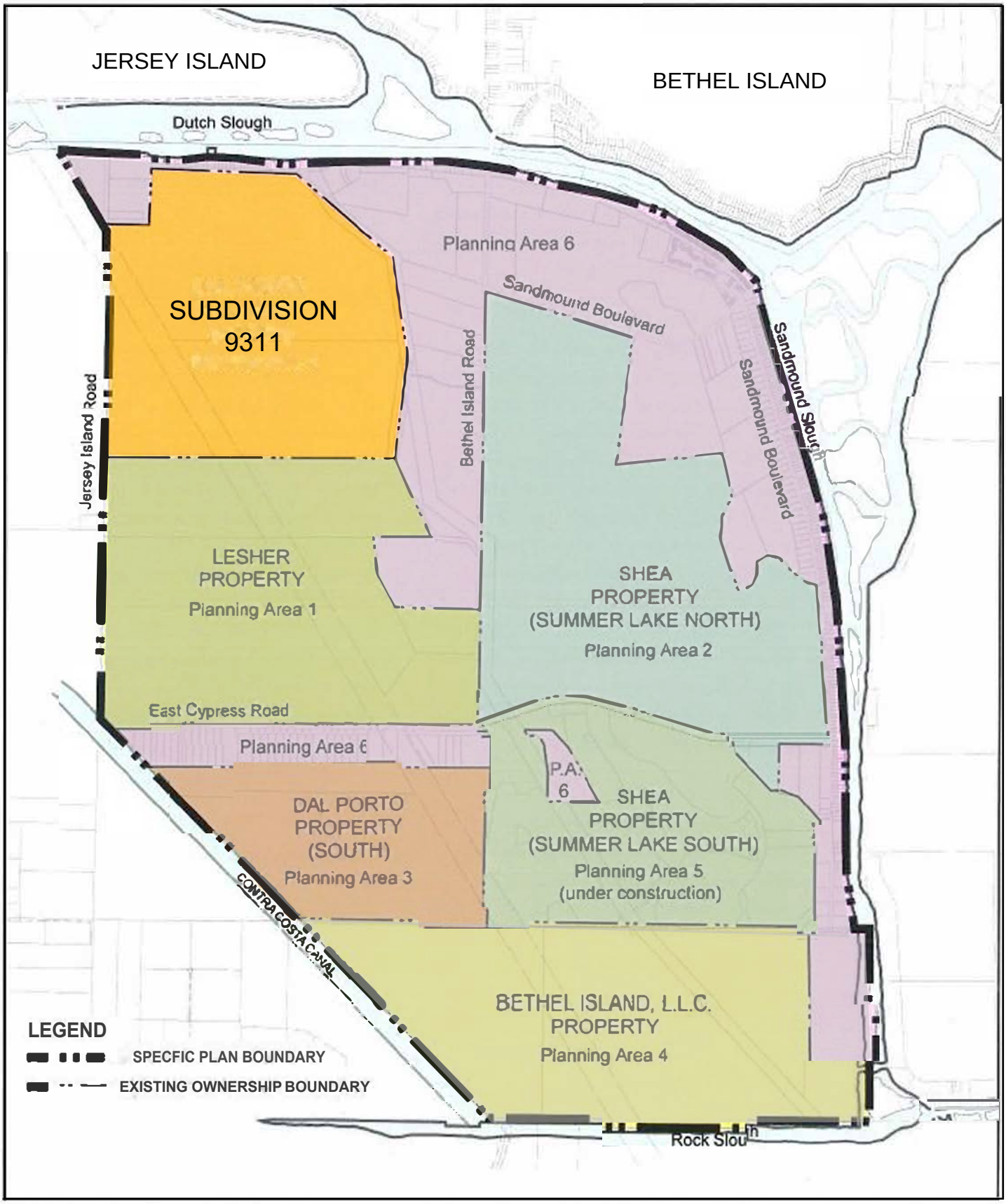
There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the Resolution authorizing the City Manager to approve the Final Map for Subdivision 9311.

Attachments

1) Vicinity Map
2) Resolution
3) Reduction of Subdivision 9311 Final Map



Vicinity Map
Subdivision 9311

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE FINAL MAP FOR SUBDIVISION 9311

WHEREAS, On February 13, 2012, KT KB Oakley, LLC filed an application for approval of a Vesting Tentative Map (Subdivision No. 9311). On May 8, 2012, the City Council of the City of Oakley approved Resolution 45-12 for Vesting Tentative Map Subdivision 9311 of approximately 334 acres into 276 single family residential lots consistent with the approved East Cypress Corridor Specific Plan (ECCSP). The project area is the northern portion of Planning Area 1 as identified in Exhibit 5 of the ECCSP (also previously known as the Dal Porto Property North Property); and,

WHEREAS, the property is currently owned by ACD-TI Oakley LLC and they have requested for the recordation of the large lot Final Map Subdivision 9311 to create three parcels; and,

WHEREAS, On July 22, 2021, the Public Works Department issued a grading permit to perform the grading activities required to construct the North Preserve Habitat Enhancement Plan improvements located within Parcel A of Final Map Subdivision 9311. This restoration project is now complete and ACD-TI Oakley, LLC has now requested approval by the City Council for the final map for the Subdivision to define the boundary of this restoration area (Parcel A), future regional levee segment (Parcel B), and for future residential parcels (Parcel C).

WHEREAS, On December 5, 2022, East Contra Costa County Habitat Conservancy (ECCCHC) issued written approval, that confirms the created habitat is approved in conformance with the Mitigation Work Plan for the North Preserve. Pursuant to Section 4.1 of the Take Authorization Agreement, ECCCHC describes that the North Preserve Conservation Easement must occur no later than six (6) months following the full release of the construction security. As such, the Final Map for Subdivision 9311 is required in order to create a legal parcel that will facilitate such a conservation easement for this area.

WHEREAS, Resolution 45-12 Condition of Approval 43, states that Final Maps may be phased for separate neighborhoods and on or off-site improvements may be phased as applicable to match the development allowed by each Final Map at the discretion of the City Engineer. The City Engineer has determined that the creation of the three large lot parcels on this final map does not require the public improvements required for this development at this time. A future Subdivision Improvement Agreement will be executed at the recordation for the future final map creating the residential parcels of Parcel C. Regional infrastructure such as the segment of levee improvements and frontage improvements along Jersey Island Road as required per conditions of approval of this tentative map will be bonded upon the recordation of the future final map creating residential lots; and

WHEREAS, the City Engineer has determined that the conditions of approval for the project have been satisfied; and

WHEREAS, the City Surveyor has determined that the final map attached hereon as Exhibit A is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the final map labeled "Subdivision 9311", as prepared by Bellecci & Associates Inc. be approved.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

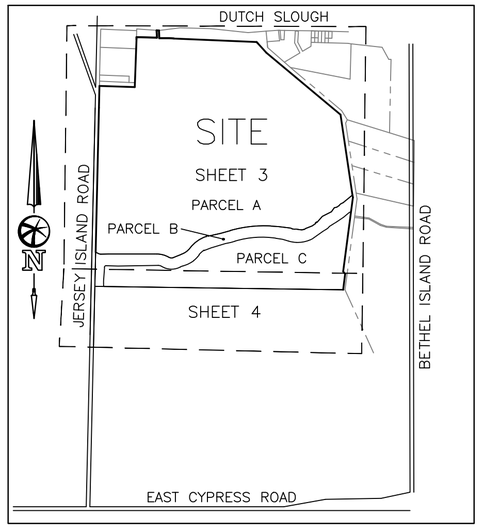
_____
Date

SUBDIVISION 9311

A PORTION OF THE SOUTH $\frac{1}{2}$ OF SECTION 21,
T.2N., R.3E., M.D.B.& M.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: FEBRUARY 2023

BELLECCI & ASSOCIATES, INC.
CONCORD, CA



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE PUBLIC USE THAT PORTION OF SAID LAND DESIGNATED ON SAID MAP AS "JERSEY ISLAND ROAD WIDENING".

THE AREA DESIGNATED AS 30' WIDE PRIVATE ACCESS AND UTILITY EASEMENT IS NOT DEDICATED FOR USE BY THE GENERAL PUBLIC BUT IS FOR THE USE OF THE OWNER(S) OF PARCEL "C" OF SUBDIVISION 9311 FOR, BUT NOT LIMITED TO, ACCESS, RECREATION, UTILITIES, DRAINAGE, IRRIGATION, INGRESS AND EGRESS TO AND FROM SAID PARCELS. MAINTENANCE OF THE ROADWAY FACILITIES SHALL BE THE RESPONSIBILITY OF THE OWNERS OF SAID PARCEL "C". SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF OAKLEY.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES, OR OF RECORD.

AS OWNER: ACD-TI OAKLEY LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ DATE: _____

NAME: _____

TITLE: _____

TRUSTEE'S STATEMENT

THE UNDERSIGNED, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED NOVEMBER 13, 2020, IN OFFICIAL RECORDS, UNDER RECORDER'S SERIES NO. 2020-0274086, CONTRA COSTA COUNTY RECORDS, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS' STATEMENT AND TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEDICATIONS THEREON.

OLD REPUBLIC TITLE COMPANY, A CALIFORNIA CORPORATION

_____ _____

_____ _____

(PRINT NAME,TITLE) (PRINT NAME,TITLE)

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

ON _____ , BEFORE ME, _____ , A NOTARY PUBLIC,

PERSONALLY APPEARED _____ , WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

PRINTED NAME: _____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION # OF NOTARY: _____

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

ON _____ , BEFORE ME, _____ , A NOTARY PUBLIC,

PERSONALLY APPEARED _____ , WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

PRINTED NAME: _____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION # OF NOTARY: _____

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

( ) A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT ARE NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

( ) ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATED: _____

BY: DAVID TWA
CLERK OF THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

RECORDER'S STATEMENT

FILED THE _____ DAY OF _____ , 20____, IN BOOK _____ OF MAPS, AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

DEBORAH COOPER
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

A.P.N. 032-082-001

SUBDIVISION 9311

A PORTION OF THE SOUTH $\frac{1}{2}$ OF SECTION 21,
T.2N., R.3E., M.D.B.& M.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: FEBRUARY 2023

BELLECCI & ASSOCIATES, INC.
CONCORD, CA

TITLE NOTES

THE LANDS INCLUDED WITHIN THIS SUBDIVISION ARE SUBJECT TO THE FOLLOWING TERMS AND PROVISIONS:

1. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SAID LAND OR ANY PART THEREOF IS NOW OR AT ANY TIME HAS BEEN INCLUDED WITHIN A NAVIGABLE RIVER, SLOUGH OR OTHER NAVIGABLE BODY OF WATER AND RIGHTS AND EASEMENTS FOR COMMERCE, NAVIGATION AND FISHERY.
2. RIGHTS OF THE PUBLIC, COUNTY AND/OR CITY, IN AND TO THAT PORTION OF SAID LAND LYING WITHIN THE LINES OF JERSEY ISLAND ROAD.
3. COVENANT, PROVISIONS AND RIGHTS CONTAINED IN THAT GRANT DEED RECORDED APRIL 03, 1941 IN BOOK 576, PAGE 350, OR OFFICIAL RECORDS.
4. COVENANT, PROVISIONS AND RIGHTS CONTAINED IN THAT GRANT DEED RECORDED JUNE 18, 1943 IN BOOK 734, PAGE 165, OF OFFICIAL RECORDS.
5. COVENANT, PROVISIONS AND RIGHTS CONTAINED IN THAT GRANT DEED RECORDED JUNE 25, 1943 IN BOOK 735, PAGE 282, OF OFFICIAL RECORDS.
6. MATTERS CONTAINED OR REFERRED TO IN THE DOCUMENT ENTITLED "AGREEMENT" RECORDED MARCH 18, 1946 IN BOOK 889, PAGE 124, OF OFFICIAL RECORDS.
7. ASSIGNMENT OF INTEREST AND AGREEMENT RECORDED OCTOBER 8, 1965 IN BOOK 4969, PAGE 303 OF OFFICIAL RECORDS.
8. MATTERS AS CONTAINED OR REFERRED TO IN CORRECTIVE QUITCLAIM DEED RECORDED JULY 20, 2005 AS DOCUMENT NUMBER 2005-0267032 OF OFFICIAL RECORDS.
9. MATTERS AS CONTAINED OR REFERRED TO IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT" RECORDED JULY 15, 2011 AS DOCUMENT NUMBER 2011-0139862 OF OFFICIAL RECORDS.
10. MATTERS AS CONTAINED OR REFERRED TO IN THE DOCUMENT ENTITLED "DEVELOPMENT AGREEMENT" RECORDED JULY 6, 2012 AS DOCUMENT NUMBER 2012-0160207 OF OFFICIAL RECORDS.
11. TERMS AND PROVISION IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT" RECORDED JANUARY 18, 2019 AS DOCUMENT NUMBER 2019-0008068 OF OFFICIAL RECORDS.

SIGNATURE OMISSIONS

PURSUANT TO GOVERNMENT CODE SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. PACIFIC GAS AND ELECTRIC COMPANY:
   A. PIPELINE EASEMENT PER 1994-0223432 OF OFFICIAL RECORDS
   B. ELECTRIC TRANSMISSION EASEMENT PER BOOK 4720, PAGE 865 OF OFFICIAL RECORDS
   C. POLE LINE EASEMENT PER BOOK 887, PAGE 147 OF OFFICIAL RECORDS

2. UNITED STATES OF AMERICA:
   A. TRANSMISSION EASEMENT PER 1991-0199705 OF OFFICIAL RECORDS
   B. TRANSMISSION LINE EASEMENT PER 1992-0000978 OF OFFICIAL RECORDS
   C. ACCESS EASEMENT PER 1991-0199705 OF OFFICIAL RECORDS

3. DOW CHEMICAL COMPANY
   A. PIPELINE EASEMENT PER BOOK 5373, PAGE 332 OF OFFICIAL RECORDS
   B. PIPELINE EASEMENT PER BOOK 4879, PAGE 559 OF OFFICIAL RECORDS

4. HUMBLE OIL AND REFINING COMPANY
   A. PIPELINE EASEMENT PER BOOK 4969, PAGE 303 OF OFFICIAL RECORDS

5. BANK OF AMERICAN NATIONAL TRUST AND SAVINGS ASSOCIATION
   A. ROADWAY AND UTILITY EASEMENT PER BOOK 734, PAGE 165 OF OFFICIAL RECORDS

6. FRANK AND IDALYNE SHELLENBERGER
   A. ROADWAY AND UTILITY EASEMENT PER BOOK 1914, PAGE 212 OF OFFICIAL RECORDS

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ACD-TI OAKLEY LLC ON FEBRUARY 2021. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE FEBRUARY 2024 AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DATE: _____

LICENSED LAND SURVEYOR
ALEXANDER VICTORIO TONG
No. 9252
STATE OF CALIFORNIA

CITY SURVEYOR'S STATEMENT

I, TRACY L. GIORGETTI, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 9311" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT..

_____ _____
TRACY L. GIORGETTI DATE
CITY SURVEYOR, CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA
L.S. 8720

LICENSED LAND SURVEYOR
TRACY L. GIORGETTI
No. 8720
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 9311"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON _____, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

_____ _____
KOUROSH ROHANI DATE
CITY ENGINEER, CITY OF OAKLEY
CONTRA COSTA COUNTY
STATE OF CALIFORNIA
R.C.E. No. 51138

CITY CLERKS STATEMENT

I, LIBBY VREONIS, CITY CLERK OF THE CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA, DO HEREBY STATE THAT THIS FINAL SUBDIVISION MAP WAS PRESENTED TO THE CITY COUNCIL OF THE CITY OF OAKLEY, THAT SAID COUNCIL DID BY ITS RESOLUTION NO. _____ ADOPTED ON THE _____ DAY OF _____, 20 _____, APPROVE SAID FINAL SUBDIVISION MAP AND ACCEPT ON BEHALF OF THE PEOPLE ALL OFFERS OF DEDICATION AS SHOWN IN THE OWNER'S STATEMENT ABOVE.

DATE: _____

_____
LIBBY VREONIS
CITY CLERK
CITY OF OAKLEY
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY, HAS APPROVED THE VESTING TENTATIVE MAP FOR SUBDIVISION 9311, UPON WHICH THIS FINAL MAP IS BASED.

_____ DATE:_____
KOUROSH ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

GEOTECHNICAL SOILS REPORT

A SOILS REPORT HAS BEEN PREPARED BY CE&G, DATED JUNE 14, 2019 PROJECT NO. 181031.002 AND IS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

SUBDIVISION 9311

A PORTION OF THE SOUTH ½ OF SECTION 21, T.2N., R.3E., M.D.B.& M.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: FEBRUARY 2023

BELLECCI & ASSOCIATES, INC.
CONCORD, CA

300 150 0 300 600 900
SCALE IN FEET

REFERENCES

(1) DUTCH SLOUGH SUBD (27 M 21)
(2) GRANT DEED (17127 OR 132)
(3) CORRECTIVE QUITCLAIM DEED (2005-0267032)
(4) RECORD OF SURVEY (26 LSM 29)
(5) RECORD OF SURVEY RS 4099 (159 LSM 47)
(6) PARCEL MAP MS 10-95 (178 PM 15)
(7) DECLARATION OF TAKING (1991-199705)

LEGEND

SUBDIVISION BOUNDARY LINE
EASEMENT LINE
CENTER LINE
BDY BOUNDARY
I.P. IRON PIPE
(T) TOTAL
(M-M) MONUMENT TO MONUMENT
● FOUND MONUMENT AS NOTED

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE ¼ SECTION LINE OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 3 EAST, M.D.B.&M., THE BEARING TAKEN BETWEEN A FOUND COUNTY BRASS DISK AT JERSEY ISLAND ROAD AND FOUND REBAR AND CAP STAMPED LS 6925 AT THE ¼ SECTION CORNER OF SECTION 28 AS SHOWN ON "RECORD OF SURVEY RS-4099", RECORDED IN BOOK 159 LSM, PAGE 47 (159LSM47), BEARING TAKEN AS N88°51'27"W.

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH
C1	34°22'39"	290.00'	174.00'
C2	53°02'08"	85.00'	78.68'
C3	30°12'25"	383.00'	201.92'
C4	87°42'21"	30.00'	45.92'
C5	29°15'57"	100.00'	51.08'
C6	48°35'35"	300.00'	254.43'
C7	8°21'16"	300.00'	43.74'
C8	17°10'49"	300.00'	89.96'
C9	19°54'07"	300.00'	104.21'
C10	0°17'53"	2043.00'	10.63'
C11	5°53'48"	2357.00'	242.57'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N50°36'17"E	191.85'
L2	N63°37'48"E	47.92'
L3	N41°22'50"E	36.37'
L4	N56°54'30"E	41.73'
L5	N74°05'17"E	42.32'
L6	N35°55'12"E	78.60'
L7	N41°26'56"E	129.82'
L8	N35°24'47"W	10.00'
L9	N54°35'13"E	25.00'
L10	N35°24'47"W	10.00'
L11	N54°35'13"E	68.46'
L12	N68°11'06"E	108.29'
L13	N59°33'44"E	35.26'
L14	N85°41'31"W	35.66'
L15	N79°27'35"W	64.61'
L16	N81°51'23"E	22.27'
L17	N81°51'56"W	36.87'
L18	N63°45'37"W	31.01'
L19	N87°02'01"W	120.78'
L20	N71°50'36"E	27.76'
L21	N66°56'25"E	106.65'

LINE TABLE

LINE #	DIRECTION	LENGTH
L22	N60°01'45"E	38.41'
L23	N49°41'07"E	109.17'
L24	N56°07'55"E	127.89'
L25	N58°30'24"E	141.13'
L26	N42°01'28"E	47.77'
L27	N58°11'27"E	87.67'
L28	N66°51'09"E	37.90'
L29	N73°15'13"W	103.48'
L30	N81°30'05"W	108.13'
L31	N73°08'07"E	66.41'
L32	N78°55'49"E	92.44'
L33	N73°02'21"E	237.25'
L34	N69°26'19"E	119.09'
L35	N37°35'27"E	37.64'
L36	N54°46'16"E	54.51'
L37	N63°14'57"E	62.88'
L38	N71°05'08"E	77.79'
L39	N68°40'33"W	5.48'
L40	N61°38'11"W	55.66'
L41	N88°15'48"W	187.11'

EASEMENT NOTES

THE LOCATION AND EXTENT OF THE FOLLOWING EASEMENTS COULD NOT BE DETERMINED FROM RECORD:

1. CANAL EASEMENT PROVIDED IN AGREEMENT PER BOOK 334 OF DEEDS, AT PAGE 192

NOTES

1. DISTANCES SHOWN ARE FEET AND DECIMALS THEREOF AND ARE GROUND LEVEL DISTANCES.
2. TIE LINES SHOWN ARE PERPENDICULAR TO CENTERLINES AND MONUMENT LINES UNLESS OTHERWISE NOTED.
3. THE AREA WITHIN THE SUBDIVISION BOUNDARY IS 332.54± ACRES.
4. FOR EXISTING EASEMENT INFORMATION SEE SHEETS 3 AND 4.

SEE SHEET 4

A.P.N. 032-082-001

SUBDIVISION 9311

A PORTION OF THE SOUTH ½ OF SECTION 21, T.2N., R.3E., M.D.B.& M.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: FEBRUARY 2023

BELLECCI & ASSOCIATES, INC.
CONCORD, CA

NOTES

1. DISTANCES SHOWN ARE FEET AND DECIMALS THEREOF AND ARE GROUND LEVEL DISTANCES.
2. TIE LINES SHOWN ARE PERPENDICULAR TO CENTERLINES AND MONUMENT LINES UNLESS OTHERWISE NOTED.
3. THE AREA WITHIN THE SUBDIVISION BOUNDARY IS 332.54± ACRES.
4. FOR EXISTING EASEMENT INFORMATION SEE SHEETS 3 AND 4.

EASEMENT NOTES

THE LOCATION AND EXTENT OF THE FOLLOWING EASEMENTS COULD NOT BE DETERMINED FROM RECORD:

1. CANAL EASEMENT PROVIDED IN AGREEMENT PER BOOK 334 OF DEEDS, AT PAGE 192

LEGEND

———	SUBDIVISION BOUNDARY LINE
— — —	EASEMENT LINE
— - —	CENTER LINE
BDY	BOUNDARY
I.P.	IRON PIPE
(T)	TOTAL
(M–M)	MONUMENT TO MONUMENT
●	FOUND MONUMENT AS NOTED

REFERENCES

(1)	DUTCH SLOUGH SUBD (27 M 21)
(2)	GRANT DEED (17127 OR 132)
(3)	CORRECTIVE QUITCLAIM DEED (2005–0267032)
(4)	RECORD OF SURVEY (26 LSM 29)
(5)	RECORD OF SURVEY RS 4099 (159 LSM 47)
(6)	PARCEL MAP MS 10–95 (178 PM 15)
(7)	DECLARATION OF TAKING (1991–199705)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE ¼ SECTION LINE OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 3 EAST, M.D.B.&M., THE BEARING TAKEN BETWEEN A FOUND COUNTY BRASS DISK AT JERSEY ISLAND ROAD AND FOUND REBAR AND CAP STAMPED LS 6925 AT THE ¼ SECTION CORNER OF SECTION 28 AS SHOWN ON "RECORD OF SURVEY RS–4099", RECORDED IN BOOK 159 LSM, PAGE 47 (159LSM47), BEARING TAKEN AS N88°51'27"W.

CURVE TABLE

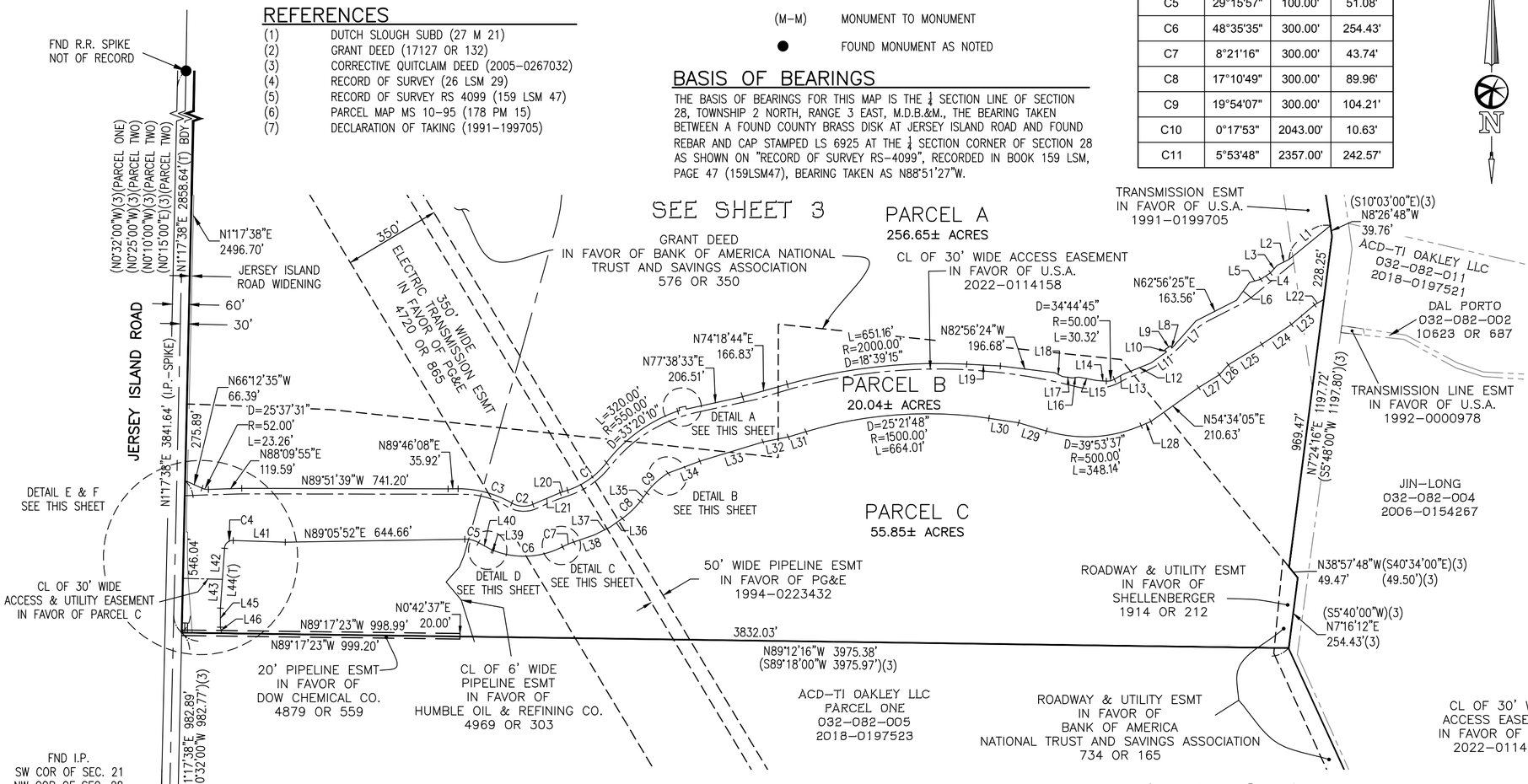
CURVE #	DELTA	RADIUS	LENGTH
C1	34°22'39"	290.00'	174.00'
C2	53°02'08"	85.00'	78.68'
C3	30°12'25"	383.00'	201.92'
C4	87°42'21"	30.00'	45.92'
C5	29°15'57"	100.00'	51.08'
C6	48°35'35"	300.00'	254.43'
C7	8°21'16"	300.00'	43.74'
C8	17°10'49"	300.00'	89.96'
C9	19°54'07"	300.00'	104.21'
C10	0°17'53"	2043.00'	10.63'
C11	5°53'48"	2357.00'	242.57'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N50°36'17"E	191.85'
L2	N63°37'48"E	47.92'
L3	N41°22'50"E	36.37'
L4	N56°54'30"E	41.73'
L5	N74°05'17"E	42.32'
L6	N35°55'12"E	78.60'
L7	N41°26'56"E	129.82'
L8	N35°24'47"W	10.00'
L9	N54°35'13"E	25.00'
L10	N35°24'47"W	10.00'
L11	N54°35'13"E	68.46'
L12	N68°11'06"E	108.29'
L13	N59°33'44"E	35.26'
L14	N85°41'31"W	35.66'
L15	N79°27'35"W	64.61'

LINE TABLE

LINE #	DIRECTION	LENGTH
L16	N81°51'23"E	22.27'
L17	N81°51'56"W	36.87'
L18	N63°45'37"W	31.01'
L19	N87°02'01"W	120.78'
L20	N71°50'36"E	27.76'
L21	N66°56'25"E	106.65'
L22	N60°01'45"E	38.41'
L23	N49°41'07"E	109.17'
L24	N56°07'55"E	127.89'
L25	N58°30'24"E	141.13'
L26	N42°01'28"E	47.77'
L27	N58°11'27"E	87.67'
L28	N66°51'09"E	37.90'
L29	N73°15'13"W	103.48'
L30	N81°30'05"W	108.13'
L31	N73°08'07"E	66.41'
L32	N78°55'49"E	92.44'
L33	N73°02'21"E	237.25'
L34	N69°26'19"E	119.09'
L35	N37°35'27"E	37.64'
L36	N54°46'16"E	54.51'
L37	N63°14'57"E	62.88'
L38	N71°05'08"E	77.79'
L39	N68°40'33"W	5.48'
L40	N61°38'11"W	55.66'
L41	N88°15'48"W	187.11'
L42	N4°01'50"E	111.80'
L43	N4°01'50"E	103.76'
L44	N4°01'50"E	215.56'
L45	N0°08'09"W	68.41'
L46	N11°10'41"W	22.07'
L47	N1°17'38"E	25.46'
L48	N1°17'38"E	9.57'
L49	N1°17'38"E	10.43'



A.P.N. 032–082–001

SHEET 4 OF 4

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment Number 2 with Park Engineering, Inc. for On-Call Consulting Services Related to Construction Management and Inspection Services for Fiscal Year 2022/23

Background and Analysis

The City of Oakley Community Development and Public Works Departments use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach of providing services to developers gives the City the flexibility to call upon consultants for support services as needed, more timely and efficiently. The various consultants that are used are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase.

On September 28, 2021, an agreement was executed between the City of Oakley and Park Engineering, Inc. for on-call consulting services related to construction management and inspection services for private development projects. The contract was limited to a not to exceed amount of $200,000 per fiscal year. The amount of construction work on private development projects in Oakley has continued to steadily increase and staff has needed to increase the amount of work being performed by consultants to meet development project timelines.

On November 8, 2022, Amendment No. 1 was approved to increase the contract by requesting an increase of $150,000 to the contract amount for Fiscal Year (FY) 2022/23 to a total amount of $350,000. Several construction activities related to the construction of Building 3, Building 5, Bridgehead Frontage Improvements, and signal modification at Main and Bridgehead related to the Oakley Logistics Center project required several night work and overtime hours to complete the construction of these improvements. Staff is looking to increase the contract by another $150,000 to a not to exceed amount of $500,000 for FY 2022/23 to cover inspection services for the remainder of the year. Projects include various active development projects and inspections services for the East Cypress Road widening capital improvement project.

Consistency with the Oakley Strategic Plan 27+

Consistency with the Oakley Strategic Plan for community health and safety by ensuring inspections with various projects are maintained to preserve safety for all. Contracting inspection services also maintains a sustainable organization from the demand of varying schedules of multiple projects.

Fiscal Impact

Approval of the resolution will increase the not to exceed contract amount by $150,000 for FY 2022/23 for a total amount of $500,000. Inspection support services is funded through the various private development projects and no General Fund expenditures will pay for these services.

Staff Recommendation

Staff recommends that the City Council adopt the resolution and approve Amendment No. 2 to the agreement with Park Engineering, Inc. and authorize the City Manager to execute the agreement.

Attachments

1) Resolution
2) Amendment No. 2

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT NUMBER 2 TO THE ON-CALL AGREEMENT WITH PARK ENGINEERING, INC. FOR CONSULTING SERVICES FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES

WHEREAS, on September 28, 2021, the City executed an agreement with Park Engineering, Inc. for construction management and inspections services with the not to exceed amount of $200,000 per fiscal year; and

WHEREAS, on November 8, 2022, City Council approved an additional $150,000 be added to FY 2022/23 for a total amount of $350,000; and

WHEREAS, after review of the expenditures to date for Fiscal Year (FY) 2022/23 and projecting costs for these services for the remaining months of the fiscal year with the various private development projects slated to start construction and inspection for the capital improvement project to widen East Cypress Road; staff has determined that the not to exceed amount of $350,000 is not sufficient to cover the necessary inspections for these projects; and

WHEREAS, staff is now looking to add an additional $150,000 to the FY 2022/23 contract for a total not to exceed amount of $500,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment Number 2 with Park Engineering, Inc. is hereby approved. A copy of Contract Amendment No. 2 is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NUMBER 2 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND PARK ENGINEERING, INC. FOR ON-CALL SERVICES RELATED TO PRIVATE DEVELOPMENT PROJECTS CONSTRUCTON MANAGEMENT AND INSPECTION SERVICES FOR FISCAL YEAR 2022/23

This Amendment is entered into by and between the CITY OF OAKLEY, a municipal corporation (hereinafter referred to as "City"), and PARK ENGINEERING, INC., a California Corporation (hereinafter referred to as "Contractor"), effective as of the 28th day of February 2023.

RECITALS

A. On SEPTEMBER 28, 2021, City and Consultant executed an Agreement for on-call consulting services related to private development project construction management and inspection services (hereinafter referred to as the "Agreement") in the amount of $200,000 per fiscal year; and,

B. On NOVEMBER 8, 2022, City and Consultant executed Amendment No. 1 Agreement for on-call consulting related to private development project construction management and inspection services (hereinafter referred to as the "Agreement") in the amount of $150,000 for FY 2022/23; and,

C. City and Consultant now desire that the following amendment be made to the Contractor's services: increase to the not-to-exceed contract amount from $350,000 for FY 2022/23 to $500,000 for FY 2022/23 to hereby be approved by the City Manager; and,

D. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager, Approved to as Form by the City Attorney and attested by its City Clerk as of the 28th day of February 2023, and the parties have caused this Amendment to be executed in duplicate.

City

City of Oakley, a municipal corporation

By: _____
Joshua McMurray, City Manager

Consultant

Park Engineering, Inc., a California Corporation

By: _____
Jaemin Park, P.E., President/CEO

ATTEST:

_____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment Number 1 with HMH Engineers, Inc. for On-Call Consulting Services Related to Development Engineering Support Services for Fiscal Year 2022/23

Background and Analysis

The City of Oakley Community Development and Public Works Departments use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach of providing services to developers gives the City the flexibility to call upon consultants for support services as needed, more timely and efficiently. The various consultants that are used are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase.

On May 25, 2021, an agreement was executed between the City of Oakley and HMH Engineers, Inc. for on-call consulting services related to Development Engineering Support Services. The contract was limited to a not to exceed amount of $150,00 per fiscal year. Peer review of improvement plan design for private development projects has continued to increase such as improvements within the East Cypress Corridor Specific Plan area and staff has needed to increase the amount of work being performed by consultants for plan check services to meet development project timelines. As a result, staff is requesting an increase of $100,000 in the contract amount for Fiscal Year (FY) 2022/23 to a total amount of $250,000.

Consistency with the Oakley Strategic Plan 27+

Consistency with the Oakley Strategic Plan for community health and safety by ensuring inspections with various projects are maintained to preserve safety for all. Contracting inspection services also maintains a sustainable organization from the demand of varying schedules of multiple projects.

Fiscal Impact

Approval of the resolution will increase the not-to-exceed contract amount by $100,000 for FY 2022/23 for a total amount of $250,000. Private development projects will

continue to fully fund the engineering support services on and as needed basis, and no General Fund expenditures will pay for these services.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving Amendment No. 1 to the On-Call services agreement with HMH Engineers, Inc. and authorize the City Manager to execute the agreement.

Attachments

1) Resolution
2) Amendment No. 1

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT NUMBER 1 TO THE AGREEMENT WITH HMH ENGINEERS, INC. FOR ON-CALL ENGINEERING SUPPORT SERVICES RELATED TO PRIVATE DEVELOPMENT PROJECTS

WHEREAS, on May 25, 2021, the City executed an agreement with HMH Engineers, Inc. for Engineering Support Services related to private development projects with a not to exceed amount of $150,000 per fiscal year; and

WHEREAS, after review of the expenditures to date for Fiscal Year (FY) 2022/23 and projecting costs for these services for the remaining months of the fiscal year with the various private development projects slated to start construction; staff has determined that the original not to exceed amount of $150,000 is not sufficient to cover the necessary support services for these projects; and

WHEREAS, staff is requesting an additional $100,000 be added to FY 2022/23 budget, for a total amount of $250,000; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment Number 1 with HMH Engineers, Inc. is hereby approved. A copy of the Contract Amendment is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NUMBER 1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND HMH ENGINEERS, INC. FOR ON-CALL SERVICES RELATED TO DEVELOPMENT ENGINEERING SUPPORT SERVICES FOR PRIVATE DEVELOPMENT PRJOJECTS FOR FISCAL YEAR 2022/23

This Amendment is entered into by and between the CITY OF OAKLEY, a municipal corporation (hereinafter referred to as "City"), and HMH ENGINEERS, INC., a California Corporation (hereinafter referred to as "Contractor"), effective as of the 28TH day of February 2023.

RECITALS

A. On MAY 25, 2021, City and Consultant executed an Agreement for on-call consulting services related to private development project Engineering Support Services (hereinafter referred to as the "Agreement") in the amount of $150,000 per fiscal year; and,

B. City and Consultant now desire that the following amendment be made to the Consultant services for FY 2022/2023: increase of $100,000 to the not-to-exceed contract amount from $150,000 per fiscal year to $250,000 for Fiscal Year 2022/23 to hereby be approved by the City Manager; and,

C. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager, Approved to as Form by the City Attorney and attested by its City Clerk as of the 28th day of February 2023, and the parties have caused this Amendment to be executed in duplicate.

City

City of Oakley, a municipal corporation

By: _____
Joshua McMurray, City Manager

Consultant

HMH Engineers, Inc., a California Corporation

By: _____
David Wilson, President

ATTEST:

_____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

_____
Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment Number 1 with BSK Associates for On-Call Consulting Services Related to Materials Testing and Inspection of Private Development Projects for Fiscal Year 2022/23

Background and Analysis

The City of Oakley Community Development and Public Works Department use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach of providing services to developers gives the City the flexibility to call upon consultants for support services as needed, and more timely and efficiently. The various consultants that are utilized are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase.

On April 14, 2020, an agreement was executed between the City of Oakley and BSK Associates for an On-Call consulting services agreement related to Materials Testing and Inspection of Private Development Projects. The contract was limited to a not-to-exceed amount of $75,000 per fiscal year.

The amount of private development construction work in Oakley has continued to increase substantially over the past several months; especially for the Contra Costa Logistics Center, various subdivision improvements, levee improvements withing the East Cypress Corridor Specific Plan and along the East Cypress Road corridor. Staff has needed to increase the amount of work being performed by consultants in order to meet the development project service needs. As a result, staff is requesting an increase of $75,000 to the contract amount for BSK Associates for FY 2022/23.

Consistency with the Oakley Strategic Plan 27+

Consistency with the Oakley Strategic Plan for community health and safety by ensuring inspections with various projects are maintained to preserve safety for all.

Contracting inspection services also maintains a sustainable organization from the demand of varying schedules of multiple projects.

Fiscal Impact

Approval of the resolution will increase the not-to-exceed contract amount by $75,000 to a not to exceed amount of $150,000 for FY 2022/23. Private Development projects will fund the services on an as needed basis and will be fully paying all costs associated with the consultant services. There will not be any City General Funds used in this contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution amending the agreement with BSK Associates and authorize the City Manager to execute the agreement.

Attachments

1. Resolution
2. Amendment No. 1

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT # 1 TO THE AGREEMENT WITH BSK ASSOCIATES FOR CONSULTING SERVICES RELATED TO MATERIALS TESTING AND INSPECTION SERVICES FOR PRIVATE DEVELOPMENT PROJECTS FOR FISCAL YEAR 2022/23

WHEREAS, on April 14, 2020 the City executed an agreement with BSK Associates for Material Testing and Inspection Services for Private Development Projects with the not-to-exceed amount of $75,000 for each fiscal year (FY); and

WHEREAS, after review of the expenditures to date for FY 2022/23 and projecting costs for these services through the end of this fiscal year, Staff determined that the original contract amount of $75,000 is not sufficient to provide consulting services for the remainder of FY 2022/23.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment # 1 in the amount of $75,000 for FY 2022/23 with BSK Associates is hereby approved. A copy of the Contract Amendment is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND BSK ASSOCIATES RELATED TO THE ON-CALL CONSULTING SERVICES FOR FISCAL YEAR 2022/23 RELATED TO MATERIALS TESTING AND INSPECTION SERVICES

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and BSK Associates, a California Corporation (hereinafter referred to as "Contractor"), effective as of the 28th day of February, 2023.

RECITALS

A. On April 14, 2020, City and Consultant executed an Agreement for on-call consulting services related to Materials Testing and Inspection services (hereinafter referred to as the "Agreement"); and,

B. City and Consultant now desire that the following amendment be made to the Consultant services for FY 2022/23: a $75,000 increase to the not to exceed contract amount from $75,000 to $150,000 for FY 2022/23; and,

C. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager, Approved to as Form by the City Attorney and attested by its City Clerk as of the 28th day of February 2023, and the parties have caused this Amendment to be executed in duplicate

City	Consultant
City of Oakley, a municipal corporation	BSK Associates, a California Corporation
By: _____ Joshua McMurray, City Manager	By: _____ Cristiano Melo, Project Manager
ATTEST:	APPROVED AS TO FORM:
_____ Libby Vreonis, City Clerk	_____ Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Kevin Rohani, P.E., Public Works Director/City Engineer

SUBJECT: Approval of Contract Amendment # 1 with F. J. Kennedy and Associates, Inc. for On-Call Consulting Services Related to the Clean Water Program Services for Fiscal Year 2022/23

Background and Analysis

The City of Oakley Community Development and Public Works Departments use the services of consultants in support of various department staff to provide timely services to the developers. This practice has been in use for many years and is an efficient and cost-effective way to provide service to private developers. This approach of providing services to developers gives the City the flexibility to call upon consultants for support services as needed, more timely and efficiently. The various consultants that are used are given contract limits. City staff monitors the expenditures as development projects are brought for processing and budgets are adjusted as service demands increase.

An agreement was executed between the City of Oakley and F. J. Kennedy and Associates, Inc. for an on-call consulting services agreement related to the Clean Water Program services. The contract was limited to a not-to-exceed amount of $50,000 for each fiscal year.

However, the amount of private development plan check for storm water control plans, construction support for storm water pollution prevention, and assistance with the Clean Water Program services has continued to increase substantially over the past several months, especially with monitoring various sites and constructed storm water facilities during several heavy storm event this winter, and for compliance with the City's Clean Water Permit. Staff has needed to increase the amount of work being performed by consultants in order to meet development project service needs. As a result, staff is requesting an additional increase of $50,000 to the original contract amount, for a total of $100,000 for F. J. Kennedy and Associates, Inc. for FY 2022/23.

Consistency with the Oakley Strategic Plan 27+

Consistency with the Oakley Strategic Plan for community health and safety by ensuring inspections with various projects are maintained to preserve safety for all.

Contracting inspection services also maintains a sustainable organization from the demand of varying schedules of multiple projects.

Fiscal Impact

Approval of the resolution will increase the not-to-exceed contract amount by $50,000 to $100,000 for FY 2022/23. The private developers will be fully paying all costs associated with the consultant services, and there will not be any City General Funds used in this contract.

Staff Recommendation

Staff recommends that the City Council adopt the resolution amending the original agreement and approving Amendment No. 1 for FY 2022/23 with F. J. Kennedy and Associates, Inc. and authorizing the City Manager to execute the agreement.

Attachments

1. Resolution
2. Amendment No. 1

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT NUMBER 1 TO THE AGREEMENT WITH F. J. KENNEDY AND ASSOCIATES, INC. FOR CONSULTING SERVICES RELATED TO THE CLEAN WATER PROGRAM SERVICES FOR THE REMAINDER OF FISCAL YEAR 2022/23

WHEREAS, on May 26, 2020, the City executed an agreement with F. J. Kennedy and Associates for Clean Water Program Services with the not to exceed amount of $50,000 for each fiscal year; and

WHEREAS, after review of the expenditures to date for FY 2022/23 and projecting costs for these services through the end of this fiscal year, Staff determined that that original contract amount of $50,000 is not sufficient to provide consulting services for the remainder of FY 2022/23; and

WHEREAS, Staff has determined that an additional budget allocation of $50,000 is needed to provide the necessary consulting services for the remainder of FY 2022/23.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Contract Amendment No. 1 with F.J. Kennedy and Associates, Inc. and the requested $50,000 budget amendment increase, for a new contract amount of $100,000 for the remainder of FY 2022/23 are hereby approved. A copy of the Contract Amendment is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND F. J. KENNEDY AND ASSOCIATES, INC. RELATED TO THE ON-CALL CONSULTING SERVICES FOR FISCAL YEAR 2022/23 RELATED TO THE CLEAN WATER PROGRAM AND CITY SURVEYOR SERVICES

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and F. J. Kennedy and Associates, Inc., a California Corporation (hereinafter referred to as "Contractor"), effective as of the 28th day of February 2023.

RECITALS

A. On May 26, 2020, City and Consultant executed an Agreement for on-call consulting services related to the Clean Water Program and City Surveyor services (hereinafter referred to as the "Agreement"); and,

B. City and Consultant now desire that the following additional amendment be made to the Consultant services: increase to the not-to-exceed contract amount from $50,000 to $100,000 for FY 2022/23; and,

C. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

AGREEMENT

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager, Approved to as Form by the City Attorney and attested by its City Clerk as of the 28th day of February 2023, and the parties have caused this Amendment to be executed in duplicate

City	Consultant
City of Oakley, a municipal corporation	F. J. Kennedy and Associates, Inc., a California Corporation
By: _____ Joshua McMurray, City Manager	By: _____ Frank J. Kennedy, President
ATTEST:	APPROVED AS TO FORM:
_____ Libby Vreonis, City Clerk	_____ Derek P. Cole, City Attorney

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Derek P. Cole, City Attorney

SUBJECT: Adopt A Resolution Terminating the Declaration of an Emergency Affecting the Public Health and Safety Due to the Novel Coronavirus (COVID-19) Pandemic

---

Background and Analysis

When the COVID-19 pandemic began, the State of California and County of Contra Costa declared public-health emergencies. The City Council followed suit, declaring its own emergency on March 17, 2020 (Resolution 24-20). The Council extended this declaration in June 2021 (Resolution 71-21).

In October 2022, the Governor declared that the State's declaration of emergency would terminate on February 28, 2023. On February 7, 2023, the Contra Costa County Board of Supervisors declared that the County declaration would terminate on the same date.

Because the State and County emergency declarations will terminate on February 28, 2023, the City Council is requested to terminate the City's declaration of emergency. The conditions giving rise to that emergency have abated such that continuance of the declaration is no longer necessary. At this time, there is no further need for the City to invoke any of the emergency powers state law authorizes.

Recommendation

The City Council is requested to adopt the Resolution Terminating the Declaration of an Emergency Affecting the Public Health and Safety Due to the Novel Coronavirus (COVID-19) Pandemic.

Attachments

1. Resolution

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY TERMINATING THE DECLARATION OF AN EMERGENCY AFFECTING THE PUBLIC HEALTH AND SAFETY DUE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, in early 2019, public health officials detected novel coronavirus COVID-19 ("COVID- 19"), an infectious disease to which there is no known natural immunity, in numerous countries and the Center for Disease Control determined COVID-19 presents a serious and imminent threat; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California because of the threat of COVID-19; and, on March 10, 2020, Contra Costa County proclaimed the existence of a local emergency caused by the introduction of COVID-19 and its contribution to the shortage of essential health care supplies; and

WHEREAS, on March 16, 2020, the Health Officer of the County of Contra Costa issued an order to address the COVID-19 public-health crisis; and

WHEREAS, on March 17, 2020 by Resolution 24-20, the Oakley City Council declared the existence of an emergency within the City of Oakley caused by COVID-19, and

WHEREAS, on June 8, 2021 by Resolution 71-21, the Oakley City Council extended the declaration of the COVID-19 emergency; and

WHEREAS, on October 17, 2022, the Governor of the State of California declared that California's declaration of emergency concerning COVID-19 when terminate on February 28, 2023; and

WHEREAS, on February 7, 2022, the Board of Supervisors of the County of Contra Costa approved an action to terminate its declaration of emergency effective February 28, 2023; and

WHEREAS, because of the termination of the State- and County-declared emergencies, the City Council of the City of Oakley determines it is necessary to terminate the City-declared emergency effective February 28, 2023; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Oakley hereby terminates the declaration of emergency concerning the COVID-19 pandemic,

BE IT FURTHER RESOLVED, the adoption of this Resolution rescinds and revokes the emergency authority and powers granted to the City by Resolutions 24-20 and 71-21.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February, 2023 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Brent Smith, Community Development Director

SUBJECT: **Appoint 2 Members to the Planning Commission and Change Planning Commissioner Leonard Price's Initial 2-Year Appointment to 4-Years.**

Background and Recommendation

At the July 13, 2021, City Council Meeting, the City Council adopted Ordinance No. 06-21, which amended and updated the Municipal Code establishing the 5 Member Planning Commission. On October 12, 2021, the City Council conducted interviews, and the City Council ranked the applicants and selected 5 members to serve on the Planning Commission. One member of the Planning Commission resigned from their 4-year appointment on January 5, 2022, and at the January 25, 2022, City Council Meeting, the City Council directed Staff to change the initial term limits for Planning Commissioner Shannon Shaw from 2-years to 4-years. At the February 8, 2022 City Council Meeting, the City Council directed Staff to re-advertise for the one open Planning Commission seat and on March 8, 2022, the City Council appointed Hugh Henderson to a 2-year term.

On May 3, 2022, the Planning Commission held its first meeting. On December 2, 2022, the Contra Costa County Recorder Certified Election Results from the November 8, 2022, Election, and with that Planning Commissioners Shannon Shaw and Hugh Henderson were elected to the City Council by their respective districts. This development created 2 openings, one 2-year term, and one 4-year term on the Planning Commission that need to be filled to have a 5 Member Commission.

Staff solicited applications during the period of January 5, 2023, to January 27, 2023. A total of 9 applications were received and 2 applicants notified the Community Development Director they were unable to attend the interviews. At the February 14, 2023, City Council Meeting, the City Council directed Staff to bring back a Resolution changing Planning Commissioner Leonard Price's initial 2-year appointment to 4-years.

At that same City Council Meeting, the City Council interviewed 7 Applicants and ranked them utilizing the Forced Ranking System, and Staff assigned a number value to each placing. For example, 1 point for first place, 2 points for second place, 3 points for third place, 4 points for fourth place, 5 points for fifth place, 6 points for sixth place, and 7 points for seventh place. The applicants with the two lowest point totals were the applicants determined to finish in first and second place. Jeanne Krieg had a total of 8 points and Jimmy Ramirez had a total of 15 points. Two applicants were tied for third place with 19 points each.

Consistency with the Oakley Strategic Plan 27+

This agenda item is consistent with the Strategic Plan 27+'s Community and Collaborative Partnerships Goal, and specifically supports the Sub-Goal of Community Outreach and Engagement by increasing our communication and engaging our residents.

Recommendation

Staff recommends the attached Resolution be approved, which formally appoints the Planning Commissioners to their designated terms:

- Jeanne Krieg – 2-year term
- Jimmy Ramirez – 2-year term
- Leonard Price – 4-year term

Attachments

1. Resolution No. 14-23
2. Draft Resolution

RESOLUTION NO. 14-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPOINTING TWO MEMBERS TO THE OAKLEY PLANNING COMMISSION

WHEREAS, on July 13, 2021, the City Council of the City of Oakley adopted Ordinance No. 06-21, which amended provisions of Chapters 3 and 4 of Title 2 of the Oakley Municipal Code concerning the Oakley Planning Commission; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from August 13, 2021 to September 10, 2021. The City received a total of 13 applications; and

WHEREAS, on October 12, 2021, the City Council conducted interviews for the Planning Commission; and

WHEREAS, on October 12, 2021, the City Council ranked the applicants and selected 5 members to serve on the Planning Commission; and

WHEREAS, after the 5 members were appointed, Planning Commissioner Edward J. Cire resigned from the Planning Commission on January 5, 2022. City Staff sought direction from the City Council at their January 25, 2022 City Council meeting; and

WHEREAS, that direction was to bring back a Resolution that would formally appoint the sixth-place applicant to the Planning Commission and to also change the initial term limits for Planning Commissioner Shannon Shaw from 2-years to 4-years; and

WHEREAS, at the February 8, 2022 City Council meeting, the City Council directed City Staff to re-advertise for the open Planning Commission seat and to bring that back to the City Council at the March 8, 2022 meeting. The City Council also gave direction to change the initial term limits for Planning Commissioner Shannon Shaw from 2-years to 4-years; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from February 14, 2022 to February 25, 2022. The City received a total of 2 applications; and

WHEREAS, on March 8, 2022, the City Council ranked the applicants and selected 1 member, Hugh Henderson, to serve on the Planning Commission; and

WHEREAS, on December 2, 2022, the Contra Costa County Recorder certified the Election Results from November 8, 2022, confirming Planning Commissioners Shannon

Shaw, and Hugh Henderson were elected to the City Council and resigned from the Planning Commission; and

WHEREAS, after the 2 members resigned from the Planning Commission, City Staff sought direction from the City Council at their December 13, 2022 City Council meeting; and

WHEREAS, that direction was to re-advertise for the two open Planning Commission seats and to bring back to the City Council at the February 14, 2023 meeting, applicants to be interviewed by the City Council; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from January 5, 2023, to January 27, 2023. The City received a total of 9 applications; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby appoints the following individuals, with the following terms, to the Planning Commission of the City of Oakley:

- Jimmy Ramirez – 2-year term
- Jeanne Krieg – 4-year term

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Oakley hereby authorizes City Staff to provide the above-appointed individuals instruction, training materials and assistance prior to the beginning of their term.

PASSED AND ADOPTED by the City Council of the City of Oakley this 14th day of February by the following vote:

AYES: Fuller, Henderson, Meadows, Shaw, Williams
NOES:
ABSTENTION:
ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

2/14/23
Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPOINTING TWO MEMBERS TO THE OAKLEY PLANNING COMMISSION

WHEREAS, on July 13, 2021, the City Council of the City of Oakley adopted Ordinance No. 06-21, which amended provisions of Chapters 3 and 4 of Title 2 of the Oakley Municipal Code concerning the Oakley Planning Commission; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from August 13, 2021 to September 10, 2021. The City received a total of 13 applications; and

WHEREAS, on October 12, 2021, the City Council conducted interviews for the Planning Commission; and

WHEREAS, on October 12, 2021, the City Council ranked the applicants and selected 5 members to serve on the Planning Commission; and

WHEREAS, after the 5 members were appointed, Planning Commissioner Edward J. Cire resigned from the Planning Commission on January 5, 2022. City Staff sought direction from the City Council at their January 25, 2022 City Council meeting; and

WHEREAS, that direction was to bring back a Resolution that would formally appoint the sixth-place applicant to the Planning Commission and to also change the initial term limits for Planning Commissioner Shannon Shaw from 2-years to 4-years; and

WHEREAS, at the February 8, 2022 City Council meeting, the City Council directed City Staff to re-advertise for the open Planning Commission seat and to bring that back to the City Council at the March 8, 2022 meeting. The City Council also gave direction to change the initial term limits for Planning Commissioner Shannon Shaw from 2-years to 4-years; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from February 14, 2022 to February 25, 2022. The City received a total of 2 applications; and

WHEREAS, on March 8, 2022, the City Council ranked the applicants and selected 1 member, Hugh Henderson, to serve on the Planning Commission; and

WHEREAS, on December 2, 2022, the Contra Costa County Recorder certified the Election Results from November 8, 2022, confirming Planning Commissioners Shannon Shaw, and Hugh Henderson were elected to the City Council and resigned from the Planning Commission; and

WHEREAS, after the 2 members resigned from the Planning Commission, City Staff sought direction from the City Council at their December 13, 2022 City Council meeting; and

WHEREAS, that direction was to re-advertise for the two open Planning Commission seats and to bring back to the City Council at the February 14, 2023 meeting, applicants to be interviewed by the City Council; and

WHEREAS, the City solicited applicants for the Planning Commission through a formal application process. The period ran from January 5, 2023, to January 27, 2023. The City received a total of 9 applications; and

WHEREAS, the City received notification from 2 of the applicants that they would not be able to participate in the interview process; and

WHEREAS, on February 14, 2023, the City Council directed staff to bring back a Resolution that would change the initial term limits for Planning Commissioner Leonard Price from 2-years to 4-years; and

WHEREAS, on February 14, 2023, the City Council conducted interviews for the Planning Commission and ranked the 7 applicants by utilizing the Forced Ranking System; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby appoints the following individuals, with the following terms, to the Planning Commission of the City of Oakley:

- Jeanne Krieg – 2-year term
- Jimmy Ramirez – 2-year term
- Leonard Price – 4-year term

AND, BE IT FURTHER RESOLVED, that the City Council of Oakley hereby authorizes City Staff to provide the above-appointed individuals instruction, training materials and assistance prior to the beginning of their term.

AND, BE IT FURTHER RESOLVED, this resolution supersedes Resolution No. 14-23 adopted by the City Council at its meeting on February 14, 2023.

The foregoing resolution was introduced at a regular meeting of the Oakley City held on the 28th day of February, 2023 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor Date

ATTEST:

_____
Libby Vreonis, City Clerk

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: Joshua McMurray, City Manager *Approved and Forwarded to the City Council*

FROM: Tim Przybyla, Finance Director

SUBJECT: Resolution Approving City of Oakley Fiscal Year 2022/2023 Mid-Year Budget Review and Adopting its Recommendations for Revising the Fiscal Year 2022/2023 Operating and Capital Budgets

---

Background and Analysis

City Policy requires the City Manager to make a mid-year budget report to the City Council in February of each year. The process provides an opportunity to review the status of the Budget at mid-year and to make adjustments to the City's planned operations and budget. This year's report is attached and includes a State of the Budget summary and summary of recommendations, detailed assessments of both operating and capital budgets, and a schedule showing the recommended mid-year budget adjustments for each fund.

Consistency with the Oakley Strategic Plan 27+

This agenda item is consistent with the Strategic Plan 27+ goal for the City of Oakley to leverage its financial resources for the long-term benefit of our residents and businesses while maintaining sufficient reserves to provide stability and ensure a successful future. It is also consistent with the Finance and Fiscal Responsibility Objective to develop [and maintain] a financial strategy and reporting policy.

Fiscal Impact

For a detailed listing of all staff recommended changes and fiscal impacts to the budget, refer to the Mid-Year Budget Review and other attachments to this report.

Staff Recommendation

Staff recommends the City Council adopt the resolution approving the City of Oakley Fiscal Year 2022/2023 Mid-Year Budget Review and adopting its recommendations for revising the Fiscal Year 2022/2023 Operating and Capital Budgets.

Attachments

1. Mid-Year Budget Review
2. Fund Summaries (All Funds)
3. Resolution
4. Budget Transfer Form

OAKLEY
CALIFORNIA

Mid-Year Budget Review

Fiscal Year 2022/2023

Contents:

State of the Budget

No Proposed Appropriations of Fund Balance

Discussion of Capital Budgets

Summary of Recommendations

Looking Forward

Staff Recommended Budget and Reserve Policy Adjustments

Presented to the City Council on February 28, 2023

State of the Budget

The Mid-Year Budget Review begins with the good news that at the six-month mark (December 31, 2022) General Fund revenues are just above 50% and expenditures are below 50% of the annual budget. Property Tax revenues reflect the 16.4% increase in assessed property values that the market experienced from Fiscal Year 2021/2022 to Fiscal Year 2022/2023. New housing development has slowed considerably during the current fiscal year, due primarily to rising interest rates. However, the City of Oakley recognizes development fee revenues received during the final quarter of each fiscal year in the subsequent fiscal year, to match revenues with the period in which the services are provided. Therefore, approximately $970,000 of development fees from permits that were collected in Fiscal Year 2021/2022 were recorded as revenue for Fiscal Year 2022/2023. Development Fee revenues are still projected to come in about $605,000 less than budget but will be more than offset with higher than anticipated Property Tax and Property Tax In-Lieu of VLF revenues after an unprecedented 16.4% increase in assessed property values. Interfund Charges for Police are expected to come in roughly $51,000 lower than budgeted. Total annual General Fund revenues are now estimated to be slightly higher than the current budget figures.

The number of single-family dwelling (SFD) building permits being issued this fiscal year have decreased considerably, compared to Fiscal Year 2021/2022. Last fiscal year, 177 SFD building permits had been issued through January 2022 and a total of 292 were issued by the end of June 2022. This fiscal year, 92 SFD permits have been issued through January 2023. In addition, two multi-family apartment projects have been on the horizon. One of those projects is now complete and residents have been moving in. That project is the Twin Oaks Senior Mixed-Use Residence where 129 senior apartments are age-restricted and income-restricted, for residents of 62 years and older. The other multi-family project is currently under construction on Elm Lane, where a total of 170 units will be constructed, 16 of which will be deed-restricted and made affordable to low-income families. The Elm Lane project is striving to have units ready for occupancy in the summer of 2023.

The local economy has continued to be relatively stable with employment and business activity showing some signs of growth over the recent challenging years. The Contra Costa Logistics Center has now leased 100% of the park, which includes all five buildings. The final two buildings (Building 3 & 5) were constructed in 2022, and have gained additional tenants such as Amazon, Enchant Christmas, and Lowe's Home Improvements. The first three buildings

have been occupied by Amazon, Pac Pride Distribution, Inc., and Paramount Global, Inc. Pet Food Express occupies a portion of Building #2 at 4100 Wilbur Avenue. The development as a whole is expected to bring more than 1,000 full-time jobs and 200 part-time jobs to the City, as well as spark investment and development on nearby properties along Main Street and Bridgehead Road.

Total Sales Tax revenues have remained strong, and we are now anticipating $400,000 more than budget, which is in line with actual Fiscal Year 2021/2022 revenues received. Sales Tax revenues were influenced by inflationary improvements that materialized in various industries including high prices at the pumps for services stations and rising menu prices at restaurants. Online sales helped to boost the countywide pool receipts.

This report contains proposals to: increase some and decrease some recurring and one-time revenue estimates, increase and decrease a number of expenditure budgets, and increase some appropriations within capital projects. The City's practice of budgeting conservatively and living within our means remains effective at ensuring that we maintain good fiscal health, and the recommended changes in this Mid-Year Budget Review remain true to these practices. However, staff is now suggesting that the City recognize that, in spite of the COVID-19 Pandemic, we are still in a position with more money at our discretion than ever before. However, we are no longer experiencing the wave of housing growth that we had seen during the past few fiscal year, we are past-due for an economic downturn, and the decisions that we make at this time and during our preparation of the Fiscal Year 2023/2024 Budget will have a significant impact on the future of the City of Oakley. It is important for us to maintain expectations, use one-time revenues and surplus Fund Balance for one-time projects, and continue to set aside higher reserves to help soften the blow as we find ourselves amid a downturn in the housing market and face the potential for an economic recession.

The General Fund

In accordance with the City's Financial Policies, the original current year budget was conservative when adopted. The Policies also call for one-time, non-operating expenditures to be funded from one-time revenues or the Undesignated Fund Balance. The current year budget was adopted with approximately $8,080,000 appropriated for transfers out of the General Fund, with $5,710,000 considered one-time. These transfers were budgeted for in recognition that higher than anticipated balances in the Undesignated Fund Balance were available to be expended on one-time uses and they included

$5,000,000 for the Downtown Gateway Roadway and Parking Project, $450,000 for a City Hall Remodel Project and $260,000 for other General Capital Project expenditures.

The General Fund Summary of Mid-Year Budget Adjustments (on page 5 of this report) includes increasing revenue projections for Property Tax (by $300,000), Property Tax in Lieu of VLF (by $540,930), and Sales Tax (by $400,000). Staff also recommends reducing Property Transfer Tax projections (by $200,000) and reducing various Development Fee revenue projections (by a total of $605,000). An increase of $100,000 to Interfund Charges - Contractors and a $50,930 decrease to Interfund Charges – Police are also recommended. The impact of the proposed revenue adjustments is a $110,000 net increase to estimated General Fund revenue.

Staff has also identified the need for increased appropriations to complete certain projects and finish the fiscal year without exceeding authorized expenditures. No increases to operational expenditure projections are being requested within the General Fund. In fact, $1,110,000 of decreased operational expenditure projections are being recommended for the General Fund. Those decreases are: $700,000 to Police Salaries and Benefits, $200,000 to Dispatch Services in PD, $175,000 to Contracted Services in Building Permits, and $35,000 to Planning Commission Meetings in Planning. However, there are $2.3 million of proposed increases for one-time, non-operational expenditures for capital projects, with $2.2 million for an amendment to CIP 247 for dirt-hauling and $100,000 to complete CIP 228 - City Hall Generator Project.

The summary of the Mid-Year Review, on the following page, summarizes the estimated General Fund revenue and expenditures for Fiscal Year 2022/2023 along with the proposed adjustments and comparative information for three prior fiscal years.

General Fund Summary

Category	Actuals FY 2018/2019	Actuals FY 2019/2020	Actuals FY 2020/2021	Actuals FY 2021/2022	Budget FY 2022/2023	Mid-Year Actuals FY 2022/2023	Estimated Year End FY 2022/2023	Mid-Year Budget Adjustment FY 2022/2023
Revenue								
Property Tax	$ 6,914,809	$ 7,459,885	$ 8,049,872	$ 8,820,565	$ 8,849,000	$ 4,957,271	9,489,930	$ 640,930
Sales Tax	2,040,960	2,183,052	2,485,023	3,245,824	2,800,000	1,028,776	3,200,000	400,000
Franchise Taxes	1,773,997	1,893,514	2,043,872	2,285,074	2,162,000	528,712	2,162,000	-
Business License	159,586	148,066	190,154	189,699	155,000	69,577	155,000	-
Transient Occupancy Tax	269,504	233,458	240,477	261,273	230,000	93,781	230,000	-
Total Taxes	$ 11,158,857	$ 11,917,975	$ 13,009,398	$ 14,802,435	$ 14,196,000	$ 6,678,117	$ 15,236,930	$ 1,040,930
Interfund Charges	7,884,541	8,530,263	8,350,135	9,544,106	10,638,108	5,901,239	10,687,178	49,070
Developer Fees	1,136,120	1,530,826	3,209,937	3,299,501	3,188,500	1,970,699	2,583,500	(605,000)
Intergovernmental Revenue	134,949	196,314	231,002	754,032	412,600	16,250	412,600	-
Intergovernmental-CARES		-	524,272	-		-	-	-
Other Revenue	1,188,980	1,538,468	2,342,082	646,218	541,900	325,562	466,900	(75,000)
Other Financing Sources	442,862	515,606	175,557	(563,828)	300,000	(49,050)	-	(300,000)
Total Revenue	$ 21,946,310	$ 24,229,451	$ 27,842,383	$ 28,482,464	$ 29,277,108	$ 14,842,817	$ 29,387,108	$ 110,000
Expenditures								
Animal Control	$ 251,726	$ 266,521	$ 273,295	$ 288,310	$ 341,874	$ 170,936	$ 341,874	-
City Council	66,165	63,167	62,620	138,174	125,732	27,615	125,732	-
City Clerk	352,239	345,831	375,251	379,030	519,501	243,369	519,501	-
City Attorney	331,730	293,448	314,944	358,280	458,281	180,149	458,281	-
City Manager	538,414	585,531	585,769	621,906	780,263	281,386	780,263	-
Community Outreach	122,630	123,538	155,044	181,685	-	-	-	-
Finance	722,616	832,204	807,783	800,899	975,488	465,378	975,488	-
Human Resources	229,900	276,394	386,264	693,434	733,577	300,200	733,577	-
Building Maintenance	77,994	105,777	111,207	272,176	569,600	231,801	569,600	-
Information Technology	300,699	293,120	297,023	485,445	342,906	106,053	342,906	-
Non Departmental	(281,951)	816,980	568,754	(568,594)	(80,382)	390,237	(80,382)	-
Economic Development	269,248	259,040	186,705	196,444	270,735	122,844	270,735	-
Building & Code Enforcement	1,026,473	1,052,987	1,125,697	1,210,923	1,482,790	553,193	1,307,790	(175,000)
Police	9,782,881	9,796,066	9,751,044	10,590,530	13,716,479	5,375,044	12,816,479	(900,000)
Planning	478,739	638,980	686,134	655,757	1,119,668	378,605	1,084,668	(35,000)
Public Works	2,836,525	2,520,069	2,721,893	3,671,457	4,251,162	1,974,144	4,251,162	-
Recreation	692,661	659,390	590,125	719,116	1,004,184	459,436	1,004,184	-
Transfers Out	3,594,073	3,356,000	2,609,222	5,621,000	8,080,000	1,540,000	10,380,000	2,300,000
Total Expenditures	$ 21,392,761	$ 22,285,043	$ 21,608,774	$ 26,315,972	$ 34,691,858	$ 12,800,390	$ 35,881,858	$ 1,190,000
Net Revenue (Expenditure)	$ 553,549	$ 1,944,408	$ 6,233,609	$ 2,166,492	$ (5,414,750)	$ 2,042,427	$ (6,494,750)	$ (1,080,000)

Overall, the proposed General Fund Operating Budget remains balanced without relying on one-time revenues. This reflects the Council's continuing commitment to operating conservatively. The budget does continue to include a lesser portion of the planned use of Fund Balance that was budgeted at the beginning of the year. As a result of proposed increases to revenues and increases to expenditures, the revised budget estimate for the current fiscal year shows an overall net use of fund balance totaling $6,494,750 rather than the $5,414,750 amount that is reflected in the current Budget. That net use of fund balance includes the $10,380,000 of Transfers Out from the General Fund, of which $8,010,000 is for one-time projects - $5,000,000 (from Reserves) for the Downtown Gateway

Roadway and Parking Project, $450,000 for the City Hall Remodel Project, $2,200,000 (from Reserves) being added to Fund 201 – General Capital Project for CIP 247, $100,000 to complete CIP 228, and $260,000 for other capital improvement projects in Fund 201. Excluding the $8,010,000 of one-time expenditures, revenues are projected to exceed operating expenditures by $1,515,250, indicating that current operational expenditures are covered by operational revenues.

Other Funds

Included in the proposed Mid-Year Review expenditure budget amendments are increases of: $10,000 to Mechanical Equipment Operations in Fund 110, $20,000 to Street Light Repair and Maintenance in Fund 133, $5,000 to Maintenance of the Entrepreneur Center in Fund 138, $30,000 to Street Sweeping in Fund 145, and $22,000 to Traffic Signal Maintenance in Fund 140.

Attached at the end of this report is a spreadsheet summarizing the beginning and projected year-end fund balances by fund, the existing budgets, year-to-date actual revenue and expenditures (through mid-year), and the adjustment amounts recommended in each fund. The analysis shows that by keeping operations lean, the City's funds remain generally healthy and the prudent budgeting and active management of operations are successfully meeting the goal of living within our means.

As a reminder, the City appropriates unassigned fund balances into its special purpose funds. So, the table generally shows a net use in each of these funds. In cases where fund balances are available, you will note that actual expenditures year-to-date in the special purpose funds are significantly less than the expenditures budgeted, and that is generally to be expected.

No Proposed Appropriations of Fund Balance

In several funds, the actual beginning-of-the-year Fund Balance was different than estimated during the budget development process, with the General Fund being the prime example. As part of this Mid-Year Budget Review, the attached Fund Summaries Table has been updated to show the actual beginning fund balances. There are a few appropriations adjustments proposed to true up the appropriation of unassigned amounts in the City's Special Revenue and Capital Projects Funds, consistent with the City's policies, where needed. These adjustments can be either additions or reductions. The $5,000,000 Transfer to

General Capital Projects related to the Downtown Gateway Roadway and Parking Project and the $2,200,000 Transfer related to CIP 247 are coming from the General Fund's Reserve for Capital Projects that was set aside for such purposes. The balance of Transfers Out to projects will be covered with current year revenues as mentioned above, rather than appropriating funds from the General Fund's Fund Balance.

As has been the case for several years, a couple of the Park Lighting and Landscaping Funds are not yet capable of sustaining current levels of service in the long run; nonetheless, for these Funds, the use of existing Fund Balance and, in a couple of cases, utilizing an interfund loan pursuant to current policy, remains the most reasonable option.

Discussion of Capital Budgets

The Capital Improvement Program (CIP) remains very active this fiscal year, and a substantial amount of available capital projects funds on hand from recent years are being put to work. Included in the Mid-Year Budget amendments related to capital projects are a $100,000 increase to CIP 228, a $150,000 increase to CIP 215 and a $2.2 million increase to CIP 247. The $100,000 increase to CIP 228 is necessary to cover the higher-than-anticipated costs to complete the City Hall Generator Project. The $150,000 increase to CIP 215 is necessary due to increased costs for slurry, which will be funded from the Gas Tax RMRA Fund (Fund 141) Unappropriated Fund Balance. The $2.2 million increase to CIP 247 will be funded from the General Fund's Capital Reserves, for which an additional $5 million was added into reserves at the end of Fiscal Year 2021/2022.

As is typical, some of the projects originated in prior years while others will continue into future fiscal years. The budget policies allow unspent budgeted capital amounts to be rolled forward to the next fiscal year to simplify the accounting process.

Summary of Staff Recommendations

The General Fund:

Staff recommends the Council authorize the appropriation adjustments necessary at a line-item level to adjust General Fund budgeted revenues by a net increase of $110,000, as follows:

- Increase Property Tax revenue by $300,000
- Increase Property Tax in Lieu of VLF by $540,930
- Decrease Property Transfer Tax revenue by $200,000
- Increase Sales Tax by $400,000
- Decrease Building Inspection Fees by $200,000
- Decrease Mechanical Permits by $25,000
- Decrease Plumbing Permits by $40,000
- Decrease Energy Review Fees by $60,000
- Decrease Rental Inspection Fee by $40,000
- Decrease Traffic Fines by $35,000
- Decrease Interest Income by $300,000, to allow for unrealized market loss
- Decrease City Administrative Fee by $120,000
- Decrease Impact Administration Fees by $160,000
- Decrease Interfund Charges – Police by $50,930
- Increase Interfund Charges – Contractor by $100,000

The impact of these proposed revenue adjustments is an overall net increase in estimated General Fund revenue of $110,000.

Staff also recommends decreasing General Fund operational expenditure appropriations by $1,110,000 and increasing on-time, capital project expenditures by $2,300,000, as follows:

- A $175,000 decrease in Contracted Services - Building Permits
- A $35,000 decrease in Planning Commission Meetings
- A $700,000 decrease in Salaries and Benefits for the Police Department
- A $200,000 decrease increase Dispatch Services
- A $100,000 increase in Transfers Out to Fund 201 – General Capital Projects, to complete CIP 228 - City Hall Generator Project
- A $2,200,000 Increase in Transfers Out to Fund 201 – General Capital Projects, for a dirt hauling project to be funded from Capital Reserves

As can be seen above, the recommended changes to the combined General Fund revenue and expenditure projections reflect a $1.22 million improvement ($1.11 million less operational expenditures and $0.11 million more revenue) to the current Operational Budget. Savings in Police Department personnel costs have been realized over the past years, due to the time that it takes to fill positions. To

help us bring our projections closer to actual expenditures for the fiscal year, staff is recommending the $700,000 decrease to PD personnel costs, along with the other $410,000 of decreases listed above. The $175,000 decrease to Contracted Services – Building Permits can be credited to a slow-down in building activities. The $35,000 decrease to Planning Commission Meetings shows that we over-estimated those costs for the new Planning Commission. The $200,000 decrease to Dispatch Services reflects a project that PD had anticipated completing but that project will not take place in the current fiscal year. The $2.3 million of increases to Transfers Out to Fund 201 are one-time, non-operational cost to complete CIP 228 (City Hall Generator Project - $100,000) and pay for dirt to be hauled into the Burroughs property (added to CIP 247 - $2.2 million), which will make that property usable for development. The City has until the end of July to move the dirt that has been made available to us by the Flood Control District. Starting this project of hauling dirt to the Burroughs property now and spreading the project over several months will prevent the City from paying much more to have dirt hauled from a further distance in the future and will lighten the impact on residents of trucks on local roads, by requiring less trucks to be on the roads at a time. This $2,200,000 one-time capital project cost will come from reserves that have been set aside in the General Fund Balance as Capital Reserves.

It should be noted that at this time last year the City of Oakley changed the General Fund Reserve Policy minimum from 20% to 30% of budgeted General Fund operational expenditures. In addition to the 30% Emergency Reserve Fund minimum, another $1 million was reserved at the end of Fiscal Year 2021/2022 to provide a further buffer in case the housing market or the economy declined. Based on these Mid-Year findings, it does not appear that we will need to utilize the extra $1 million in the Emergency Reserve Fund for Fiscal Year 2022/2023. However, we will certainly reevaluate our needs as we begin preparations for the Fiscal Year 2023/2024 Budget.

<u>All Other Funds:</u>
Staff recommends the Council authorize one adjustment necessary at a line-item level to adjust budgeted non-General Fund revenues for a total net increase of $2,374,164, as follows:

- A $50,390 decrease to P-6 revenue

- A $224,554 increase to State Grant revenue, for the Oakley Creekside Park Restoration project to match budgeted expenditures in Fund 115
- A $2,200,000 increase to Transfers In, to Fund 201 from General Fund Capital Reserves

Staff also recommends increasing non-General Fund expenditure appropriations by $2,866,070. There are sufficient funds in all funds below to cover the increases in expenditures.

- A $100,000 increase to CIP 228 - City Hall Generator Project in Fund 201
- A $10,000 increase to Mechanical Equipment Operations in Fund 110
- A $20,000 increase to Street Light Repair and Maintenance in Fund 133
- A $5,000 increase to Maintenance for the Entrepreneur Center in Fund 138
- A $30,000 increase to Street Sweeping for new subdivisions in Fund 145
- A $22,000 increase for Traffic Signal Maintenance in Fund 140 (Gas Tax)
- A $50,930 decrease to Police P-6 Assessment District expenditures
- A $150,000 increase to CIP 215 from Fund 141 (Gas Tax RMRA) to cover increased slurry costs
- A $2,200,000 increase to Construction in Fund 201 – General Capital Projects Fund for dirt hauling – tied to CIP 247 contract
- A total of $380,000 of increased appropriations from the ARPA Fund to establish a Tourism Fund ($300,000), provide free recreation classes to Oakley youth ($60,000) and provide assistance to the Oakley Senior Citizens Club ($20,000), all of which will be discussed in detail in a separate agenda item

Looking Forward

Staff will consider the impact of the most current projections for Fiscal Year 2022/2023 and the likely trends in the coming years when we update the 10-Year Plan during the Fiscal Year 2023/2024 Budget preparation process. As always, the projections in the near term are more meaningful, but extending the analysis out ten years will allow evaluation of the long-term effects of decisions being made today.

As of mid-year, Fiscal Year 2022/2023 budget performance looks positive. During the Fiscal Year 2022/2023 Budget preparation process, the City Council directed staff to include at least $2 million from the General Fund for roadway maintenance and to continue to commit funds for that purpose, in the future. Therefore, $2 million of Operating Transfers Out for roadway maintenance were

included in the Fiscal Year 2022/2023 Budget, and the 10-Year Forecast includes a 4% escalation to ensure fiscally prudent roadway maintenance continues to take place, even during times of future economic downturn.

The Mid-Year Review confirms that if we remain disciplined, as the Council has directed and as incorporated into the City's Financial Polices, the City's operations are and can remain balanced over time. The projections presented here show increased revenue estimates and decreases to expenditures, leaving the General Fund with sufficient current year revenues for even more one-time expenditures than those that were included in the adopted Fiscal Year 2022/2023 Budget. Because the City remains subject to significant external factors in managing costs, we continue to recommend proceeding carefully with any changes expected to increase recurring costs without new recurring revenues. The adoption of the 30% General Fund Reserve Policy and adding $1 million to the Emergency Reserve were prudent measures to help ensure continued stability in the City's operations and fiscal condition. Decisions like these have helped the City of Oakley to be ranked among the three safest cities in California by the State Auditor in the 2020/2021 Local Government High Risk assessment report.

Staff Recommended Budget and Reserve Policy Adjustments

The attached Fund Summary provides an estimated year-end fund balance for every fund. The Mid-Year Adjustment column summarizes the detail provided above and are staff's proposed changes to the Fiscal Year 2022/23 Budget.

The attached Budget Transfer/Revision Request Form provides line-item detail for all staff proposed changes.

Fund Summary
Mid-Year Budget Review
Fiscal Year 2022/23

Fund		Accounts	Current Adjusted Budget	Actual YTD	FYE Projection	Mid-Year Budget Adjustment
100	General Fund	Available Fund Balance 06/30/22			10,158,633	
		Revenues	29,277,108	14,842,817	29,387,108	110,000
		Expenditures	34,691,858	12,800,390	35,881,858	1,190,000
		Revenues over (under) Expenditures	(5,414,750)	2,042,427	(6,494,750)	(1,080,000)
		Est Fund Balance 06/30/23			3,663,883	
110	Cypress Grove (CFD #1)	Available Fund Balance 06/30/22			2,365,531	
		Revenues	354,167	192,839	354,167	0
		Expenditures	1,687,803	130,194	1,687,803	10,000
		Revenues over (under) Expenditures	(1,333,636)	62,645	(1,333,636)	(10,000)
		Est Fund Balance 06/30/23			1,031,895	
115	Oakley Creekside Park Restoration	Available Fund Balance 06/30/22			(41,477) *	
		Revenues	0	109,911	224,554	224,554
		Expenditures	224,554	59,033	224,554	0
		Revenues over (under) Expenditures	(224,554)	50,877	(0)	224,554
		Est Fund Balance 06/30/23			(41,477)	
120	American Rescue Plan Act	Available Fund Balance 06/30/22			4,429,880	
		Revenues	5,088,595	5,097,932	5,088,595	
		Expenditures	5,947,881	297,813	6,327,881	380,000
		Revenues over (under) Expenditures	(859,286)	4,800,119	(1,239,286)	(380,000)
		Est Fund Balance 06/30/23			3,190,594	
125	You, Me, We = Oakley	Available Fund Balance 06/30/22			(147,964) #	
		Revenues	0	0	0	0
		Expenditures	0	0	0	0
		Revenues over (under) Expenditures	0	0	0	0
		Est Fund Balance 06/30/23			(147,964)	
132	Parks Landscaping Assessment - (LLAD Zone 1)	Available Fund Balance 06/30/22			4,022,835	
		Revenues	1,411,587	1,193,059	1,411,587	0
		Expenditures	1,808,163	678,536	1,808,163	0
		Revenues over (under) Expenditures	(396,576)	514,523	(396,576)	0
		Est Fund Balance 06/30/23			3,626,259	
133	Lighting Assessment Dist - (LLAD Zone 2)	Available Fund Balance 06/30/22			201,558	
		Revenues	440,436	298,296	440,436	0
		Expenditures	440,436	206,816	440,436	20,000
		Revenues over (under) Expenditures	(0)	91,480	(0)	(20,000)
		Est Fund Balance 06/30/23			201,557	
134	CC Logistic Center	Available Fund Balance 06/30/22			18,465	
		Revenues	39,176	21,160	39,176	0
		Expenditures	34,662	5,551	34,662	0
		Revenues over (under) Expenditures	4,514	15,610	4,514	0
		Est Fund Balance 06/30/23			22,979	
138	Downtown Revitalization	Available Fund Balance 06/30/22			172,464	
		Revenues	210,200	115,204	210,200	0
		Expenditures	216,120	112,128	216,120	5,000
		Revenues over (under) Expenditures	(5,920)	3,075	(5,920)	(5,000)
		Est Fund Balance 06/30/23			166,544	
140	Gas Tax	Available Fund Balance 06/30/22			1,638,929	
		Revenues	1,253,770	512,182	1,253,770	0
		Expenditures	1,783,743	562,807	1,783,743	22,000
		Revenues over (under) Expenditures	(529,973)	(50,625)	(529,973)	(22,000)
		Est Fund Balance 06/30/23			1,108,956	
141	Gas Tax-RMRA SB1	Available Fund Balance 06/30/22			496,673	
		Revenues	978,277	401,796	978,277	0
		Expenditures	2,121,403	1,004,596	2,121,403	150,000
		Revenues over (under) Expenditures	(1,143,126)	(602,800)	(1,143,126)	(150,000)
		Est Fund Balance 06/30/23			(646,453)	

145	**Stormwater NPDES**	Available Fund Balance 06/30/22			49,127	
		Revenues	500,500	11,148	500,500	0
		Expenditures	829,661	234,778	829,661	30,000
		Revenues over (under) Expenditures	(329,161)	(223,630)	(329,161)	(30,000)
		Est Fund Balance 06/30/23			(280,034)	
148	**Measure J**	Available Fund Balance 06/30/22			1,716,889	
		Revenues	751,090	2,162	751,090	0
		Expenditures	1,673,775	315,992	1,673,775	0
		Revenues over (under) Expenditures	(922,685)	(313,830)	(922,685)	0
		Est Fund Balance 06/30/23			794,204	
150	**Police P-6 Assessment District**	Available Fund Balance 06/30/22			1,795	
		Revenues	7,250,500	3,931,881	7,200,110	(50,390)
		Expenditures	7,250,500	3,931,754	7,200,110	(50,390)
		Revenues over (under) Expenditures	0	127	0	0
		Est Fund Balance 06/30/23			1,795	
151	**Supplemental Law Enforcement (SLEF)**	Available Fund Balance 06/30/22			76	
		Revenues	150,000	112,830	150,000	0
		Expenditures	150,000	112,860	150,000	0
		Revenues over (under) Expenditures	0	(30)	0	0
		Est Fund Balance 06/30/23			76	
168	**Sports Field Maintenance**	Available Fund Balance 06/30/22			181,191	
		Revenues	0	17,555	0	0
		Expenditures	430	326	430	0
		Revenues over (under) Expenditures	(430)	17,229	(430)	0
		Est Fund Balance 06/30/23			180,761	
170	**Vintage Parkway (LLAD Zone 3-1)**	Available Fund Balance 06/30/22			198,303	
		Revenues	79,214	43,341	79,214	0
		Expenditures	127,329	28,121	127,329	0
		Revenues over (under) Expenditures	(48,115)	15,220	(48,115)	0
		Est Fund Balance 06/30/23			150,188	
171	**Oakley Ranch (LLAD Zone 3-2)**	Available Fund Balance 06/30/22			25,947	
		Revenues	26,546	14,578	26,546	0
		Expenditures	33,738	15,277	33,738	0
		Revenues over (under) Expenditures	(7,192)	(698)	(7,192)	0
		Est Fund Balance 06/30/23			18,755	
172	**Empire (LLAD Zone 3-3)**	Available Fund Balance 06/30/22			84,572	
		Revenues	4,734	2,608	4,734	0
		Expenditures	25,745	2,084	25,745	0
		Revenues over (under) Expenditures	(21,011)	524	(21,011)	0
		Est Fund Balance 06/30/23			63,561	
173	**Oakley Town Center (LLAD Zone 3-4)**	Available Fund Balance 06/30/22			82,518	
		Revenues	11,535	6,126	11,535	0
		Expenditures	31,576	4,295	31,576	0
		Revenues over (under) Expenditures	(20,041)	1,830	(20,041)	0
		Est Fund Balance 06/30/23			62,477	
174	**Oak Grove (LLAD Zone 3-5)**	Available Fund Balance 06/30/22			84,761	
		Revenues	28,605	15,736	28,605	0
		Expenditures	48,806	9,658	48,806	0
		Revenues over (under) Expenditures	(20,201)	6,078	(20,201)	0
		Est Fund Balance 06/30/23			64,560	
175	**Laurel Woods/Luna Estates (LLAD Zone 3-6)**	Available Fund Balance 06/30/22			96,885	
		Revenues	7,868	4,348	7,868	0
		Expenditures	32,041	2,982	32,041	0
		Revenues over (under) Expenditures	(24,173)	1,367	(24,173)	0
		Est Fund Balance 06/30/23			72,712	
176	**South Forty (LLAD Zone 3-7)**	Available Fund Balance 06/30/22			51,312	
		Revenues	9,905	5,462	9,905	0
		Expenditures	22,494	4,474	22,494	0
		Revenues over (under) Expenditures	(12,589)	988	(12,589)	0
		Est Fund Balance 06/30/23			38,723	

177	**Claremont (LLAD Zone 3-8)**	Available Fund Balance 06/30/22			9,837	
		Revenues	7,728	4,208	7,728	0
		Expenditures	10,689	5,322	10,689	0
		Revenues over (under) Expenditures	(2,961)	(1,114)	(2,961)	0
		Est Fund Balance 06/30/23			6,876	
178	**Gateway (LLAD Zone 3-9)**	Available Fund Balance 06/30/22			180,653	
		Revenues	18,610	10,342	18,610	0
		Expenditures	64,876	10,735	64,876	0
		Revenues over (under) Expenditures	(46,266)	(393)	(46,266)	0
		Est Fund Balance 06/30/23			134,387	
179	**Countryside-Village Green (LLAD Zone 3-10)**	Available Fund Balance 06/30/22			26,410	
		Revenues	2,875	1,479	2,875	0
		Expenditures	9,471	1,738	9,471	0
		Revenues over (under) Expenditures	(6,596)	(259)	(6,596)	0
		Est Fund Balance 06/30/23			19,814	
180	**Country Fair-Meadow Glen (LLAD Zone 3-11)**	Available Fund Balance 06/30/22			(2,510)	
		Revenues	9,423	4,983	9,423	0
		Expenditures	5,473	5,225	5,473	0
		Revenues over (under) Expenditures	3,950	(242)	3,950	0
		Est Fund Balance 06/30/23			1,440	
181	**California Sunrise (LLAD Zone 3-12)**	Available Fund Balance 06/30/22			75,500	
		Revenues	3,702	2,028	3,702	0
		Expenditures	22,667	1,428	22,667	0
		Revenues over (under) Expenditures	(18,965)	600	(18,965)	0
		Est Fund Balance 06/30/23			56,535	
182	**California Visions-Laurel (LLAD Zone 3-13)**	Available Fund Balance 06/30/22			160,787	
		Revenues	12,250	6,818	12,250	0
		Expenditures	52,432	4,526	52,432	0
		Revenues over (under) Expenditures	(40,182)	2,292	(40,182)	0
		Est Fund Balance 06/30/23			120,605	
183	**Claremont Heritage (LLAD Zone 3-14)**	Available Fund Balance 06/30/22			229,255	
		Revenues	18,540	10,343	18,540	0
		Expenditures	74,704	4,812	74,704	0
		Revenues over (under) Expenditures	(56,164)	5,531	(56,164)	0
		Est Fund Balance 06/30/23			173,091	
184	**Country Fair-Meadow Glen II (LLAD Zone 3-15)**	Available Fund Balance 06/30/22			214,042	
		Revenues	122,982	67,756	122,982	0
		Expenditures	174,928	54,470	174,928	0
		Revenues over (under) Expenditures	(51,946)	13,287	(51,946)	0
		Est Fund Balance 06/30/23			162,096	
185	**Sundance (LLAD Zone 3-16)**	Available Fund Balance 06/30/22			14,079	
		Revenues	9,010	4,919	9,010	0
		Expenditures	11,796	4,107	11,796	0
		Revenues over (under) Expenditures	(2,786)	812	(2,786)	0
		Est Fund Balance 06/30/23			11,293	
186	**CA Jamboree-Laurel Anne (LLAD Zone 3-17)**	Available Fund Balance 06/30/22			416,248	
		Revenues	118,184	63,796	118,184	0
		Expenditures	214,502	45,659	214,502	0
		Revenues over (under) Expenditures	(96,318)	18,137	(96,318)	0
		Est Fund Balance 06/30/23			319,930	
187	**Country Place (LLAD Zone 3-18)**	Available Fund Balance 06/30/22			(79,005) *	
		Revenues	43,400	22,870	43,400	0
		Expenditures	63,181	22,479	63,181	0
		Revenues over (under) Expenditures	(19,781)	391	(19,781) *	0
		Est Fund Balance 06/30/23			(98,786)	
			* From General Fund Loan			
188	**Laurel Crest (LLAD Zone 3-19)**	Available Fund Balance 06/30/22			105,904	
		Revenues	157,800	83,318	157,800	0
		Expenditures	185,233	89,220	185,233	0
		Revenues over (under) Expenditures	(27,433)	(5,902)	(27,433)	0
		Est Fund Balance 06/30/23			78,471	

189	**Marsh Creek Glen (LLAD Zone 3-20)**	Available Fund Balance 06/30/22			403,044	
		Revenues	109,038	60,331	109,038	0
		Expenditures	203,138	30,824	203,138	0
		Revenues over (under) Expenditures	(94,100)	29,506	(94,100)	0
		Est Fund Balance 06/30/23			308,944	
190	**Quail Glen (LLAD Zone 3-21)**	Available Fund Balance 06/30/22			115,793	
		Revenues	36,015	19,551	36,015	0
		Expenditures	63,131	14,002	63,131	0
		Revenues over (under) Expenditures	(27,116)	5,549	(27,116)	0
		Est Fund Balance 06/30/23			88,677	
191	**Cypress Grove (LLAD Zone 3-22)**	Available Fund Balance 06/30/22			644,468	
		Revenues	459,341	259,619	459,341	0
		Expenditures	559,341	191,380	559,341	0
		Revenues over (under) Expenditures	(100,000)	68,239	(100,000)	0
		Est Fund Balance 06/30/23			544,468	
192	**South Oakley (LLAD Zone 3-23)**	Available Fund Balance 06/30/22			445,568	
		Revenues	459,341	259,619	459,341	0
		Expenditures	559,341	191,380	559,341	0
		Revenues over (under) Expenditures	(100,000)	68,239	(100,000)	0
		Est Fund Balance 06/30/23			345,568	
193	**Stone Creek (LLAD Zone 3-24)**	Available Fund Balance 06/30/22			397,020	
		Revenues	71,133	39,495	71,133	0
		Expenditures	160,917	10,463	160,917	0
		Revenues over (under) Expenditures	(89,784)	29,032	(89,784)	0
		Est Fund Balance 06/30/23			307,236	
194	**Magnolia Park (LLAD Zone 3-25)**	Available Fund Balance 06/30/22			2,085,323	
		Revenues	928,357	511,759	928,357	0
		Expenditures	1,034,987	328,991	1,034,987	0
		Revenues over (under) Expenditures	(106,630)	182,768	(106,630)	0
		Est Fund Balance 06/30/23			1,978,693	
195	**Summer Lake (LLAD Zone 3-26)**	Available Fund Balance 06/30/22			1,187,556	
		Revenues	557,261	305,716	557,261	0
		Expenditures	657,261	195,628	657,261	0
		Revenues over (under) Expenditures	(100,000)	110,088	(100,000)	0
		Est Fund Balance 06/30/23			1,087,556	
201	**General Capital Projects**	Available Fund Balance 06/30/22			2,036,981	
		Revenues	260,000	209,534	2,460,000	2,200,000
		Expenditures	7,543,529	819,518	9,843,529	2,300,000
		Revenues over (under) Expenditures	(7,283,529)	(609,984)	(7,383,529)	(100,000)
		Est Fund Balance 06/30/23			(5,346,549)	
202	**Traffic Impact Fee**	Available Fund Balance 06/30/22			12,299,189	
		Revenues	3,583,132	757,402	3,583,132	0
		Expenditures	13,651,647	688,908	13,651,647	0
		Revenues over (under) Expenditures	(10,068,516)	68,495	(10,068,516)	0
		Est Fund Balance 06/30/23			2,230,673	
204	**Park Impact Fee**	Available Fund Balance 06/30/22			5,906,365	
		Revenues	2,755,740	569,989	2,755,740	0
		Expenditures	7,712,429	446,653	7,712,429	0
		Revenues over (under) Expenditures	(4,956,690)	123,336	(4,956,690)	0
		Est Fund Balance 06/30/23			949,675	
206	**Public Facilities Impact Fee**	Available Fund Balance 06/30/22			3,485,873	
		Revenues	1,074,471	315,828	1,074,471	0
		Expenditures	1,337,909	479,323	1,337,909	0
		Revenues over (under) Expenditures	(263,438)	(163,495)	(263,438)	0
		Est Fund Balance 06/30/23			3,222,435	
208	**Fire Impact Fee**	Available Fund Balance 06/30/22			0	
		Revenues	0	0	0	0
		Expenditures	0	0	0	0
		Revenues over (under) Expenditures	0	0	0	0
		Est Fund Balance 06/30/23			0	

221	**2012 Refunding Assessment Bond CIP**	Available Fund Balance 06/30/22			80,175	
		Revenues	0	0	0	0
		Expenditures	62,377	0	62,377	0
		Revenues over (under) Expenditures	(62,377)	0	(62,377)	0
		Est Fund Balance 06/30/23			17,798	
222	**2014 Refunding Assessment Bond CIP**	Available Fund Balance 06/30/22			649,429	
		Revenues	0	329	0	0
		Expenditures	0	0	0	0
		Revenues over (under) Expenditures	0	329	0	0
		Est Fund Balance 06/30/23			649,429	
231	**Main Street**	Available Fund Balance 06/30/22			1,239,650	
		Revenues	10,000	5,000	10,000	0
		Expenditures	1,257,049	729,760	1,257,049	0
		Revenues over (under) Expenditures	(1,247,049)	(724,760)	(1,247,049)	0
		Est Fund Balance 06/30/23			(7,399)	
232	**Regional Parks (CFD)**	Available Fund Balance 06/30/22			1,792,759	
		Revenues	165,000	183,610	165,000	0
		Expenditures	31,679	10,131	31,679	0
		Revenues over (under) Expenditures	133,321	173,479	133,321	
		Est Fund Balance 06/30/23			1,926,081	
235	**Street Maintenance Reserve**	Available Fund Balance 06/30/22			3,592,789	
		Revenues	2,000,000	1,000,000	2,000,000	0
		Expenditures	2,100,000	0	2,100,000	0
		Revenues over (under) Expenditures	(100,000)	1,000,000	(100,000)	0
		Est Fund Balance 06/30/23			3,492,789	
301	**Developer Deposits**	Available Fund Balance 06/30/22			0	
		Revenues	0	787,808	0	0
		Expenditures	1,214,817	0	1,214,817	0
		Revenues over (under) Expenditures	(1,214,817)	787,808	(1,214,817)	0
		Est Fund Balance 06/30/23			(1,214,817)	
	* Revenues are earned as deposits are spent.					
351	**Debt Service**	Available Fund Balance 06/30/22			41,057	
		Revenues	666,769	333,443	666,769	0
		Expenditures	709,479	3,003	709,479	0
		Revenues over (under) Expenditures	(42,710)	330,440	(42,710)	0
		Est Fund Balance 06/30/23			(1,653)	
403	**Stormwater Citywide (CFD)**	Available Fund Balance 06/30/22			10,826	
		Revenues	11,799	7,599	11,799	0
		Expenditures	2,024	836	2,024	0
		Revenues over (under) Expenditures	9,775	6,763	9,775	0
		Est Fund Balance 06/30/23			20,601	
404	**Fire Protection (CFD 2018-1)**	Available Fund Balance 06/30/22			(12,382)	
		Revenues	300,000	168,113	300,000	0
		Expenditures	300,000	4,007	300,000	0
		Revenues over (under) Expenditures	0	164,106	0	0
		Est Fund Balance 06/30/23			(12,382)	
405	**Emerson Ranch Parks/St. Lighting (CFD 2015-1)**	Available Fund Balance 06/30/22			701,964	
		Revenues	201,174	124,738	201,174	0
		Expenditures	301,174	70,015	301,174	0
		Revenues over (under) Expenditures	(100,000)	54,723	(100,000)	0
		Est Fund Balance 06/30/23			601,964	
406	**Emerson Ranch Neighborhood (CFD 2015-1)**	Available Fund Balance 06/30/22			595,135	
		Revenues	193,001	119,551	193,001	0
		Expenditures	293,001	73,857	293,001	0
		Revenues over (under) Expenditures	(100,000)	45,694	(100,000)	0
		Est Fund Balance 06/30/23			495,135	
407	**Emerson Ranch Storm Water (CFD 2015-1)**	Available Fund Balance 06/30/22			872,665	
		Revenues	281,206	146,921	281,206	0
		Expenditures	401,206	116,437	401,206	0
		Revenues over (under) Expenditures	(120,000)	30,484	(120,000)	0
		Est Fund Balance 06/30/23			752,665	

408	**Prescott Landscaping (CFD 2015-2 Zone 1)**	Available Fund Balance 06/30/22			31,201	
		Revenues	21,462	11,789	21,462	0
		Expenditures	21,462	9,613	21,462	0
		Revenues over (under) Expenditures	0	2,177	0	0
		Est Fund Balance 06/30/23			31,201	
409	**Prescott Stormwater (CFD 2015-2 Zone 1)**	Available Fund Balance 06/30/22			69,328	
		Revenues	26,666	13,282	26,666	0
		Expenditures	26,666	6,363	26,666	0
		Revenues over (under) Expenditures	0	6,919	0	0
		Est Fund Balance 06/30/23			69,328	
410	**Doyle Rd Landscaping (CFD 2015-2 Zone 2)**	Available Fund Balance 06/30/22			928	
		Revenues	755	534	755	0
		Expenditures	755	815	755	0
		Revenues over (under) Expenditures	0	(281)	0	0
		Est Fund Balance 06/30/23			928	
411	**Bella Estates Landscaping (CFD 2015-2 Zone 3)**	Available Fund Balance 06/30/22			(340)	
		Revenues	633	786	1,047	0
		Expenditures	423	815	423	0
		Revenues over (under) Expenditures	210	(29)	624	0
		Est Fund Balance 06/30/23			284	
412	**Quicksilver Landscaping (CFD 2015-2 Zone 4)**	Available Fund Balance 06/30/22			798	
		Revenues	1,099	605	1,099	0
		Expenditures	1,099	1,174	1,099	0
		Revenues over (under) Expenditures	0	(569)	0	0
		Est Fund Balance 06/30/23			798	
413	**7-11/Self Storage Landscaping (CFD 2015-2 Zone 5)**	Available Fund Balance 06/30/22			1,835	
		Revenues	1,335	736	1,335	0
		Expenditures	1,335	1,174	1,335	0
		Revenues over (under) Expenditures	0	(438)	0	0
		Est Fund Balance 06/30/23			1,835	
414	**Aspen Place Landscaping (CFD 2015-2 Zone 6)**	Available Fund Balance 06/30/22			10,944	
		Revenues	7,793	4,300	7,793	0
		Expenditures	7,793	4,941	7,793	0
		Revenues over (under) Expenditures	0	(641)	0	0
		Est Fund Balance 06/30/23			10,944	
415	**Aspen Lane Landscaping (CFD 2015-2 Zone 7)**	Available Fund Balance 06/30/22			28,220	
		Revenues	12,936	7,152	12,936	0
		Expenditures	12,936	5,281	12,936	0
		Revenues over (under) Expenditures	0	1,871	0	0
		Est Fund Balance 06/30/23			28,220	
416	**Duarte Ranch Landscaping (CFD 2015-2 Zone 8)**	Available Fund Balance 06/30/22			56,075	
		Revenues	65,873	36,243	65,873	0
		Expenditures	80,369	41,390	80,369	0
		Revenues over (under) Expenditures	(14,496)	(5,147)	(14,496)	0
		Est Fund Balance 06/30/23			41,579	
417	**Duarte Ranch Stormwater (CFD 2015-2 Zone 8)**	Available Fund Balance 06/30/22			85,570	
		Revenues	23,259	12,850	23,259	0
		Expenditures	26,595	13,454	26,595	0
		Revenues over (under) Expenditures	(3,336)	(604)	(3,336)	0
		Est Fund Balance 06/30/23			82,234	
418	**Nature Properties Landscaping (CFD 2015-2 Zone 10)**	Available Fund Balance 06/30/22			11,705	
		Revenues	5,349	2,957	5,349	0
		Expenditures	5,349	2,100	5,349	0
		Revenues over (under) Expenditures	0	857	0	0
		Est Fund Balance 06/30/23			11,705	
419	**Chevron Laurel/O'Hara Landscaping (CFD 2015-2 Zone 12)**	Available Fund Balance 06/30/22			6,760	
		Revenues	3,021	1,671	3,021	0
		Expenditures	3,021	1,175	3,021	0
		Revenues over (under) Expenditures	0	495	0	0
		Est Fund Balance 06/30/23			6,760	

420	4700 Main St Landscaping (CFD 2015-2 Zone 13)	Available Fund Balance 06/30/22			(653)	
		Revenues	0	0	0	0
		Expenditures	0	0	0	0
		Revenues over (under) Expenditures	0	0	0	0
		Est Fund Balance 06/30/23			(653)	
421	Gilbert Property Landscaping (CFD 2015-2 Zone 14)	Available Fund Balance 06/30/22			461,784	
		Revenues	539,810	302,835	539,810	0
		Expenditures	663,701	334,865	663,701	0
		Revenues over (under) Expenditures	(123,891)	(32,030)	(123,891)	0
		Est Fund Balance 06/30/23			337,893	
422	Gilbert Property Stormwater (CFD 2015-2 Zone 14)	Available Fund Balance 06/30/22			177,200	
		Revenues	275,294	168,653	306,643	0
		Expenditures	275,294	103,330	275,294	0
		Revenues over (under) Expenditures	0	65,324	31,349	0
		Est Fund Balance 06/30/23			208,549	
423	UPS Expansion Landscaping (CFD 2015-2 Zone 16)	Available Fund Balance 06/30/22			(2,043)	
		Revenues	0	0	0	0
		Expenditures	700	359	700	0
		Revenues over (under) Expenditures	(700)	(359)	(700)	0
		Est Fund Balance 06/30/23			(2,743)	
424	ARCO AM/PM Landscaping (CFD 2015-2 Zone 17)	Available Fund Balance 06/30/22			1,102	
		Revenues	0	1	0	0
		Expenditures	1,257	1,173	1,257	0
		Revenues over (under) Expenditures	(1,257)	(1,172)	(1,257)	0
		Est Fund Balance 06/30/23			(155)	
425	Shiloh Landscaping (CFD 2015-2 Zone 18)	Available Fund Balance 06/30/22			(8,598)	
		Revenues	0	0	0	0
		Expenditures	119	61	119	0
		Revenues over (under) Expenditures	(119)	(61)	(119)	0
		Est Fund Balance 06/30/23			(8,717)	
426	The Village at Main Landscaping (CFD 2015-2 Zone 20)	Available Fund Balance 06/30/22			(8,598)	
		Revenues	0	0	0	0
		Expenditures	5,070	2,051	5,070	0
		Revenues over (under) Expenditures	(5,070)	(2,051)	(5,070)	0
		Est Fund Balance 06/30/23			(13,668)	
430	Vintner View (CFD 2015-2 Zone 29)	Available Fund Balance 06/30/22			0	
		Revenues	2,432	2,165	2,432	0
		Expenditures	0	0	0	0
		Revenues over (under) Expenditures	2,432	2,165	2,432	0
		Est Fund Balance 06/30/23			2,432	
501	Vehicle Internal Service Fund	Available Fund Balance 06/30/22			1,374,739	
		Revenues	391,779	184,067	391,779	0
		Expenditures	400,029	85,932	400,029	0
		Revenues over (under) Expenditures	(8,250)	98,135	(8,250)	0
		Est Fund Balance 06/30/23			1,366,489	
502	Capital Facilities Maintenance & Replacement	Available Fund Balance 06/30/22			5,764,494	
		Revenues	600,000	300,757	600,000	0
		Expenditures	648,024	49,953	648,024	0
		Revenues over (under) Expenditures	(48,024)	250,805	(48,024)	0
		Est Fund Balance 06/30/23			5,716,471	
503	Technology Internal Service Fund	Available Fund Balance 06/30/22			600,326	
		Revenues	206,000	103,209	206,000	0
		Expenditures	101,295	50,367	101,295	0
		Revenues over (under) Expenditures	104,705	52,842	104,705	0
		Est Fund Balance 06/30/23			705,031	
621	2012 Refunding Assessment Bond Debt Service	Available Fund Balance 06/30/22			1,483,108	
		Revenues	1,190,803	658,164	1,190,803	0
		Expenditures	923,563	20,015	923,563	0
		Revenues over (under) Expenditures	267,240	638,149	267,240	0
		Est Fund Balance 06/30/23			1,750,348	
622	2014 Refunding Assessment Bond Debt Service	Available Fund Balance 06/30/22			1,131,486	
		Revenues	759,160	419,349	759,160	0

Expenditures	778,028	11,587	778,028	0
Revenues over (under) Expenditures	(18,867)	407,763	(18,867)	0
Est Fund Balance 06/30/23			1,112,619	

767	**Tax Increment Housing**	Available Fund Balance 06/30/22			(977,314) *	
		Revenues	**10,000**	**1,100**	**10,000**	**0**
		Expenditures	**10,000**	**0**	**10,000**	**0**
		Revenues over (under) Expenditures	**0**	**1,100**	**0**	**0**
		Est Fund Balance 06/30/23			(977,314)	
			***Advances from other funds**		**# Combined with General Fund (100)**	

Note: Throughout this schedule, available fund balances at 06/30/22 include the amounts appropriated from Reserves in funds where applicable.

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE FISCAL YEAR 2022/2023 MIDYEAR BUDGET REVIEW AND ADOPTING ITS RECOMMENDATIONS FOR REVISING THE FISCAL YEAR 2022/2023 OPERATING AND CAPITAL BUDGETS

WHEREAS, the City is required by law to approve a budget prior to the beginning of each fiscal year, and finds it prudent to review the status of the budget at midyear each year; and

WHEREAS, the Finance Director and other City Department Heads have undertaken a thorough review and projected revenues and expenditures for the remainder of the fiscal year; and

WHEREAS, the City Council of the City of Oakley has been presented with a Midyear Budget Review Report, including a "State of the Budget" summary and Staff recommendations; and

WHEREAS, the City Council has reviewed the Midyear Review Report and wishes to approve and adopt the Staff recommendations;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves and adopts the Staff recommendations included in the Midyear Budget Review presented by the City Manager.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held this 28th day of February 2023, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

BUDGET TRANSFER/REVISION REQUEST FORM

Date Received in Finance	Division	Activity	Budget Adjustment #
2/28/2023	Finance	Mid-Year Budget Adjustments - Revenues	BA-30

Source of Funding	Type of Transfer	Reason for Request
☑ From Existing Budget Appropriations	☐ Intra-Division Transfer (within a division)	Mid-Year Budget Adjustments - Fiscal Year 2022/2023
☐ From Donations, Fees or Grants	☐ Inter-Division Transfer (between divisions)	
☑ From Unappropriated Fund Balance	☐ Interfund Transfer (between funds)	

	Description	Fund	Account Number	Project#	Project Phase/Task	Amount Increase	Amount Decrease
1	Property Taxes	100	100-3101			300,000.00	
2	Property Tax In-Lieu of VLF	100	100-3103			540,930.00	
3	Property Tax Transfer	100	100-3104				200,000.00
4	Sales and Use Taxes	100	100-3201			400,000.00	
5	Building Inspection Fees	100	100-3301				200,000.00
6	Mechanical Permits	100	100-3302				25,000.00
7	Plumbing Permits	100	100-3319				40,000.00
8	Energy Review Fees	100	100-3345				60,000.00
9	Rental Inspection Fees	100	100-3368				40,000.00
10	Traffic Fines	100	100-3401				35,000.00
11	Interest Income	100	100-3501				300,000.00
12	City Administrative Fee	100	100-3903				120,000.00
13	Impact Adminintration Fees	100	100-3907				160,000.00
14	Interfund Charges - Police	100	100-5911				50,930.00
15	Interfund Charges - Contractor	100	100-5917			100,000.00	
16	State Grant Revenue - Creekside Park	115	115-3607			224,554.00	
17	Special Assessments - P6	150	150-3207				50,930.00
18	Transfer in from Capital Reserves	201	201-3950			2,200,000.00	
19	Transfer in from General Fund	201	201-3950			100,000.00	

Division Requesting Change:

Division Head Signature	Date
Tim Przybyla	2/28/2023
Prepared by (print name and initial)	Date

The above information has been reviewed, is complete and accurate and the appropriations

Finance Division Action:

Accounting Manager Signature	Date
Director of Finance Signature	Date

City Council Action:

☐ Approved ☐ Disapproved ☐ Not Required

Resolution Number	Council Meeting Date

City Manager Action:

☐ Approved ☐ Disapproved ☐ Not Required

City Manager Signature	Date

BUDGET TRANSFER/REVISION REQUEST FORM

Date Received in Finance	Division	Activity	Budget Adjustment #
2/28/2023	Finance	Mid-Year Budget Adjustments - Expenditures	BA-30 (Continued)

Source of Funding	Type of Transfer	Reason for Request
☑ From Existing Budget Appropriations	☐ Intra-Division Transfer (within a division)	Mid-Year Budget Adjustments - Fiscal Year 2022/2023
☐ From Donations, Fees or Grants	☐ Inter-Division Transfer (between divisions)	
☑ From Unappropriated Fund Balance	☐ Interfund Transfer (between funds)	

						Amount	
	Description	Fund	Account Number	Project#	Project Phase/Task	Increase	Decrease
1	Contracted Services - Building Permits	100	100-18-005-5810				175,000.00
2	Planning Commission Meetings - Planning	100	100-18-007-5504				35,000.00
3	Salaries - Police	100	100-21-001-4101				700,000.00
4	Dispatch Services - Police	100	100-21-001-5817				200,000.00
5	Transfer Out to Fund 201 for CIP-228	100	100-99-901-8410			100,000.00	
6	Transfer Out to Fund 201 for CIP-247	100	100-99-901-8410			2,200,000.00	
7	City Hall Generator Project - CIP 228	201	201-75-228-0101			100,000.00	
8	Mechanical Equipment Operations	110	110-35-251-6623			10,000.00	
9	Street Light Repair and Maintenance	133	133-31-102-5300			20,000.00	
10	Maintenance - Entrepreneuer Center	138	138-15-043-5300			5,000.00	
11	Street Sweeping	145	145-35-001-6170			30,000.00	
12	Traffic Signal Maintenance	140	140-30-001-5370			22,000.00	
13	Interfund Charges - Police	150	150-21-001-5911				50,930.00
14	Construction - Slurry Costs - CIP 215	141	141-75-215-0101			150,000.00	
15	Community Benefit Grant - Youth Rec	120	120-10-001-5901			60,000.00	
16	Community Benefit Grant - Seniors	120	120-10-001-5901			20,000.00	
17	Tourism Program	120	120-10-001-5904			300,000.00	

Division Requesting Change:

Division Head Signature	Date
Tim Przybyla	2/28/2023
Prepared by (print name and initial)	Date

The above information has been reviewed, is complete and accurate and the appropriations

Finance Division Action:

Accounting Manager Signature	Date
Director of Finance Signature	Date

City Council Action:

☐ Approved ☐ Disapproved ☐ Not Required

Resolution Number	Council Meeting Date

City Manager Action:

☐ Approved ☐ Disapproved ☐ Not Required

City Manager Signature	Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: 0 2/28/2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Jeri Tejeda, Human Resources Director

SUBJECT: Adopt five separate Resolutions approving the update to the City's Personnel Rules, approving the Administrative Regulation Policy, approving the Compensation and Benefits for General Staff, approving the Compensation and Benefits for Police Management, and approving a side letter to the MOU between the City of Oakley and the Oakley Police Officers Association

---

Background and Analysis

In the year 2000, the City Council adopted Personnel Ordinance #17-00 and in 2001, the employee handbook was created and updated again in 2004. In 2008 a complete review was done, and the Personnel Manual was created and adopted. The Personnel Manual was updated in 2012, 2016 and 2017 with slight modifications.

With the last significant update completed in 2008, it was time for a thorough review. During the update process, staff's goal was to modernize language, reorganize to help with readability as well as bring the policy current to what is considered best practices. Staff review included content as well as ensuring that policy and practice aligned, and where conflicts existed, either cleaned up language or practice to ensure compliance with policy.

The Personnel Rules presented tonight have several changes in which the context and current practices do not change. There are however some changes that staff is recommending that are a more significant change. These recommended changes are listed here with an explanation for the change.

1. General Staff and Police Management are unrepresented and therefore have compensation and benefits approved as a resolution and not a memorandum of understanding. With benefits detailed in the personnel rules, they have not been kept current for years as the resolution of approved compensation and benefits has not been incorporated each year into the actual document. Staff recommends removing the compensation and benefits from the rules and creating a separate document that is easier to manage whenever a change is made. This document will be brought before council whenever a change to compensation or benefits is being requested and it will be updated with any approved resolution. The compensation and benefits presented in each document were approved in June of 2022 by council and therefore this is simply being presented as a clean-up item to the personnel rules.
2. Management Staff receives management leave as they do not receive overtime for any hours worked outside of their normal work schedule. Management Leave is provided annually in January and totals ninety-six (96) hours. The previous policy did not allow for any roll over hours and any unused hours were lost. Staff is recommending allowing forty (40) of these hours to roll over each year, but to cap at one hundred thirty-six (136) hours in the accrual bank. This minimal number of hours will allow a little more flexibility in cases where a manager was unable to use the total hours for the year. There is not a specific cost for this, however, it does allow for the hours to potentially be paid at a higher rate of pay should an employee receive an increase after the hours are rolled.
3. The City pays for the cost of uniforms and safety footwear for all general staff that work in a position that requires such. The previous policy called for the employee to purchase safety footwear and request reimbursement. The practice has been for the City to make the purchase on the employee's behalf. Uniforms are also considered a fringe benefit and therefore are taxable for any employee who is receiving this benefit. After seeking input from the affected departments, staff has updated the uniform and safety footwear language to match our current practice. We have also accounted for the cost of the uniforms and set a standard number of uniforms to be purchased annually. To ensure we are consistent across departments and to account for the need to tax this benefit a timeline is being implemented with checks and balances between the department and human resources.
4. The previous dress code requirements were very vague and made it difficult to enforce any specific perceived violation of the policy. Staff is recommending an update to clarify expectations of how staff should represent the City professionally. It makes clear the types of clothing that are not considered professional and encourages staff to represent Oakley with items that have our City logo. It also addressed tattoos and piercings ensuring that anything that is offensive, gang related, of sexual nature or a safety hazard are covered or removed.

5. Bilingual pay in the previous policy allowed for Spanish speaking employees to receive incentive pay without the need to directly link the pay to a public benefit. Staff is recommending to update the policy to link bilingual pay directly to enhancing ones position to benefit the community as a whole. Bilingual pay is not just for someone who speaks another language, rather it is for someone who can translate another language either verbally or written in order to benefit our customers and community. The recommended policy creates a process that is inclusive to all languages including American Sign Language and links this pay directly to a public benefit.
6. The previous policy had a reference to the administrative regulation policy that allows for the City Manager to administratively approve processes and procedures that is more procedural in nature and does not provide any compensation or benefits requiring council approval. Although the previous policy referenced this, there was no definition or guidance associated with it. Staff has prepared an administrative regulation policy to provide context to what these types of processes and procedures will look like.
7. In 2023, a new law requiring time away from work for bereavement leave was issued. It is not required to be paid unless an employee utilizes their accruals for any days missed. Our current policy has allowed for up to 5 days of paid leave depending on whether the death is in or out of the state. The updates to the bereavement section of the policy is to ensure our language complies with the new law. It does not change what has been provided in the previous policy for paid bereavement days.
8. The updates proposed to the MOU for the OPOA is cleanup to keep the language in the personnel rules and the MOU consistent. The only change that does increase compensation by approximately $100 per year is a slight increase to the Standby Pay. This is to make accounting for daily standby pay at a flat rate as opposed to a weekly rate that requires manual updates each pay period. This will make things more efficient and reduce the need for manual intervention.
9. Lastly, several policies that are more administrative in nature or need more frequent review and updates have been removed from the personnel rules and will either be a stand-alone policy that will be brought back to the council in the near future for consideration or will be an administrative regulation policy as it is clarification to a process or procedure and not a policy that should be in the personnel rules.

Staff has spent a significant amount of time reviewing and updating these recommended Personnel Rules to ensure they can be applied today and in the future. At the forefront was creating a policy that is understandable and that can be consistently applied to all. These Rules will be our guide as we navigate the day-to-day administration of managing employees. Having a current and comprehensive policy in place allows staff to be

consistent across all departments no matter the circumstance. With consistency comes understanding and trust which is what builds a strong and successful City.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with our strategic plan, sustainable organization goal. Several goals discuss the importance of employee trust as well as setting us up for the future. These Rules will guide us to being a sustainable organization as well as continue to build trust with staff and the community.

Fiscal Impact

There is no fiscal impact to the 2022/2023 budget. As mentioned in number 9 above, there is a slight increase to standby pay in the OPOA MOU. This increase is very minimal and will not require any new funding.

Staff Recommendation

Adopt five separate Resolutions approving the following:

1. City's Personnel Rules
2. Administrative Regulation Policy
3. Compensation and Benefits for General Staff
4. Compensation and Benefits for Police Management
5. Side letter to the MOU between the City of Oakley and the Oakley Police Officers Association

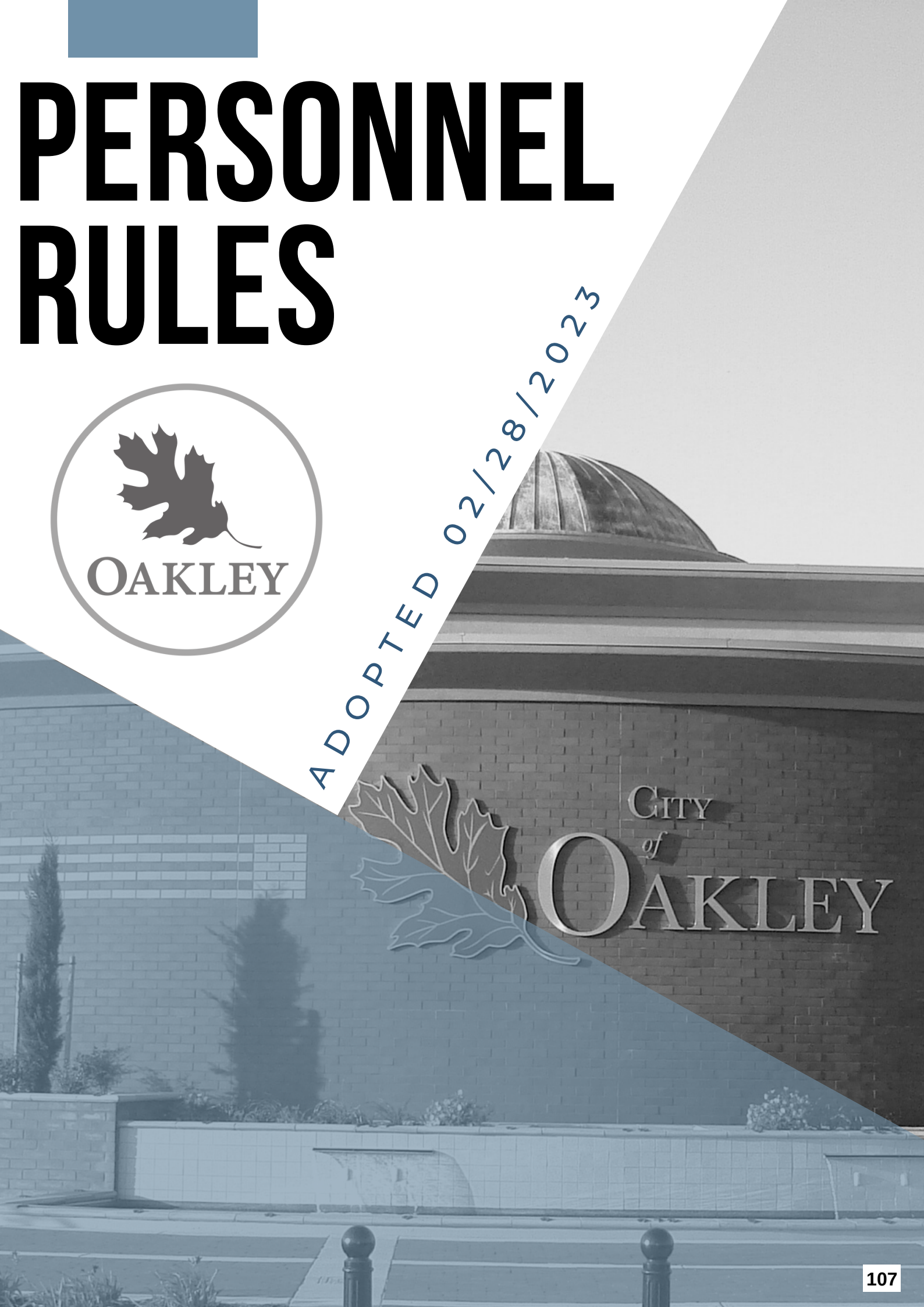
Attachments

1. Resolution Personnel Rules
2. Resolution Administrative Regulation Policy
3. Resolution Compensation and Benefits for General Staff
4. Compensation and Benefits for Police Management
5. Resolution Side letter to the MOU between the City of Oakley and the Oakley Police Officers Association
6. Personnel Rules
7. Administrative Regulation Policy
8. Compensation and Benefits for General Staff
9. Compensation and Benefits for Police Management
10. Side Letter to the MOU between the City of Oakley and the Oakley Police Officers Association-Signed
11. Side Letter to the MOU between the City of Oakley and the Oakley Police Officers Association Red-Lined
12. Personnel Manual last amended August 2017

PERSONNEL RULES

OAKLEY

ADOPTED 02/28/2023



City of Oakley
Table of Content

1 PURPOSE _____ *9*

1.1 Mission, Vision, and Values _____ 9

1.2 Personnel Policy _____ 10

1.3 Equal Employment Opportunity _____ 10

1.4 Powers of the City Manager _____ 11

1.5 Management Rights _____ 12

1.6 Department Rules and Regulations _____ 13

1.7 Application of Personnel Rules _____ 13

1.8 Adoption of Personnel Rules _____ 13

1.9 Amendment and Revision of Personnel Rules _____ 13

1.10 Conflict of Personnel Rules _____ 13

1.11 Rights of Management _____ 14

1.12 Violation of Personnel Rules _____ 14

2 DEFINITION OF TERMS _____ *14*

2.1 Actual hours worked _____ 14

2.2 Advancement _____ 14

2.3 Allocation _____ 14

2.4 Applicant _____ 14

2.5 Appointing Authority _____ 14

2.6 Appointment _____ 14

2.7 At-will _____ 15

2.8 Base Pay _____ 15

2.9 Candidate _____ 15

2.10 Certification _____ 15

2.11 City _____ 15

2.12 Class or Classification _____ 15

2.13 Classification Plan _____ 15

2.14 Compensation _____ 15

2.15 Compensatory time off _____ 15

2.16 Competitive Examination _____ 15

2.17 Continuous Service _____ 15

2.18 Days _____ 15

2.19 Demotion _____ 16

2.20 Department ____ 16
2.21 Department Director ____ 16
2.22 Dismissal ____ 16
2.23 Domestic Partner ____ 16
2.24 Elected Official ____ 16
2.25 Eligible Candidate ____ 16
2.26 Employment Date ____ 16
2.27 Employment List ____ 16
2.28 Employment Status ____ 16
2.29 Examination ____ 16
2.30 Executive Management ____ 16
2.31 FLSA ____ 16
2.32 FLSA Exempt ____ 16
2.33 FLSA Non-Exempt ____ 17
2.34 Full-Time Employees ____ 17
2.35 Layoff ____ 17
2.36 Leave ____ 17
2.37 Limited Service ____ 17
2.38 Overtime Work ____ 17
2.39 Part-Time Employee ____ 17
2.40 Pay Range ____ 17
2.41 Permanent Appointment or Permanent Status ____ 17
2.42 Position ____ 18
2.43 Probationary Appointment ____ 18
2.44 Probationary Period ____ 18
2.45 Promotional Appointment ____ 18
2.46 Reclassification ____ 18
2.47 Re-employment ____ 18
2.48 Regular Day Off (RDO) ____ 18
2.49 Rehire ____ 18
2.50 Reinstatement ____ 18
2.51 Resignation ____ 18
2.52 Retirement ____ 18

2.53 Seasonal Employees 19
2.54 Selection Procedure 19
2.55 Separation 19
2.56 Step Advancement 19
2.57 Suspension 19
2.58 Termination 19
2.59 Transfer 19
2.60 Vacancy 19
2.61 Y-Rated 19
3 POSITION CLASSIFICATION 19
3.1 Classification Plan 19
3.2 Positions 21
3.3 Emergency or Temporary Positions 21
3.4 Classification Review 21
4 COMPENSATION PLAN 22
4.1 Compensation Plan Establishment 22
4.2 Compensation Plan Administration 23
4.3 Paycheck 25
4.4 Errors in Compensation 25
5 BENEFITS 26
6 RECRUITMENT, APPLICATIONS AND APPLICANTS 26
6.1 Recruitment 26
6.2 Applications 27
6.3 Disqualification of Applicants 27
6.4 Notice of Rejection 28
6.5 Incomplete or Late Applications 28
7 EXAMINATIONS 28
7.1 Responsibility 28
7.2 Need for Examinations 28
7.3 Rating 29
7.4 Notification of Examination Results 29
8 ESTABLISHMENT AND THE USE OF EMPLOYMENT LISTS 29
8.1 Types of Lists 29

8.2 Use of Employment Lists 30
8.3 Eligibility for Promotional Examinations 30
8.4 Availability of Candidates 30
8.5 Removal of Names from Employment, Reinstatement or Re-employment Lists 30
8.6 Flexible Staffing 31
9 APPOINTMENTS 31
9.1 General Requirements for Appointment 31
9.2 Applicable Pay Upon Employment 32
10 TYPES OF APPOINTMENTS 32
10.1 Management Employees 32
10.2 Probationary Employees 32
10.3 Regular Employees 33
10.4 Part-Time Employees 33
10.5 Limited Service, Seasonal Appointments 33
10.6 Promotion 34
10.7 Transfer 35
10.8 Voluntary Transfers 36
10.9 Qualified Disabled Employees 36
10.10 Demotion 36
10.11 Reclassification 38
10.12 Acting or Interim Position 38
10.13 Emergency Appointments 39
11 PROBATIONARY PERIOD 39
11.1 Probationary Status 39
11.2 Extension of Probation 40
11.3 Rejection from Probation 40
12 OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY 40
12.1 Prohibited Activity 40
12.2 Outside Employment 41
12.3 Authorization of Outside Employment 42
12.4 Violations and Penalties 42
12.5 Annual Approval Required 42
12.6 Changes in Outside Employment Status 42

12.7 Revocation or Suspension of Outside Employment Authorization ____ 42
13 PERFORMANCE EVALUATIONS ____ *42*
13.1 Frequency ____ 43
14 EMPLOYEE CONDUCT ____ *43*
14.1 Appearance Standards ____ 44
14.2 Off-Duty Social and Recreation Activities ____ 45
14.3 Smoking ____ 46
15 DISCIPLINARY ACTION ____ *46*
15.1 Authority to Discipline ____ 46
15.2 Grounds for Disciplinary Action ____ 46
15.3 Types of Discipline ____ 48
15.4 Procedures for Disciplinary Action ____ 50
16 DISCIPLINARY APPEALS PROCESS ____ *51*
16.1 Right to Respond - "Skelly" Process ____ 51
16.2 Right of Appeal ____ 52
16.3 Appeal Hearing ____ 52
16.4 Scheduling the Hearing ____ 52
16.5 Conduct of Hearing ____ 52
16.6 Failure of Employee to Appear at the Hearing ____ 53
16.7 Representation ____ 53
16.8 Advisory Findings of the Hearing Officer ____ 53
16.9 Decision by the City Manager ____ 53
16.10 No Retaliation ____ 53
16.11 Reimbursement ____ 53
17 GRIEVANCE PROCEDURE ____ *53*
17.1 Definition of "Grievance" ____ 54
17.2 Eligibility to File a Grievance ____ 54
17.3 Exclusion from the Grievance Procedure ____ 54
17.4 Procedure ____ 54
17.5 Reporting Time Limitation ____ 55
17.6 Informal Resolution Procedure ____ 55
17.7 Formal Grievance Procedure ____ 55
18 SEPARATION, RESIGNATION, LAYOFF AND REEMPLOYMENT ____ *57*

18.1 Separations 57
18.2 Retirement 58
18.3 Termination-Disciplinary 58
18.4 Release from Probation and At-Will Employees 58
18.5 Job Abandonment 59
18.6 Layoff 59
18.7 Layoff List Preparation Procedure 59
19 WORK WEEK AND ATTENDANCE 59
19.1 Work Week 59
19.2 Attendance 60
19.3 Excessive Tardiness, Absenteeism and Abuse of Leave 61
19.4 Meals and Rest Periods 61
19.5 Timekeeping 62
19.6 Overtime 63
19.7 Paid Overtime and Compensatory Time Off 64
19.8 Police-FLSA Section 207 (k) 65
20 Management LEAVE 65
20.1 Management Leave-Management Employees 65
21 VACATION 66
21.1 Maximum Accruals 66
21.2 Part-Time Employee Vacation Accrual 66
21.3 Maximum Accruals Part-Time Employees 67
21.4 Use of Vacation 67
21.5 Effect of Sick Leave On Vacation Leave 67
21.6 Vacation Pay-Out Upon Termination 68
21.7 Eligibility to Earn Vacation 68
21.8 Vacation Buyback 68
21.9 Hardship Request 69
22 HOLIDAYS 69
22.1 Authorized Holidays 69
22.2 Work Performed on Holidays 71
22.3 Holidays Falling During Vacation 71
23 SICK LEAVE 71

23.1 Certification 72
23.2 Prohibited Activity 72
23.3 Eligibility 72
23.4 Accrual 72
23.5 Accumulation 73
23.6 Use 73
23.7 Abuse of Sick Leave 74
23.8 Use of Sick Leave toward Retirement 75
23.9 Sick Leave at Separation 75
23.10 Sick Leave at Retirement 76
23.11 Integration of Benefits 76
23.12 Catastrophic Leave 76
24 LEAVES OF ABSENCE WITHOUT PAY *77*
24.1 Authorization for Leave of Absence Without Pay 77
24.2 Return from Authorized Leave of Absence Without Pay 77
24.3 Status of Employee on Authorized Leave of Absence Without Pay 78
24.4 Unauthorized Leave of Absence 78
25 OTHER LEAVES OF ABSENCE *79*
25.1 Administrative Leave 79
25.2 Bereavement Leave 79
25.3 Family and Medical Leave (FMLA/CFRA) 79
25.4 Jury Duty 80
25.5 Military Family Leave 80
25.6 Military Leave 80
25.7 Military Spouse Leave 81
25.8 Paid Family Leave (PFL) 81
25.9 Pregnancy Disability Leave (PDL) 81
25.10 School Activity Leave 81
25.11 Voting Leave 81
25.12 Witness Leave 82
25.13 Leave Rights for Victims of Crime and Abuse 82
25.14 Crime Victim or Family Member Victim Rights Proceeding Leave 83
26 EMPLOYEE TRAINING AND EDUCATION PROGRAMS *84*

26.1 Training and Development 84
26.2 Education and Tuition Reimbursement 84
27 NEPOTISM POLICY ***84***
27.1 Marital Status and Immediate Family 85
27.2 Marriage of Co-Employees 85
28 HARASSMENT AND DISCRIMINATION PREVENTION ***86***
28.1 Covered Individuals and Scope of Policy 86
28.2 Quid Pro Quo Harassment 88
28.3 Retaliation 88
28.4 Guidelines for Identifying Harassment 88
28.5 Complaint Procedure 89
28.6 Proactive Approach 90
28.7 No Retaliation 90
28.8 Option to Report to Outside Administrative Agencies 91
28.9 Confidentiality 91
28.10 Responsibilities 91
29 Investigation Guidelines for Sexual Harassment and Discrimination Complaints ***92***
29.1 Investigation Procedure 92
29.2 Treat All Complaints Seriously and Act Promptly 92
29.3 Neutral Investigator 93
29.4 Conduct of Investigator 93
29.5 Confidentiality Of Investigation 93
29.6 Detailed Interview With Complainant 93
29.7 Interview the Accused Employee and Other Employees 94
29.8 Analysis of Investigation 94
29.9 Documentation Of Sexual Harassment 94
30 MISCELLANEOUS ***94***
30.1 Effective and Approval 94
30.2 Public Employees as Disaster Service Workers 94
30.3 City Records, Contracts and Requests for Information 95
30.4 Employee Remote Access 95
30.5 Exempt Employee 95
30.6 Personnel Records 96

1 PURPOSE

To establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these Rules and Regulations (hereinafter “Rules”) is hereby adopted. These Rules supersede any prior rules and regulations and may be changed only upon approval of the City Council.

Where an applicable memorandum of understanding between the City and a recognized employee organization contains provisions that are inconsistent with any of these Rules, the language contained in the Memorandum of Understanding shall govern.

The City Council authorizes the City Manager to implement administrative policies in accordance with the Administrative Regulation Policy, adopted by resolution, which shall be supplemental to these Rules.

These Rules may be amended from time to time. However, to be effective, the amendment must be in writing and approved by resolution of the City Council. Whenever such amendments affect the wages, hours or other terms or conditions of employment, they shall be subject to the meet and confer process as required by law.

In the event of an emergency, any part or all of these Rules may be suspended by order of the City Manager and such suspension shall remain in effect until the City Manager’s order is withdrawn.

1.1 Mission, Vision, and Values

Mission
The City of Oakey will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

Vision
The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we Live in a safe dynamic community, Work together to build the future, and Play in our own backyard.

Core Values
Our values guide us on a PATH to where we want to Live, Work, and Play in the heart of the Delta.

Promote fair and equitable stewardship for the welfare of our diverse individuals that comprise our inclusive community.

Advocate a professional and family-friendly environment where Council, Staff, and the Public can envision and realize the City's future together with a recognition of our shared commitments and opportunities.

Transparency is how we will create accountable partnerships to cultivate communication and collaboration to engage our thriving community.

Honesty and integrity are the foundation for building trust and fostering teamwork to live our mission and vision.

1.2 Personnel Policy

In accepting employment with the City each employee agrees to be governed by and to comply with ordinances, these Rules, the Administrative Policies, the rules, regulations, and directives of the department in which employed, and the memorandum of understanding in effect between the City and the appropriate employee organization, should one exist. Each employee is required to sign a statement of receipt acknowledging that they have received a copy or has been provided access to these Rules and understands that they are responsible for reading and becoming familiar with the contents and any revision of these Rules.

1.3 Equal Employment Opportunity

It is the policy of the City of Oakley to provide equal opportunity in employment for all persons to prohibit discrimination. This policy of equal employment opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of employees to the extent permitted by law.

- This Equal Employment Opportunity policy applies to all applicants, officers, volunteers, and employees without exception.
- The City shall not discriminate against qualified employees or applicants for employment on the basis of actual or perceived race (including traits historically associated with race, e.g. hair texture and protective hairstyles), color, religion, gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, reproductive health decisions, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.
- The City shall afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all

terms and conditions of employment, including hiring, training, promotion, transfer, discipline, and termination.

- Employees who believe they have experienced denial of equal employment opportunity or discrimination are encouraged to report this experience immediately to their supervisor or the Human Resources Director. The City shall promptly investigate the report in accordance with Section 28 Harassment and Discrimination Prevention.

1.4 Powers of the City Manager

The City Manager is the chief administrative officer and the head of the administrative branch of the City Government. Whenever the term "City Manager" is used in these Rules, it shall include the City Manager, or any person designated by the City Manager to carry out any function required by these Rules. When any officer or employee other than the City Manager is assigned a duty or responsibility under these Rules, such assignment is subject to the direction and control of the City Manager, and the City Manager shall have the right to perform such duty or responsibility or to assign it to any other officer or employee.

Subject to Section 2.2.114 of the Oakley Municipal Code, the City Manager has the power and authority to:

- Establish, when not in conflict with these Rules, such other policies, procedures, rules, and regulations necessary for the control and supervision of the affairs of the City.
- Appoint and remove all Department Directors, officers, and employees of the City, except those officers appointed by the Council.
- Transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in salary, suspend, or dismiss City employees, except for those officers appointed by the City Council.

The City Manager shall interpret, apply, administer, and enforce the provisions of these Rules, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolution, the memoranda of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

The City Manager may delegate to the Human Resources Director any of the powers and duties conferred under these or other City rules, regulations, resolutions, or ordinances. The Human Resources Director, or designee, shall be responsible for the administration of these Personnel Rules.

1.5 Management Rights

The City of Oakley retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the departments of City government and all the various aspects including, but not limited to:

- The right to direct the work force.
- To plan, direct and control all operations and services of the City.
- To determine the methods, means, organization and schedule by which such operations and services are to be conducted.
- To assign and transfer employees within the various departments.
- To hire, promote, suspend, demote, discharge, reprimand and evaluate employees.
- To relieve employees from duty due to lack of work or other legitimate reasons set forth in the Rules.
- To change or eliminate existing methods, equipment, or facilities to maintain or increase the efficiency of governmental operations.
- To exercise complete control and discretion over its organization and the technology of performing its work.

These Management Rights also included but are not limited to the following:

- To determine the mission of its departments, commissions, and boards and to determine issues of policy.
- To set standards of service to be offered to the public.
- To exercise control and discretion over its own organization and operations.
- To determine methods of financing.
- To determine the methods, means, number and kind of personnel by which its operations are to be conducted, including the right to contract or subcontract work or City functions and to determine workloads and staffing patterns.
- To prescribe qualifications for employment, selection procedures and standards, job classifications, and to reclassify employees in accordance with applicable resolutions, rules, and ordinances of the City.
- To administer the City's personnel system; to reclassify positions; to amend the compensation plan and to add or delete positions or classes.
- To issue reasonable employee performance standards and to require compliance therewith.
- To maintain order, efficiency and safety in its facilities and operations.

Nothing herein shall be deemed a waiver or surrender of any management prerogative.

1.6 Department Rules and Regulations

Department Directors may develop, implement, and revise as necessary any departmental policies, procedures, rules, and regulations pertaining to unique operational requirements and their effect upon departmental personnel as needed for the full performance of duties and responsibilities and which are not contrary to these Rules.

All departmental policies, procedures, rules, or regulations must be approved by the City Manager.

1.7 Application of Personnel Rules

The provisions of these Rules shall apply to all officers, positions, and employees within the City, except the following positions and except as otherwise indicated within a specific provision of these Rules:

- Elected officials.
- Members of appointed boards, commissions, and committees.
- Persons engaged under contract to render professional, scientific, technical, or expert services for a definite period.
- Volunteer personnel who receive no regular compensation from the City.
- Where a particular rule or article expressly states it does not apply to certain employees and/or positions or applies only to certain employees and/or positions.

1.8 Adoption of Personnel Rules

The Personnel Rules shall be established by resolution adopted by the City Council.

1.9 Amendment and Revision of Personnel Rules

Proposed amendments to, or revisions of the Personnel Rules shall be submitted to the City Council in writing by the Human Resources Director after approval of the City Manager.

1.10 Conflict of Personnel Rules

If one or more provisions of these Rules contradict provisions included in a memorandum of understanding currently in effect between the City and a formally recognized employee organization, the terms of the memorandum

of understanding shall prevail. If there is a conflict between these Rules and a federal or state law, that law prevails. If there is a conflict between these Rules and an administrative regulation, these Rules prevail.

1.11 Rights of Management

The adoption of these Rules shall not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

1.12 Violation of Personnel Rules

Each employee is responsible for knowledge of and compliance with these Rules and any amendments hereto. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including dismissal.

2 DEFINITION OF TERMS

All words and terms used in these Rules and in any other resolution, ordinance, or administrative procedures dealing with personnel policies or procedures shall be defined as they are normally and generally defined in the field of personnel administration. For convenience, however, the words and terms most commonly used are defined as follows:

2.1 Actual hours worked
All hours in which the employee actually performed work and does not include any paid or unpaid leave time, such as, but not limited to vacation and sick leave.

2.2 Advancement
A pay increase of one or more steps within the limits of the pay range established for a class.

2.3 Allocation
The official assignment of an individual position to its appropriate class in accordance with the duties performed and the authority and responsibilities exercised.

2.4 Applicant
Any person who has completed an application for a position.

2.5 Appointing Authority
The City Manager is designated as having the power to make appointments to any position to be filled.

2.6 Appointment
Employment of a person in a position.

2.7 At-will
The employee serves at the pleasure of the City Manager, who retains the authority to terminate any such employee at any time with or without cause. An “at-will” employee has no right of appeal of discipline or termination.

2.8 Base Pay
The pay range and step established in the Compensation Plan, exclusive of any overtime, shift-differential, incentive or other excludable pay an employee may receive.

2.9 Candidate
Any person who has been accepted for participation in an examination.

2.10 Certification
The submittal to an appointing authority of a list consisting of candidates that have received and passed an initial interview for an appropriate recruitment effort.

2.11 City
The City of Oakley, California. Also includes the Successor Agency to the Oakley Redevelopment Agency, the Oakley Public Financing Authority, and any other governing body in which the City Council of the City of Oakley serves as the majority membership of the governing board.

2.12 Class or Classification
A group of positions sufficiently and substantially similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the application of common standards of selection and compensation.

2.13 Classification Plan
The designation by resolution of the City Council of a title for each classification together with the specifications for each classification as prepared and maintained by the Human Resources Director.

2.14 Compensation
The salary or wage allowances, and all other forms of valuable consideration earned by or paid to any employee by reason of said service in any position excluding any allowances authorized and incurred as incidents to employment.

2.15 Compensatory time off
Paid time off from work in lieu of overtime pay.

2.16 Competitive Examination
One or more selection procedures used to assess the relative qualifications of a group of applicants or candidates.

2.17 Continuous Service
Employment without interruption, including approved leaves of absence to serve in the armed forces of the United States, as provided by Section 395 of the Military and Veterans Code, as amended.

2.18 Days
Calendar days unless otherwise noted.

2.19 Demotion
The voluntary or involuntary movement of an employee from one class to another class having a lower maximum rate of pay, for disciplinary or other reasons.

2.20 Department
An organizational unit with responsibility for carrying out a function under the supervision of a Department Director.

2.21 Department Director
The director of an established office or department having supervision of such department and office. Department Directors or other management employees that report directly to the City Manager serve “at-will.”

2.22 Dismissal
The involuntary separation of an employee from City service.

2.23 Domestic Partner
“Domestic partner” as defined in the California Family Code.

2.24 Elected Official
A person who is elected by the citizens to collectively decide on policy issues for the agency. This includes anyone appointed to fill a vacancy in a City elected office.

2.25 Eligible Candidate
A person who has earned a place on an employment list established by competitive examination.

2.26 Employment Date
For retirement, sick leave and other benefit purposes, the effective date of an employee’s initial appointment to a full-time or part-time position.

2.27 Employment List
A list of names of persons who may be considered for employment with the City under specific conditions. Such lists may be designated as either a re-employment, reinstatement, promotion, or open employment list.

2.28 Employment Status
The type of an employee’s appointment, such as regular, probationary, or limited service.

2.29 Examination
The selection procedures used to measure the knowledge, skills and abilities of the persons applying for a position.

2.30 Executive Management
The group of employees comprised of the City Manager, City Attorney, Assistant City Manager, and all Department Directors.

2.31 FLSA
The Fair Labor Standards Act.

2.32 FLSA Exempt
All employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g., executive, administrative, professional) and who are paid on a salary basis. FLSA exempt employees are not eligible for overtime compensation.

2.33 FLSA Non-Exempt
Employees who are eligible for FLSA overtime compensation.

2.34 Full-Time Employees
Generally, a full-time employee works a 40-hour workweek (1.0 FTE). Should a full-time employee work an extended schedule of less than 40 hours per week, the employees leave accruals and City contributions towards benefits are pro-rated so as to be proportional with the percentage of full-time hours that they perform.

2.35 Layoff
The termination of an employee from City service for reasons of economy, efficiency, reorganization, or other non-disciplinary reason.

2.36 Leave
Absence, with or without pay, by an employee from work.

2.37 Limited Service
Those types of positions which do not provide full-time employment throughout a fiscal year. The kinds of positions assigned to the Limited Service include temporary, part-time, student, and seasonal positions. Appointment to such positions is noncompetitive and incumbents do not acquire status in the class to which assigned by virtue of such employment. Limited-service positions are “at-will” and may be terminated with or without cause and without right of appeal.

2.38 Overtime Work
All actual hours worked by a non-exempt employee in excess of forty (40) hours in the employee’s designated workweek, except as otherwise designated by an applicable memorandum of understanding, as otherwise designated for employees on an approved flexible work schedule, or as designated under the FLSA.

2.39 Part-Time Employee
Employees that work an average of 20 hours per week or less. Part-time employees accrue sick leave consistent with statutory requirements but are otherwise ineligible for City benefits, unless otherwise specified in these Rules. Part-time employees may include those employees working more or less than 1,000 hours per year as well as seasonal or limited-service appointments. Part-time employees are considered at-will and may be terminated at any time with or without cause and without right of appeal.

2.40 Pay Range
A series of base salary steps to which a class may be assigned.

2.41 Permanent Appointment or Permanent Status
The type of status granted an employee who has successfully completed an official probationary period for a particular class and in a regular position.

2.42 Position
A combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis. A position may be occupied or vacant.

2.43 Probationary Appointment
The initial appointment of an employee into a position that begins a probationary period.

2.44 Probationary Period
The final stage of the recruitment, examination, and selection process where a new or promoted employee is required to demonstrate a meets standards or better performance of the position's duties. During this period, the employee is at-will and may be dismissed from the probationary appointment at any time without cause and without right of appeal or hearing.

2.45 Promotional Appointment
The advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range.

2.46 Reclassification
The permanent reassignment of a position to another classification due to the material change of the job duties of a position.

2.47 Re-employment
The reappointment of a former employee (from a layoff re-employment list) who had a permanent appointment with the City at the time of layoff.

2.48 Regular Day Off (RDO)
The scheduled day off (the first and third Fridays) following eight nine-hour days and one eight-hour day in a two-week period, stemming from the modified 9/80 work schedule.

2.49 Rehire
The reappointment of a former employee who does not have re-employment or reinstatement rights at the time of returning to the payroll.

2.50 Reinstatement
The probationary appointment of an employee after the employee who resigned in good standing from a permanent regular position or the return of an employee from a non-disciplinary demotion to a position which the employee held not more than one year previously. In either case reinstatement must occur not more than one (1) year from the date of separation. Such reinstatement may be done without further competitive examination.

2.51 Resignation
The voluntary separation of an employee from City employment. Notice of resignation shall be final and may only be rescinded with approval of the City Manager.

2.52 Retirement
The voluntary separation and concurrent retirement of a full-time employee after becoming eligible for retirement benefits.

2.53 Seasonal Employees
Employees that work less than nine months in a given year whose job is temporary and only necessary for a short-term period. Seasonal employees accrue sick leave consistent with statutory requirements but are otherwise ineligible for City benefits. Seasonal employees are at-will and may be terminated at any time with or without cause and without right of appeal.

2.54 Selection Procedure
The process by which employment decisions are made, including but not limited to application screening, written tests, oral interviews, performance tests, background investigations, assessments of physical or mental condition, and probation periods.

2.55 Separation
The voluntary or involuntary termination of employment from City service. Separation may include death, dismissal, layoff, resignation, retirement, or work completion.

2.56 Step Advancement
The merit-based increase of an employee's salary to a higher salary level within the established salary step range for the employee's classification.

2.57 Suspension
The temporary separation without pay imposed for disciplinary purposes.

2.58 Termination
Involuntary separation of an employee from City service.

2.59 Transfer
The reassignment of an employee from one position to another position in the same classification or another classification having the same maximum salary range, involving the performance of essentially similar duties, and requiring substantially the same minimum qualifications.

2.60 Vacancy
A duly created position for which budget has been allocated, but which is not occupied.

2.61 Y-Rated
Employee's current salary exceeds the top step of the salary range for their position and is frozen without increases until the Y-rated salary falls within the salary range for the position classification.

3 POSITION CLASSIFICATION

3.1 Classification Plan

The City Council, upon recommendation of the City Manager, shall create and adjust classes of positions in the City service. These classes shall be known as the "Classification Plan."

Implementation of the Classification Plan

The Human Resources Director, in consultation with the City Manager and Department Directors, shall recommend a Classification Plan for all classifications which includes but is not limited to the following for each classification:

- The classification titles.
- A description of typical duties and responsibilities.
- A statement of the desirable training, experience, and other qualifications of applicants for the classification.
- Whether the classification or any of its duties are safety sensitive.
- Whether the classification is FLSA exempt.

The Human Resources Director shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, decision-making, character of work, and schedules of compensation.

Interpretation of Class Specifications

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind of level of responsibility. The specification for each class should be considered in its entirety and in relation to other classes in the Classification Plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired, and relation to other positions, as affording together a picture of the kind of employment the class is designed to embrace.

Periodic Updates

From time to time the Human Resources Director shall review the Classification Plan to ensure that it is accurate and make amendments to reclassify, add positions or classifications, or make other changes as necessary or appropriate.

Adoption by City Council

The Classification Plan shall become effective only upon adoption by resolution of the City Council. Upon adoption, the Classification Plan shall take immediate effect unless otherwise specified.

Amendments

The classification or position descriptions may be removed or amended from time to time by City Council action when deemed in the best interest of City services. In addition, new classification or position descriptions may be added to the City's Classification Plan. If new positions are added to City services, such positions shall be allocated to an appropriate class by the Human Resources Director.

3.2 Positions

In accordance with these Rules, any position may be assigned, reallocated, or transferred to a different class by the City Manager and affected Department Director, whenever there is a need of such action because of change in duties or responsibilities of the position. All positions shall be included in the same class if:

- They are sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used.
- Substantially the same requirements as to education, experience, knowledge, and ability are required of incumbents.
- Substantially the same tests of capacities and fitness may be used in choosing qualified appointees.
- The same pay range or salary rate applies.

3.3 Emergency or Temporary Positions

Whenever, in the judgment of the Human Resources Director in consultation with the City Manager, it is necessary for a department to employ a person or persons on an emergency or temporary basis in a type of position for which there is no classification provided in the Classification Plan, then the Human Resources Director, in consultation with the Department Director and City Manager, may authorize such positions and shall fix the amount of compensation, and may determine the minimum qualifications for such additional employees.

If budget is not allocated for the emergency or temporary position, the position must be taken to City Council for the allocation of funds.

3.4 Classification Review

Review of the classification of a position may occur in the following circumstances:

- One or more new positions are under consideration for possible establishment.
- Due to a change in organization or methods, a major change of the duties or responsibilities of an existing position is made which may require the reallocation of such position.
- A new class is created to which a position may more appropriately be allocated.
- Due to the removal of a position or combination of an existing position or class, an amendment to the Classification Plan is required.

Whenever a position is reclassified or reallocated, the existing position is to be deleted and a new position created in the class to which the position is to be assigned.

4 COMPENSATION PLAN

4.1 Compensation Plan Establishment

The City of Oakley is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The City establishes its compensation system in accordance with the principles of public accountability.

The Human Resources Director shall prepare a Compensation Plan that includes the following:

- The salary ranges for all, showing each steps' rate of pay.
- A designation of the position as full-time, part time or seasonal.
- A designation of the position as paid on an hourly or salary basis.

These rules do not preclude the creation of separate management pay plans that, if adopted by the City Council, must be administered in accordance with the procedures adopted for such plan(s) by the City Council.

On a periodic basis, the Human Resources Director may survey benchmark classifications. Survey results shall be considered as one of the pieces of information used as a guideline in establishing or modifying compensation for a particular position or classification.

The Human Resources Director shall also determine whether any modifications are necessary due to recruitment and retention issues, changes to positions or classifications, including changes to exempt or non-exempt status, resulting from a periodic review of the Classification Plan.

The Human Resources Director shall submit any modifications of the Compensation Plan to the City Manager for recommendation to City Council for adoption.

The City has established the following comparative cities for the purpose of establishing a market median:

Antioch, Brentwood, Martinez, Pittsburg, Pleasant Hill, San Ramon and Tracy

4.2 Compensation Plan Administration

The authorized pay ranges for the respective classes of positions with such amendments as may be adopted by the City Council from time to time by resolution shall be applied as follows:

Increases Within the Pay Range

Normally, and as a general rule, upon progress and productivity, employees shall be considered for a step advancement according to the following general plan:

- ***Steps*:** The letters A, B, C, D, E, etc. respectively, denote the various salary steps in the pay range.

- ***Step A*:** Step "A" shall typically be paid upon initial employment into a five (5) step pay range. Appointments at any step greater than A requires an explanation and support as to why the higher step is recommended and requires authorization from the City Manager.

- ***Step Advances**:* At the completion of the applicable probationary period of employment, employees appointed at Step A are eligible for a step increase. All step advances will be effective on the first pay period following the first twelve (12) months of employment, unless probation is extended for any reason. Additional step advances will be on an annual basis thereafter until the attainment of the final Step.

    - All step advances shall be based on a meets standards performance as shown from the evaluation by the

employee's Supervisor. Denial of step increases shall be based on documented performance evaluations.

- In rare circumstances, increases of more than one step for superior performance may be provided upon recommendation by the Department Director and approval of the City Manager.

- ***Step at Promotion*:** When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step results in a salary increase of less than five percent (5%), they shall receive a minimum five percent (5%) increase, provided that in no event shall the new salary exceed the final step in the promoted class. The City Manager may authorize an appointment to a position at any higher salary step in the pay range should the circumstance of the promotion warrant it.

***Special Salary Adjustments*:** Notwithstanding anything in these Rules to the contrary, in order to correct gross inequities or to reward outstanding achievement and performance, the City Manager may, upon recommendation of the Department Director and the Human Resources Director, adjust the salary step of an incumbent of a particular position to any step within the pay range for the class to which the position is allocated.

- At the discretion of the City Manager, employees who exhibit innovation and exceptional performance, going above and beyond normal job expectations, may be awarded a one-time lump sum merit award at any time. This award is not to exceed 10% of the employee's annual base pay. Award requests will be submitted with written qualifications as to the significance of the award along with details of how this award meets the requirements. Any award recommended that exceeds 10% must be approved by the City Council.

Step Advancement Dates: Step advancement dates shall be established as of the effective date of the most recent step advancement, promotion or reinstatement into City service, or the effective date of a special salary adjustment as provided in Section 4.2 of these Rules. All step advances shall be effective the first day of the pay period following the step advancement date.

Applicable Salary Rates Following Pay Range Increases and Decreases

- ***Same Relative Step*:** Where a pay range for a given class is revised upward, the incumbents of positions in classes affected

shall have their existing salary adjusted to the same relative step in the new pay range (Step B to Step B, Step C to Step C, etc.) and their next step advancement date shall not be changed.

- ***Retention of Salary and "Y" Rates*:** When a pay range is adjusted downward, incumbents may, on approval of the City Manager, be assigned a Y-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the Y-rating. Any such Y-rate shall be indicated by a "Y" following the salary each time it appears on personnel records or transactions. Said Y-rate shall be canceled on vacancy of the position.

- ***Pay Range Change on Step Advancement Date*:** In the event that a pay range change becomes effective on an employee's step advancement date, the employee shall first receive any within-range adjustment to which entitled and then receive the corresponding step adjustment.

- ***Pay Range Change on Date of Promotion***: In the event that a pay range change becomes effective on the date an employee is promoted to a higher class, the employee shall first receive any corresponding step adjustment to which entitled in the lower class, and then the next higher step promotional adjustment as provided in Section 10.6 of these Rules.

4.3 Paycheck

Paychecks will be distributed on a bi-weekly basis on the normally scheduled pay date unless otherwise notified. Direct Deposit is preferred and pay stubs will be made available electronically utilizing the payroll software. For anyone not utilizing direct deposit, paychecks will be available for pick up in the Finance department on payday. If payday falls on a day that Finance is closed, it will be the employee's responsibility to arrange pickup on the following business day.

4.4 Errors in Compensation

Each employee shall review each paycheck to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately call it to the attention of the employee's supervisor who shall in turn notify the Finance Director. The City shall document all errors in compensation and the affected employees shall sign an acknowledgement for any corrections made.

In the event of any underpayment of which the City becomes aware, the employee shall receive any amount due as soon as possible, but no later than the next regular paycheck.

In the event an employee receives an overpayment by the City, the employee shall reimburse the City for the total overpayment and the City may obtain reimbursement by payroll deduction(s). Typically, such repayment shall occur over a schedule equal to the amount of time over which the overpayment occurred but may be extended with approval of the City Manager. All repayments must be discussed and agreed upon by the employee and the Human Resources Director.

5 BENEFITS

All benefits are paid in accordance with the most current compensation and benefits resolution.

6 RECRUITMENT, APPLICATIONS AND APPLICANTS

It is the policy of the City of Oakley to recruit and select the most qualified individuals for positions within the City. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race (including traits historically associated with race, e.g. hair texture and protective hairstyles), color, religion, gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, reproductive health decisions, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

In the process of recruitment, selection, and retention, the City may consider various employment incentives. At the discretion of the City Manager, up to two (2) weeks of vacation and sick leave may be provided upon appointment to new employees who enter the City with prior local government experience. In no case, however, shall the city offer or authorize loans for real property to potential or existing City employees.

6.1 Recruitment

Positions to be filled shall be publicized by distributing announcements to those City divisions, surrounding government entities or other publications or advertising sources as deemed advisable and appropriate within the discretion of the Human Resources Director and in consultation with the

affected Department Director(s). The Human Resources Department shall prepare an official bulletin announcing any proposed examination. The notice shall be posted on the City's webpage for job opportunities. The notice shall be posted for at least ten (10) days prior to the closing date for receipt of applications. The notice may be posted for less time for a promotional only recruitment. The examination announcement shall contain all information of importance for consideration by potential applicants, including whether the examination is to be promotional only, open, both promotional and open, or continuously open.

When the City seeks only promotional candidates, distributions will be limited to internal sources. Additionally, when distribution of a job announcement would detrimentally delay the filling of a position the City, in its sole discretion, may opt to fill the position temporarily from immediately available sources. At the City Manager's discretion, an employment list may be maintained and may be utilized to fill vacant positions. Eligible persons would be those who meet minimum qualifications and originally applied through a competitive process and were deemed suitable candidates during the competitive process. The eligibility list will expire after twelve (12) months.

6.2 Applications

Official application forms shall be available on the City's Human Resources webpage for job opportunities. Applications shall be made using the City's online platform. All applications must be submitted on or before the filing deadline stated in the job announcement.

When necessary to meet continued requirements for filling positions due to nonavailability of applicants for a classification or position or due to an increased vacancy rate or due to increased City needs, the closing date for any selection process may be indefinite and applicants may be tested continuously in such manner and at such times and places as may be provided by the City.

6.3 Disqualification of Applicants

The Human Resources Director may disqualify any applicant either before or after examination for any of the following causes:

- The applicant did not properly complete the application.
- The application indicates on its face that the applicant does not possess the minimum qualifications for the position.
- The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations.
- The applicant is currently using illegal drugs.

- The applicant has been convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying.
- The applicant is not legally permitted to work within the United States.
- The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making application for employment.
- For any material cause which in the judgment of the Human Resources Director would render the applicant unsuitable for the position, including a prior resignation from City service, termination from City service, or significant disciplinary action.

6.4 Notice of Rejection

The Human Resources Department shall email a notice of any rejection to the email address provided by the applicant on the application.

6.5 Incomplete or Late Applications

Applications received after the announced final date for filing may be accepted by the Human Resources Director. Acceptance in this case will be based on a reasonable explanation being given by the applicant which is satisfactory to the Human Resources Director. Such acceptance is expected to be rare and must take place prior to any scheduled examination for the class in question.

7 EXAMINATIONS

7.1 Responsibility

The Human Resources Director, in consultation with the Department Director, will determine the manner and methods, and by whom examinations shall be given. All examinations and background checks will be job-related and consistent with a business necessity.

Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof. The Human Resources Director shall be responsible for the selection of material and types of exams to be provided.

7.2 Need for Examinations

The Human Resources Director shall schedule examinations as necessary. If there is a vacancy or one is anticipated, or if a provisional appointment is made, an examination will be conducted as soon as practicable to establish or supplement an employment list.

The content of any test or examinations will be kept confidential prior to the administration of the exam.

7.3 Rating

In all examinations, the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. At the discretion of the Human Resources Director, failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

7.4 Notification of Examination Results

Every applicant taking part in the examination process shall be given written notice of the results via the email provided on the application. Any claim of error in rating or grading, must be submitted to the Human Resources Director no later than ten (10) days after the effective date of the eligibility list, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred.

However, applicants may be prohibited from inspecting examination papers if review of such materials is prohibited by the consulting agency that prepared the examination. Applicants cannot have access to the rating sheets of the individual raters, but upon request may have access to a composite description of the rating sheets. Corrections of errors in grading shall be made within the discretion of the Human Resources Director. Applicants have no further right of appeal of examination results.

8 ESTABLISHMENT AND THE USE OF EMPLOYMENT LISTS

8.1 Types of Lists

The following types of employment lists shall be established by examinations with the type of employment list to be established determined by the Human Resources Director.

Promotional Employment List

If there are less than three (3) applicants on a promotional eligibility list, the Human Resources Director, in consultation with the Department Director, may declare the list invalid and announce a new recruitment and examination period. In the alternative, the Human Resources Director may make a temporary appointment until eligible candidates can be certified after appropriate examination.

Open Employment List

If less than five (5) names of qualified applicants are available for a new appointment, the Human Resources Director may declare the list invalid and announce a new recruitment and examination period.

8.2 Use of Employment Lists

Employment lists shall be valid and in effect for a period of one (1) year. An eligibility list may be extended upon the recommendation of the Human Resources Director and by action of the City Manager for additional six-month periods, but in no event shall a list remain in effect for more than two (2) years.

8.3 Eligibility for Promotional Examinations

All candidates for promotion must currently be employed in a full-time or part-time position with the City and must possess the minimum qualifications as set forth in the specifications of the class to which the promotion is sought.

8.4 Availability of Candidates

It shall be the responsibility of candidates to notify the Human Resources Department of any change of address or other change affecting availability for appointment. The Human Resources Department may circulate employment lists or use other methods to determine the availability of candidates and may indicate the conditions under which appointment may be offered. Candidates who decline to be considered or indicate unwillingness to accept employment under the offered conditions will be deemed to not be further considered for that position.

8.5 Removal of Names from Employment, Reinstatement or Re-employment Lists

The Human Resources Director may remove the name of any eligible candidate from an employment list for any of the following reasons:

- The candidate requests the removal in writing.
- The candidate fails to respond to a written offer of employment within five (5) business days of electronic notification.
- A subsequent report of a character investigation is unsatisfactory.
- Removal from a promotional list is automatic upon separation from the City. If the separated employee is on an open list, approval from the City Manager must be sought to remain on the open list.

8.6 Flexible Staffing

The City reserves the right to conduct an open or internal recruitment to fill a vacancy or to fill a vacancy by promotion or transfer of an employee with the approval of the City Manager.

9 APPOINTMENTS

The City Manager or designee shall make an appointment by extending a conditional offer of appointment to an applicant. If the applicant accepts the offer of appointment, the appointment shall be deemed completed, subject to successful completion of any required pre-employment medical examination(s) or assessments. If the applicant does not accept the offer of appointment within the time period designated by the City Manager or designee, the offer shall expire and the offer of appointment shall be deemed declined by the applicant. However, an offer of an appointment to a City position and acceptance of that appointment does not create a contract of employment between the City and appointee. City employment is not held by contract, but rather is governed by these Rules and Council resolutions.

9.1 General Requirements for Appointment

Pre-Employment Screenings

As part of the pre-employment procedure, applicants may be required to supply references and submit to a thorough background investigation, including LiveScan fingerprinting. Safety employees shall be subject to investigation in accordance with Department of Justice and Police Officer Standards and Training requirements. In the case of employees handling money or other valuables in the course of their duties, a credit check may be done in accordance with applicable law.

All offers of employment shall be contingent upon the appointee passing appropriate medical and psychological examination and testing to determine whether the candidate can perform the essential functions of the job, with or without reasonable accommodation. Such pre-employment

screenings may also include screening for illegal drug use. If the examination reveals that the candidate cannot perform the essential functions of the job, with or without reasonable accommodation, or that the person uses illegal drugs, the person may be disqualified from consideration for employment.

If a candidate is disqualified from appointment to a position for failing to meet the medical and psychological standards for the job class, the candidate may file a written request to review the disqualification. Such request must be submitted to the Human Resources Director no later than five (5) working days after the date of the notification or disqualification. The candidate may submit medical evidence supporting a claim that they should not have been disqualified. Submittals shall be accepted for a period of fifteen (15) days, commencing with the date of notification of disqualification. In case of a genuine dispute, the City may require the candidate to be examined by a physician or medical evaluator of the City's choice. Any such examination shall be paid for by the City. The City shall make the final determination based on this examination. If the disqualification is upheld, the candidate has no further right of appeal of the City's determination.

9.2 Applicable Pay Upon Employment

Those appointed to a position shall be paid the designated rate of pay or salary for that class as provided on the approved salary schedule.

10 TYPES OF APPOINTMENTS

10.1 Management Employees

Management employees, including Department Directors and other designated positions with significant responsibilities and that report to the City Manager are "at-will" and can be terminated with or without cause and without the right of appeal. Management Employees are paid on a salary basis and are exempt from overtime provisions pursuant to FLSA guidelines.

10.2 Probationary Employees

Probationary employees are those persons who, through the examination or promotional process, have been appointed to an authorized position but who have not completed their required probationary period. Except as noted below, probationary employees are considered "at-will" and can be released from employment during the probationary period with or without cause and without the right of appeal.

An employee who is in a probationary period solely because of a promotion, is subject to the provisions relating to “Status of Employee Following Promotion” in Section 10.6 below.

10.3 Regular Employees

Regular employees are those persons who have been appointed to an authorized full-time position and who have successfully completed their probationary period. An employee appointed to a regular full-time position shall earn regular status in a classification only if the employee successfully completes the applicable probationary period. Regular employees include those working forty (40) hours per week on a consistent basis. In rare instances, regular employees may also include an employee working a reduced or modified scheduled for a set period of time and only when approved by the City Manager.

10.4 Part-Time Employees

Part-time employees are those persons who have been appointed to a position working less than forty (40) hours per week. Part-time employees are considered “at-will” employees and may be terminated with or without cause and without the right of appeal. Part-time employees are not subject to receive benefits unless otherwise stated within these Rules.

Part-Time employees will not be eligible for a salary adjustment except as provided in a Council approved compensation resolution.

However, Department Directors may make recommendation to the City Manager for salary adjustments at an earlier date if circumstances warrant such adjustment.

10.5 Limited Service, Seasonal Appointments

Limited-Service and Seasonal employees are those persons who have been appointed to a limited-service position as defined in these Rules. Limited-Service positions include but are not limited to temporary, limited term part-time, intermittent, student, intern, emergency and seasonal. Limited-service and seasonal are considered “at-will” employees and may be terminated with or without cause and without the right of appeal and have no property interest in their employment with the City.

Limited-service employees will not be eligible for a salary adjustment except as provided in a Council approved compensation resolution.

However, Department Directors may make recommendation to the City Manager for salary adjustments at an earlier date if circumstances warrant such adjustment.

10.6 Promotion

The appointment of any employee to a position in a class which has a higher maximum salary than the employee's present position constitutes a promotion. Such an appointment will be made at the recommendation of the Department Director and the approval of the City Manager. If this promotion will create an expenditure, not allocated for in the department budget, the request along with the budget adjustment will be brought before the City Council.

Promotions will typically be made after an internal or external recruitment process or filled off an established recruitment listing. With approval of the City Manager, in some cases, a promotion of an employee may be done without the recruitment process if it is deemed the City has a highly qualified candidate on staff and filling the position immediately is in the best interest of the City.

Applicable Pay Following Promotion

In the case of the promotion of any employee, such employee shall be entitled to receive the rate of compensation in the entrance step of the pay range for the class to which the employee has been promoted. In cases of promotion where the pay range overlaps, the employee shall be placed at such step in the pay range of the higher class as to provide at least five percent (5%) more basic salary than the employee receives in the lower class. Provided, however, that the application of this provision does not exceed the highest salary step in the authorized pay range for the higher class. The City Manager may authorize an appointment to a position at any higher salary step in the pay range upon the recommendation by the Department Director, as outlined in Section 9.2.

Effective on the date of the promotion, a new salary evaluation date shall be established for purposes of eligibility for consideration for future salary step advances within the pay range of the higher class. In the event the promotion occurs on the employee's salary evaluation date, such employee shall first receive any within-range increase to which the employee is otherwise entitled in the lower class, and then the promotional salary adjustment as provided above.

Status of Employee Following Promotion

When a promoted employee (excluding at-will employees) successfully completes the probationary period for a class the employee gains permanent status in the new class and gives up permanent status in the former class.

Any employee who does not successfully complete the probationary period in the promoted class, may return to the position and status held prior to promotion providing there is a vacancy, unless the reason for rejecting the employee during the probationary period from a position to which promoted would have been sufficient to cause dismissal from the former position as well. If no vacancy exists, the employee will be placed number one on the re-employment list.

10.7 Transfer

A Department Director may, in consultation with the Human Resource Director and the City Manager, at any time and for any reason, transfer an employee from one position to another position in the same or comparable classification with the same or comparable qualifications and without loss of compensation.

If such transfer involves a change from one department to another, both Department Directors should be consulted before the action shall be considered effective.

Whenever possible, an employee being considered for a transfer shall be notified within a reasonable period in advance of the effective date of such contemplated transfer and the wishes with respect to this action shall be considered to whatever extent practicable, consistent with the interest of efficient operations of the departments concerned.

Applicable Pay Rates Following Transfer

In the case of the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the salary same evaluation date. If the salary range is slightly different the employee will be placed in the step closest to their current salary without lowering their current salary.

Status of Employee Following Transfer

A transfer of a permanent employee from a position in one class to another class having related duties and responsibilities and the same maximum salary shall be made only upon written approval of the Human

Resources Director that the employee possesses the qualifications for employment in the new class.

In such case, no further competitive examination is required, and the employee shall assume permanent status in the class to which assigned. However, an employee currently serving a probationary period shall not be transferred to a position in another class for which an employment list exists, unless directed by the Human Resources Director. In such case, the employee shall start a new probationary period effective on the date of the transfer.

10.8 Voluntary Transfers

Employees who desire a transfer may submit a request for voluntary transfer to their Department Director for consideration. Collectively, the Department Director, Human Resources Director and City Manager may deny the transfer request at their sole discretion. If an employee voluntarily transfers to another position in the same or comparable classification and is not successful, the employee may, at the collective discretion of the Department Director, Human Resources Director and City Manager, return to a former position if that position is vacant. The employee's salary evaluation date shall remain the same as it was before the transfer and the salary range will go back to the range of the previous position, even if that means lowering the salary.

10.9 Qualified Disabled Employees

The City may initiate a transfer of a qualified disabled employee to another position as a reasonable accommodation for the employee's disability. Such transfers may have priority over any candidates on an existing eligibility list.

10.10 Demotion

An employee may be demoted at their request, as a result of reduction in force, for disciplinary reasons, or for other cause. In all cases, the Department Directors concerned, in consultation with the Human Resources Director and City Manager, shall approve or deny the demotion and notify the employee in writing.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same class series, or the employee previously completed probation in the lower classification. In the event the demoted employee does not pass probation, the employee shall be terminated from employment without the

right of appeal. The effective date of a demotion shall establish a new salary evaluation date.

An employee may request a voluntary demotion to a lower classification in which the employee meets the minimum qualifications. The request shall be in writing and submitted to the City Manager for consideration. The City Manager may approve or deny the demotion request at their sole discretion. If approved, the employee shall sign an acknowledgement of voluntary demotion and reduction of salary and benefits.

If an employee voluntarily demotes to another position in the same or comparable classification, the employee's salary evaluation date shall remain the same as it was prior to the demotion.

Applicable Pay Following Demotion

An employee who is demoted to a class in the City service with a lower maximum salary shall be assigned to a salary step in the lower pay range according to the following rules:

Disciplinary Demotion
If a disciplinary demotion, any designated step in the lower pay range which is at least one (1) step less than the dollar amount received in the pay range for the class from which demoted. A new salary evaluation date shall be established as of the effective date of demotion.

Non-Disciplinary Demotion
If a non-disciplinary demotion, pay should be the salary step in the pay range for the lower class which the employee would have received had the employee's service in the class from which demoted been continuous in said lower class. The employee's previous salary evaluation date shall be retained.

Status of Employee Following Demotion

If the demotion involves an employee with permanent status, then the demoted employee shall assume permanent status in the class to which demoted and give up permanent status in the class from which demoted only if the findings of the Human Resources Director are that the employee meets the qualifications of the class to which demoted, and (if required under the provisions above), upon completion of a new probationary period. If the employee does not have permanent status in the higher class, the employee shall serve a new probationary period in the demoted position.

10.11 Reclassification

An employee may be reclassified without competitive exam if the Human Resources Director determines the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a considerable length of time. Reclassification shall not be used for the purpose of avoiding competitive selection processes.

The employee's salary evaluation date shall not change as a result of the reclassification. When a position is reclassified from one existing class to another existing or new class under Section 3.4. of these Rules, the following shall apply to the incumbent:

Applicable Pay Following Reclassification

If a position is reclassified to a class having the same maximum salary, the salary and the salary evaluation date of the incumbent shall not change. If a position is reclassified to a class which has a higher maximum salary, the salary shall be adjusted in accordance with Sections 4.2 and 10.6 of these Rules. If a position is reclassified to a class with a lower pay range, the salary of the incumbent shall not change.

Status of Incumbents in Reclassified Positions

Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination, provided that the Human Resources Director in consultation with the Department Director, finds that:

- The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred.
- The addition of duties and responsibilities (justifying allocation to a different classification) was not the result of planned management action.
- The performance of the duties and responsibilities of the incumbent has been satisfactory.
- The incumbent possesses the knowledge, skills, and abilities of the qualifications of the different class.
- The incumbent has permanent status in the class to which the position was formerly allocated.

10.12 Acting or Interim Position

Employees directed to work in a vacant higher level regular position may receive a temporary salary increase to the beginning of the salary range of

the higher position or at least a five percent (5 %) temporary pay increase, whichever is greater, when it is expected the employee will serve in the higher-level position in excess of twenty (20) workdays. If the interim appointment is initially not expected to exceed twenty (20) workdays but does in fact exceed twenty (20) workdays, the employee will be paid retroactively back to the first day in the higher position. For the purpose of these Rules, a vacant position is defined as an authorized regular position that is unoccupied due to attrition or due to the incumbent being on an extended leave of absence. The City Manager must approve these requests and may only approve such request upon certification that the assigned employee meets the minimum training and experience guidelines for the position. Employees assigned to an acting or interim role, will be expected to perform the full scope of duties as outlined in the job description of the higher-level position.

10.13 Emergency Appointments

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, the City Manager may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these Rules, or other rules and regulations affecting appointments. Such employees serve at the will of the City Manager and may be dismissed with or without cause and without any right of appeal.

11 PROBATIONARY PERIOD

11.1 Probationary Status

Any full-time employee shall be placed on probation for a period of twelve (12) months unless otherwise specified in a Memoranda of Understanding or other Council approved resolution. This section excludes at-will employees which includes those who report directly to the City Manager, part-time employees, and seasonal employees.

The probationary period for all promoted employees shall be six (6) months.

The probationary period shall be considered a part of the recruitment, examination and selection process and shall not include the time served under any limited service or provisional appointment but shall date from the time of appointment to a regular position after certification. This continuation of the testing process is intended to allow the City to determine if the employee can successfully perform the job duties and is a good fit for the organization.

Leaves of absence or assignment out of the class totaling more than thirty (30) calendar days, for any reason, shall not be counted toward completion of the probationary period.

An employee will remain on probation until the City takes formal, written action to remove the probationary employee from the probationary status. This will include a completed performance evaluation as well as a written memo informing the employee of the successful completion of probation.

11.2 Extension of Probation

With the approval of the City Manager and upon written notice to the probationer, the probationary period may be extended up to six (6) months for any new appointment or promotion should it be deemed necessary to further evaluate performance before making a regular appointment to the position.

11.3 Rejection from Probation

During the probation period, the employee may be rejected by the Department Director in consultation with the Human Resources Director and City Manager, at any time with or without cause and without right of appeal, hearing, or grievance procedure. No justification or cause need be provided to a probationary employee rejected from probation.

Any promoted full time employee, who is rejected during the probationary period, may be reinstated to a position in the classification from which promoted if a vacancy in such classification exists, unless there is just cause for the release from probation.

12 OUTSIDE EMPLOYMENT AND USE OF CITY PROPERTY

12.1 Prohibited Activity

Full-time employees are expected to devote full time to assigned duties as a City employee. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with City job duties, functions, or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to the lessening of the effectiveness as a City employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these Rules, Memorandum of Understanding, or by law.

12.2 Outside Employment

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their City employment.

A City employee shall not perform any work, service, or consultation for compensation outside of City employment where any part of the efforts will be subject to approval by any officer, employee, board, or commission of the City of Oakley, unless approved in the manner prescribed by these Rules.

All employees occupying positions, who hold or wish to hold jobs outside their normal City employment must make a request to engage in outside employment and submit the request to the City Manager or designee. Outside employment shall not be permitted if it conflicts in any manner with the employee's duties and responsibilities with the City or is prohibited by law.

In deciding as to whether an activity creates a conflict or ethical question, the City Manager or designee shall consider, among other pertinent factors, whether the activity involves:

- Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act that the employee would be required or expected to render in the regular course of City employment.
- The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees.
- Conditions or factors which might, directly or indirectly, lessen the efficiency of the employee in regular City employment or conditions in which there is a substantial danger of injury or illness to the employee.
- The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment. No City-owned facilities, equipment, or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons.
- The solicitation of future employment with a business or individual doing business with the City over which the employee has some control or influence in the course of performing official duties.

12.3 Authorization of Outside Employment

Notice of authorization of outside employment shall be in writing, utilizing the Request for Outside Employment Form (see Human Resources), with a copy placed in the employee's personnel file. Denial of authorization of outside employment determination may be subject to the Grievance Procedure as set forth in Section 17 of these Rules.

12.4 Violations and Penalties

Any violation of these provisions regarding outside employment shall constitute grounds for disciplinary action up to and including termination.

12.5 Annual Approval Required

An employee must submit the Request for Outside Employment form annually to the City Manager for approval.

12.6 Changes in Outside Employment Status

The employee must promptly report in writing to the City Manager any of the following changes that may occur during the year of authorized outside employment.

- Outside employment ends.
- Any changes to work hours, locations, or types of duties.

12.7 Revocation or Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year under the following circumstances:

- The employee's work performance declines.
- An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the City.

13 PERFORMANCE EVALUATIONS

Performance evaluations are communication tools used to provide constructive feedback on work performance, professional relationships, goals, and expectations. Evaluation periods are also times for employees to notify their supervisors of any problems, concerns or suggestion that would help improve the

City, the work environment, or the employee's job performance. Any immediate concerns should be addressed as they arise and not wait for the annual evaluation.

Evaluations should be completed for all full time and part-time employees regardless of the number of hours worked. Seasonal employees are excluded from performance evaluations.

13.1 Frequency

Department Directors or their designees shall make a report of performance of each employee after completion of a probationary period and annually thereafter.

Unless changed in accordance with these Rules, these evaluation dates shall constitute the employee's salary evaluation date for purposes of eligibility for a salary step increase.

Salary step increases will occur in the pay period following the employee's hire or promotion date. The employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee's supervisor.

Employees hired before July 1, 2021, will receive their annual evaluation in June of each year and will be eligible for a salary step increase the first pay period in July of each year.

The employee shall receive a copy of the performance evaluation and shall have an opportunity to discuss said evaluation with the employee's supervisor. The employee may also submit written comments or rebuttal to the evaluation which shall be part of the complete document to be placed in the employee's personnel file.

14 EMPLOYEE CONDUCT

In order to accomplish the City's mission, vision and core values as defined in Section 1.1 of these Rules, employees must take pride in their work, personally ensure all members of the public are being served efficiently and courteously and present themselves in such a way to make the City proud. Accordingly, the highest standards of professional conduct are considered essential for all employees of the City. City employees must be committed to the core values of the City at all times.

14.1 Appearance Standards

These dress code appearance standards are designed to promote the City's legitimate and non-discriminatory goals to promote workplace safety and serve the community with a professional image.

Personal Appearance

The City expects employees to dress appropriately for the jobs they are performing and level of public contact they may have. The following dress code regulations shall apply to all City employees. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination:

- All clothing and footwear must be neat, clean, in good repair, and appropriate for the work environment and functions performed.
- Typical dress is business like professional attire (e.g., no jeans or sweats, no sweatshirts, shorts or tank tops, no flip flops, etc.).
- Prescribed uniforms and safety equipment must be worn.
- Good personal hygiene is required.
- Dress must be professionally appropriate to the work setting, particularly if the employee has contact with the public at work (e.g., appropriate length, not too loose, too tight, etc.).
- Clothing should have minimal or incidental graphics, branding, or logos. Any graphics, branding, or logos displayed prominently on the pants, chest, sleeves, face covering or back is prohibited, unless it is a City-provided garment with a City logo.

For positions that work most of their day outside in the elements, the dress code may be modified during extreme weather conditions with the approval of the City Manager (e.g., short may be allowed during summer months, etc.).

Casual Days

- In recognition of the desire to have a weekly casual day, the City has established a casual dress day on Fridays and the Thursday prior to the RDO. Employees must adhere to all of the personal appearance policies and should exercise good judgement and common sense when dressing casually and take into consideration any meetings that might require a professional dress. Casual attire should not include sweats or shorts. Jeans, t-shirts, or sweatshirts with City logo are considered casual attire. At the City Manager's

sole discretion, Casual Days can be eliminated or modified at any time.

- From time to time the City Manager may allow for themed days that will allow for employees to dress in a specific theme. It is expected dress remains appropriate and safe for the work performed but may allow for things other than the City logo to appear on articles of clothing.

Tattoos

Employees are expected to project a professional appearance while at work and must abide by the standards below. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- No tattoos are allowed anywhere on the head, face, or neck.

- Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang related.

Piercings

Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercings. If an employee has questions about how these standards apply to them, the matter should be immediately raised with their supervisor for consideration and determination.

- No objects, articles, jewelry, or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth, except that of reasonably sized pierced earrings may be worn in the nose or ear lobe.

- Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

14.2 Off-Duty Social and Recreation Activities

The City may sponsor social or recreational activities for its employees. Employee attendance at the social activities is voluntary and is not considered work-related. Neither the City nor its insurer will be liable for the payment of worker's compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreation,

social or athletic activity that is not part of the employee's work-related duties.

14.3 Smoking

The City is a smoke free environment including vaping and any other form of tobacco products. In accordance with California State Labor Code 6404.5, tobacco products of any kind will not be used while operating a City vehicle.

15 DISCIPLINARY ACTION

15.1 Authority to Discipline

Employees who hold non-probationary appointments, and are not at-will, shall not be disciplined without good cause. At-will and probationary employees are subject to dismissal without cause and without the right of appeal. For purposes of this section, disciplinary action shall be defined to include one or more of the following: oral reprimands, written reprimands, suspensions, demotions, reductions in pay, and dismissal. Oral and written reprimands may be initiated at the supervisor level. Disciplinary action more serious than a written reprimand must be initiated at the Department Director level in consultation with the Human Resources Director and the City Manager. The Human Resources Director shall be notified of any contemplated disciplinary action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Human Resources Director may be notified as soon as possible subsequent to the time the action is taken.

15.2 Grounds for Disciplinary Action

Good cause for disciplinary action exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the City, affects the employee's ability to perform their duties, causes other employees not to be able to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- Any action that brings discredit to the City or is a direct hindrance to the effective performance of City functions.

- Being under the influence of an intoxicating beverage or non-prescriptions narcotic or drug while on duty or the failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance.
- Conduct unbecoming of an employee of the City.
- Conviction of any felony or misdemeanor in State or Federal court which is reasonably related to the individual's position with the City.
- Discourteous or non-cooperative treatment of the public, City elected officials, employees or volunteers.
- Dishonesty or immorality on the job, including making any false representation or statement or making any omission of a material fact.
- Improper political activity as defined by California law, Government Code Sections 3201-3209 that governs improper conduct related to elections and political activity.
- Willful violation of safety, endangering self or others, or failure to follow adopted safety practices or failure to properly used required personal protective gear and equipment.
- Engaging in outside employment without authorization.
- Engaging in unlawful discrimination or unlawful sexual harassment in violation of the City's policy and State and Federal law.
- Excessive tardiness or absenteeism.
- Failure to obtain and maintain a current license or certificate as a condition of employment.
- Failure to report to work, remain on duty or return to duty after a requested leave of absence has been disapproved, revoked, or cancelled.
- Fraud of any kind; falsification of any City application, medical history record, invoice, paperwork, timesheet, investigative questionnaire, or any other City document.
- Improper or unauthorized use or misuse of City equipment or supplies, or damage to or negligence in the care and handling of City property.
- Inattention, inefficiency, incompetence, carelessness, or inexcusable negligence in the performance of duties.
- Insubordination or failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor.
- Misuse or misappropriation of City property or funds; carelessness or negligence with the monies or other property of the City; appropriating to the employee's own use any property of the city, or loaning, selling, or giving away such property without legal authorization.
- Neglect of job duties.

- Offensive or obscene language in public, or towards the public, City elected official, City employee or volunteer.
- Reporting for duty or being on duty under the influence of any intoxicant or absenting oneself from duty or rendering oneself unfit to perform fully one's duties for reasons attributable to or produced by intoxicants.
- Taking for personal use, from any person, a fee, gift, or other valuable thing is given in the expectation of receiving favored treatment.
- Violation of the City's or departments confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity.
- Violation of any provisions of these Rules, official City policies and workplace conduct rules, and departmental policies, rules, procedures, and regulations.

This list is not to be considered all-inclusive as there may be other circumstances which employees may be disciplined for, up to and including termination.

15.3 Types of Discipline

Any authorized supervisory employee may propose disciplinary action for cause against an employee under their supervision in accordance with the procedures outlined in these Rules. In general, the City shall adhere to the principles of progressive discipline, but the City has the right to initiate disciplinary proceedings at any level up to and including termination where the circumstances warrant doing so.

Oral Reprimand - Verbally notifies the employee that their performance or behavior must be improved. Oral warnings are generally given by supervisors when counseling has failed to produce the desired changes. The warning defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action. Although the supervisor makes a note of the content of the warning and sends a confirming memo to the employee, no record is placed in the employee's permanent personnel file unless subsequent action is necessary. Supervisors will keep the oral reprimand in their file and utilize during the evaluation period as deemed necessary by the supervisor. Oral reprimands are not subject to the disciplinary appeal procedure set forth in these Rules.

Written Reprimand - Official notification to the employee that there is cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if said cause is not corrected. Written reprimands should be given in consultation with the Human Resources

Director. The supervisor shall provide a copy of the written reprimand to the employee as well as review the violation and the reasons for the reprimand. An acknowledgement of receipt will be requested, and the employee has the right to respond in writing within seven (7) days of the notification. Written reprimands shall be made a part of the employee's official personnel record along with any response received by the employee and may be considered as pertinent evidence or information in any hearing. Written reprimands are not subject to the disciplinary appeal procedure set forth in these Rules.

Suspension without pay – The City Manager may suspend an employee for cause without pay, for up to thirty (30) calendar days per disciplinary occurrence. Suspension is considered unpaid leave; therefore, an employee will not accrue sick, vacation, insurance, retirement, etc. Documents related to the suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation. Suspension is subject to the disciplinary appeals procedure set forth in the Rules.

Reduction in Step within range as a disciplinary measure - Is the withdrawal of step advancements granted for merit, efficiency, and length of service. Reduction in pay shall become effective on the effective date of the disciplinary action. Reduction may be made on a permanent or temporary basis. Reductions of pay are subject to the disciplinary appeal procedure set forth in these Rules.

Disciplinary Demotion - Shall be a reduction in classification to a classification having a lower maximum salary with reduction in salary as provided in Section 10.10 of these Rules. Demotion without consent may be made to the classification having the lowest maximum salary in the classification series or a classification series comparable to that within which the employee's position is located. Demotion may be made on a permanent or temporary basis. Demotions are subject to the disciplinary appeal procedure set forth in these Rules.

Dismissal – Regular employees shall be terminated for cause after appropriate disciplinary proceedings have been followed. If necessary, an employee may be removed from services immediately and placed on paid leave pending the completion on an investigation and disciplinary determinations. The City Manager may terminate the employment of any at-will employee, at any time, with or without cause and without affording the employee a right to appeal. At-will employees are not subject to the disciplinary procedures as outlined in these Rules. Dismissals are subject to the disciplinary appeal procedure set forth in these Rules.

15.4 Procedures for Disciplinary Action

The courts have established minimum procedural protections (due process) which public employers must provide to public employees who are subject to significant disciplinary action. These procedural protections apply to any public employee, who through the state or local agency laws, has acquired a right to be disciplined or terminated only for “good” or “just” cause. The City of Oakley will follow applicable legal requirements when taking disciplinary action.

These procedures apply to regular employees who are subject to dismissal, suspension, disciplinary demotion, or reduction in pay for disciplinary purposes. They do not apply to management employees, probationary, part-time, temporary, seasonal, or other at-will employees. These employees may be disciplined or separated at-will, with or without cause, and without the disciplinary procedures listed below.

Investigation

If appropriate, the Department Director of the employee, or another impartial third party, shall conduct an investigation into the misconduct and shall prepare a report of the findings and submit the report to the Human Resources Director. The City Attorney shall be advised of any investigation and shall provide direction to the person who is conducting the investigation.

Notice of Proposed Disciplinary Action

Written notice of the proposed Disciplinary Action to be imposed shall be served on a regular employee personally or sent to their address of record by Certified Mail not less than seven (7) working days prior to the date of the proposed action. If served by Certified Mail, such notice shall be effective and constitute receipt by the employee upon deposit in the United States Post Office.

Such formal notice shall include:

- A statement of the nature of the Disciplinary Action to be taken.
- A statement of the causes, therefore.
- A statement of the act(s) or omission(s) upon which the causes are based.
- A copy of the materials upon which the Disciplinary Action is based.
- A statement informing the employee of their right to respond to the intended discipline within seven (7) days from the date of the notice, either by requesting a Skelly conference, or by providing a written response, or both.

- A statement informing the employee of their right to have a representative of their choice present at all meetings related to the discipline, including the Skelly conference.
- Notice to the employee that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

16 DISCIPLINARY APPEALS PROCESS

16.1 Right to Respond - “Skelly” Process

Any regular employee shall have the right to respond, either orally or in writing, to the authority (most likely the Department Director) imposing Disciplinary Action and have the response considered prior to any final decision being made with respect to the proposed discipline.

Such a response must be made within seven (7) working days after receipt of the written notice of the proposed Disciplinary Action. Failure to respond within such period constitutes a waiver of the right to respond. However, failure to respond shall not affect the employee’s right to appeal the Disciplinary Action as provided in these Rules.

After reviewing the employee’s response, if any, the Department Director imposing discipline shall formally notify within seven (7) working days the employee in writing of their decision to dismiss, modify or impose the proposed discipline. If the Department Director determines to impose discipline, a final “Notice of Discipline” shall be served on the employee. The final notice of discipline shall contain the following:

- The level of discipline, if any, to be imposed and the effective date of the discipline.
- The specific charges upon which the discipline is based.
- A summary of the facts that show that the elements of each charge at issue in the intended discipline are met.
- A copy of all materials upon which discipline is based.
- A reference to the employee’s appeal right and deadline to appeal.

The specified discipline, if any, may be imposed when the “Notice of Discipline” is received by the employee. The final notice must be sent by a mail method that verifies delivery to the last known address of the employee, email to the last known email of the employee or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the City or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

16.2 Right of Appeal

Any regular employee shall have the right of appeal for any disciplinary action, except for counseling, oral, and written reprimands. Reclassifications, layoffs, demotions as a substitute for layoffs, changes in status due to employee's loss of a required license or certificate, pay increases or denial of pay increases are "non-disciplinary" actions, and, as such, are not subject to appeal but may be addressed through the City's grievance procedure as outlined in these Rules.

An appeal must be filed in writing with the Human Resources Director within seven (7) working days of the date of service of the "Notice of Discipline". Failure to file an appeal within such period constitutes a waiver of the right of appeal and notice that the employee has accepted the recommended discipline. Filing a notice of appeal shall not stay the imposition of discipline.

16.3 Appeal Hearing

Due process requires that a permanent, for cause employee receive a post-disciplinary evidentiary appeal hearing before a nonbiased hearing officer or body. The City Manager will designate the hearing officer. The City will follow applicable legal requirements when an appeal hearing is requested.

16.4 Scheduling the Hearing

If the employee files a notice of appeal, an evidentiary hearing shall be arranged for by the Human Resources Director and in consultation with the City Attorney. Typically, the hearing officer shall be a non-affected Department Director. The hearing shall be scheduled on a mutually agreeable date, taking into account the availability of the parties and witnesses. The hearing will commence as expeditiously as it can be arranged, but no later than sixty (60) working days after receipt of the request for appeal. The parties can mutually agree to waive this timeline.

16.5 Conduct of Hearing

The hearing officer shall, in the hearing officer's good judgment, determine the procedures under which the hearing will be conducted. Such procedures shall provide "due process" and comply with the provisions of these Rules. Both the City and the employee may call witnesses and present evidence that they deem necessary and appropriate. The hearing shall be closed to the public.

16.6 Failure of Employee to Appear at the Hearing

Failure of the employee to appear at the hearing shall be deemed a withdrawal of their appeal and a waiver of the right to appeal.

16.7 Representation

The employee may represent themselves at the hearing or be represented by counsel or another representative of their choice.

16.8 Advisory Findings of the Hearing Officer

The findings of the hearing officer shall be rendered within twenty (20) working days of the hearing, or within a reasonable time thereafter, and shall be advisory only to the City Manager. Nothing in these procedures shall be construed as to bind the City or the City Manager to any findings of the hearing officer.

16.9 Decision by the City Manager

The City Manager may hold an additional meeting with the employee to discuss the advisory findings or may proceed on the record from the hearing. The City Manager shall render a written decision within twenty (20) working days after receiving the advisory findings of the hearing officer. The City Manager's decision shall be final, conclusive, and binding on all parties. A copy of such decision shall be forwarded to the appellant.

16.10 No Retaliation

Retaliation or penalty against an employee requesting and participating in the appeal process will not be allowed nor will it be tolerated.

16.11 Reimbursement

If disciplinary action is subsequently revoked or modified by the City Manager, the employee is entitled to reimbursement for loss of pay, if applicable. Reimbursement is limited to the period between the date of initial action and the date of final decision after appeal. No reimbursement will be made for any period during which the employee was not ready and able to perform the duties of their position.

17 GRIEVANCE PROCEDURE

The City is dedicated to positive employer/employee relations and will strive to maintain good working conditions, competitive wages and benefits, open communication, and employee involvement.

Communication is expected to follow the chain of command and an employee should bring all concerns regarding their job or working environment to their immediate supervisor. If the immediate supervisor is unable to resolve the concern, or is part of the concern, the employee should go to their Department Director. If the Department Director is unable to resolve the concern, the employee should seek assistance from the Human Resources Director, City Manager or City Attorney.

This procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

17.1 Definition of "Grievance"

Subject to the exclusions listed in these Rules, a grievance is defined as any dispute involving the interpretation, application, or alleged violation of a specific express term of these Rules.

17.2 Eligibility to File a Grievance

Only full-time employees in regular non-probationary appointments who are adversely affected by an act or omission of the City are eligible to file a grievance.

17.3 Exclusion from the Grievance Procedure

The following matters are excluded from the definition of a "grievance":

- Requests for changes in wages, hours, or working conditions.
- The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee.
- Challenges to reclassification, layoff, transfer, denial of reinstatement.
- Challenges to examinations or appointment to positions.
- Challenges to this grievance procedure.
- Disciplinary Actions.

17.4 Procedure

In almost every circumstance an employee should follow the "chain of command" as outlined in Section 17 of these Rules; however, if for good cause an employee feels uncomfortable about reporting a matter of

concern to their immediate supervisor, Department Director, the Human Resources Director, or City Manager, then the employee should report directly to the City Attorney.

17.5 Reporting Time Limitation

An employee who wishes to initiate the grievance process must bring the grievance to the attention of their Department Director within ten (10) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will waive the employee's right to pursue the grievance.

17.6 Informal Resolution Procedure

To initiate informal discussions of a grievance, the employee shall provide the Department Director with a written description of the circumstances causing the grievance within the time set forth in Section 17.5 and must indicate in the written description that the matter is being pursued as a grievance as outlined in these Rules. Within ten (10) calendar days after the receipt of the grievance, the Department Director and the employee shall discuss the grievance and attempt to identify a resolution of the perceived problem. Within ten (10) calendar days after the meeting, the Department Director shall provide the employee with a written memorandum of the meeting, stating the resolution identified, if any. Employees must complete the informal resolution process prior to submitting a formal grievance.

17.7 Formal Grievance Procedure

If the employee and Department Director are unable to resolve the grievance by the informal resolution procedure, the employee may request a formal resolution of the grievance.

Written Grievance

A written grievance shall be submitted within ten (10) calendar days of the completion of the informal resolution process to the Human Resources Director, with a copy to the employee's Department Director. The grievance shall contain the following information:

- A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance.
- A listing of the provisions of City Rules, ordinances, policies, and procedures which are alleged to have been violated.
- A list of all persons who are witnesses or who are involved.

- A listing of the reasons why the Department Director's proposed resolution of the problem is unacceptable.
- A listing of specific actions requested of the City, which will remedy the grievance.

Grievance Meeting

The Human Resources Director shall meet within ten (10) calendar days with the employee and the Department Director, separately or together, at their discretion, to resolve the subject of the grievance. The Human Resources Director shall issue a written decision concerning the grievance within ten (10) calendar days from the date of the last meeting with either the employee, Department Director, or both.

Appeal Process

The employee may submit a written appeal to the City Manager if the Human Resources Director's decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) calendar days after receipt of the formal grievance decision. The appeal shall include the subject of the grievance and all supporting documents. If the City Manager is the supervisor involved in the informal grievance resolution procedure, then the City Attorney shall hear the appeal. If no appeal has been submitted within ten (10) calendar days from the date of receiving the formal decision, the Human Resources Director's formal decision shall be considered as final.

City Manager Decision

Upon receipt of an appeal of a formal grievance, the City Manager, or designee, shall discuss the grievance with the employee, the supervisor or Department Director, and any other involved parties, if any. The City Manager, or designee, shall render a formal decision in writing to the employee within ten (10) calendar days after receipt of the appeal. Such a decision shall be considered final.

Timelines

Failure of the City to comply with the time limits of the grievance procedures allows the employee to appeal to the next level of review. Failure of the employee to comply with the time limits of the grievance procedure constitutes a settlement and resolution of the grievance on the basis of the last disposition. The parties may extend time limits by mutual written agreement in advance of a deadline.

Representation

The employee shall be entitled to one representative at the grievance meeting. The employee and the employee's representative may be allowed to use a reasonable amount of work time for the actual meetings involved in the grievance process, this does not include preparation time.

No Retaliation

Employees shall not be penalized or retaliated against in any way for using the grievance procedures or testifying as a witness in a grievance proceeding.

18 SEPARATION, RESIGNATION, LAYOFF AND REEMPLOYMENT

The following are recognized as formal types of separation from City Services:

Probationary Release
Release of Part-Time, Temporary or Seasonal Employee
Resignation
Retirement
Job Abandonment
Layoff
Non-Disciplinary Separation
Disciplinary Separation

18.1 Separations

All employees who separate from City service must:

- Return all City property to the Human Resources Director or the immediate supervisor prior to receiving the final paycheck.
- Clear any existing financial obligations with the City.
- If applicable, file a Form 700 leaving office statement with the City Clerk.

In addition, employees who resign or retire shall adhere to the following procedures before they will be deemed to have separated in good standing:

- Submit a written notification stating the intent to resign or retire and the proposed effective date to their immediate supervisor.
- Provide a minimum notice of two weeks. The City encourages employees who become aware of their pending separation from the City to let the Human Resources Director know as far in advance as possible. Failure to provide reasonable notice shall be noted in

the personnel file and may be cause for denying future employment by the City.

Notice is final and irrevocable when given and may not be rescinded without the approval of the City Manager.

Use of accrued leave may not be used to extend employment beyond the last day worked without advance written approval of the City Manager.

Non-Disciplinary separations due to the inability to accommodate after the reasonable accommodation and interactive process is concluded will be given a written notes of the reasons for separation, the evidence supporting the decision to separate for non-disciplinary reasons and an opportunity to respond before the separation takes effect.

18.2 Retirement

Retirement from City services shall be subject to the terms and conditions of the City's contract with the California Public Employees' Retirement System (CalPERS), and consistent with Federal and State law.

An Employee planning to retire from the City shall provide a written notice to the Department Director and the Human Resources Director. Such notice should be provided, whenever possible, at least sixty (60) calendar days prior to the effective date of retirement.

Notice is final and irrevocable when given and may not be rescinded without the approval of the City Manager.

18.3 Termination-Disciplinary

An employee may be terminated based on disciplinary action pursuant to these Rules.

18.4 Release from Probation and At-Will Employees

Probationary employees will be released pursuant to the provisions in these Rules.

At-Will employees will be released pursuant to the provisions in these Rules.

18.5 Job Abandonment

Separation of an employee who is absent without notification or authorization for twenty-four (24) consecutive scheduled work hours or more, in accordance with Section 19.2 of these Rules.

18.6 Layoff

Should the City Manager determine that reductions in force are necessary due to lack of work, reorganization, or for financial reasons, layoffs may be directed. In the event of layoffs, the City shall provide affected employees with as much notice as possible.

The decision to lay off an employee is not subject to any right of appeal or grievance.

18.7 Layoff List Preparation Procedure

When a position within a classification is removed, the following general procedure shall be followed:

- Seasonal or part time employees will be released before an employee in the same classification with probationary or permanent status.

19 WORK WEEK AND ATTENDANCE

Department Directors shall assign daily hours of work (or shifts) for employees within departments, as required to meet operational requirements. The Department Director may recommend changes to an employee's work period, week, or hours to meet the requirements of the City. Changes shall be recommended to the Human Resources Director and approved by the City Manager.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's time sheet.

19.1 Work Week

The City operates under a modified 9/80 work schedule. City office hours will be based on the needs of the City in general and will be set by the City Manager. As a modified 9/80 schedule, City Hall will be closed on the first and third Fridays each month. Modified 9/80 schedules (nine hours Monday through Thursday, eight hours alternate Friday, and alternate

Fridays closed) shall be Friday halfway through the workday through the following Friday halfway through the workday. These designated work weeks may be changed only as a result of major changes in operations, payroll procedures or as otherwise necessary in order to deliver services as efficiently and economically as possible. Any deviations from this work schedule must be approved in writing by the City Manager and must be included in the employee's personnel file.

On rare occasions and when it creates efficiencies within the Department, the City Manager may designate an alternative schedule. These schedules may include a 9/80 work schedule, 5/8 work schedule or a 4/10 work schedule.

Any alternative schedule other than the modified 9/80, must be requested in writing to the Department Director. If the Department Director agrees the requested schedule is in the best interest of the department, they will present it to the City Manager for approval. Requests will be on a case-by-case basis and the City Manager reserves the right to rescind approval of the alternative schedule with at least a ten (10) day written notice. Any approved alternative schedule shall be on file in the employee's personnel file.

19.2 Attendance

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except when required to leave on authorized City business or some other authorized leave. All departments shall keep daily attendance records of employees, which shall be reported on the employee's timesheet.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules for the particular type of leave that they are requesting.

Employees who are unexpectedly unable to report for work as scheduled on any particular day must call their immediate supervisor no later than their scheduled time to begin work for that day, or as otherwise required by the Department. If the employee's immediate supervisor is not available, then the employee must notify the Department Director or designee. Employees shall inform their supervisor of the expected duration of any late arrival or absence. Employees who call later than their scheduled time to begin work for their assigned shift shall be deemed to have an unauthorized tardy or absence in violation of this attendance

policy. Abuse or misrepresentation of any form of accrued or paid or unpaid leave time will be grounds for discipline.

An employee who is absent from work without notification or authorization for twenty-four (24) consecutive work hours or more will be considered to have abandoned their employment with the City, which will be treated as an automatic resignation effective as of the last day an employee worked. In this case the City will provide notice to the employee to their last known telephone number, last known email address or last known address. If, within ten (10) days of said notice, the employee can show good cause for the failure to return to duty, the Human Resources Director, in their discretion may, with approval of the City Manager, reverse the resignation. In the event that an employee's absence is deemed an "automatic resignation" in accordance with this Rule, the employee shall have the same right to appeal afforded to employees who are terminated for cause under these Rules. However, an employee's absence without notification or authorization for twenty-four (24) hours or more shall be deemed just cause for termination.

19.3 Excessive Tardiness, Absenteeism and Abuse of Leave

Excessive tardiness occurs when an overtime-eligible employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of any form of accrued or unpaid leave time may be grounds for discipline, up to and including termination.

19.4 Meals and Rest Periods

Meal Periods

Employees shall receive a sixty (60) minute meal period that shall not be compensated, with the exception of safety personnel such as police officers or safety staff such as police service assistants. During the meal period, the employee shall be relieved of duties. If the employee is authorized in advance and performs work during the meal period, the employee shall be compensated for such time. A thirty (30) minute lunch period may be considered by the Department Director but must be requested in writing by the employee and will only be approved if such a schedule will not impair the efficiency and effectiveness of the department. The Department Director may rescind approval of the thirty-minute lunch period with at least ten (10) working days written notice to the employee.

Police Department staff may not always be able to be relieved of duty during meal periods. At the discretion of the Chief of Police, meal periods required by these rules, may be waived should an employee's duties require them to work through the meal period.

Rest Periods

Employees shall have a fifteen (15) minute rest period for each half of their shift, as scheduled by the supervisor. The rest period may be interrupted or cancelled if necessary to complete work and shall be compensated time. The rest periods shall not be combined or used to shorten the workday.

Lactation Breaks

Any employee who wishes to express breast milk for an infant child during scheduled work hours will receive additional unpaid time beyond the compensated rest period provided in these Rules. Those desiring to take a lactation break must schedule breaks with the department supervisor. Approved lactation breaks will not be interrupted, except in emergency circumstances.

The City will make all reasonable efforts to accommodate employees by providing an appropriate, private location to express milk. The City will attempt to find a location in close proximity to the employee's work area and the location will be other than a bathroom. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed.

Any employee storing expressed milk in any authorized refrigerated area within the City shall clearly label it as such. No expressed milk shall be stored at the City beyond the employee's workday.

19.5 Timekeeping

All employees must sign and accurately record all hours worked and any leave taken on their timesheets. Employees must immediately report any errors on a timesheet that has already been submitted to their supervisor.

All employees are responsible for the accurate and timely submission of timesheets as well as any other supporting documented required to accurately report time. Timesheets should accurately reflect actual time worked and should be completed daily. Timesheets should only be altered or adjusted by the employee. If there are discrepancies with the employee's timesheet as submitted, Department Directors or designee

shall discuss with the employee and upon agreement of both parties, the employee shall alter the timesheet.

In the event the employee is unable to complete their timecard due to absence, Department Directors should report the employee's hours worked on their behalf and have the employee approve at the earliest date upon return. If discrepancies exist, they will be corrected on the first payroll following the employee's return.

Timesheets are due the Monday following the completion of a pay period no later than 10:00am. Timesheets are required to be electronically approved by the employee as well as the Department Director or designee.

Hours are to be recorded in quarter (1/4) hours and rounded down at the six-minute mark and up at the 7-minute mark. For example, 8:06 AM will be recorded as 8:00 AM on the timesheet and 8:07 AM will be recorded as 8:15 AM on the timesheet. Rounding does not relieve an employee from the responsibility of completing their scheduled number of hours for each day.

Exempt employees may be required to use accrued leave time for partial day absences of four (4) hours or more. However, exempt employees are generally expected to work their entire schedule each day, and the City Manager may require exempt employees to use accrued leave for partial day absences of less than four (4) hours. With prior approval of the City Manager, exempt employees may make up time off on other days and not need to use accruals.

Intentional inaccuracies or falsifications of any kind of the submitted timesheet will result in disciplinary action, up to and including termination.

19.6 Overtime

Recording hours worked as well as any leave time taken by an employee is necessary to provide an accurate basis for preparing paychecks, monitoring leave accruals, and assuring compliance with all Federal and State laws.

All hours worked in excess of forty (40) hours in the work week will be paid in accordance with FLSA. Overtime must be approved in writing by an employee's supervisor in advance. Overtime worked without prior permission will result in disciplinary action.

Employees in positions designed as overtime eligible will receive additional compensation, either in cash or compensatory time off, in a work week during which they work more than forty (40) hours.
Work weeks will not be altered to avoid paying overtime, but employees may request an alternative schedule in advance with approval from their supervisor.

In accordance with FLSA, only actual hours worked will be used to calculate hours. Time paid, but not worked such as sick leave, vacation, holiday, or compensatory time off, does not count towards the calculation of hours worked.

Overtime pay for work on employee's scheduled day off will be based on actual hours worked in excess of 40 hours in the work week.

Should a full-time, non-exempt employee work a City event on a weekend that includes Holiday pay in the same work week, the employee will be paid at time and a half for all hours worked at the event. Holiday pay will be the only hours type that is included as hours worked for this purpose and only applies if the employee is required to work the event. These events include things such as Summer Fest and the Heart of Oakley.

Any hours spent traveling to out of town training or for training outside of an employee's normal work schedule should be applied in accordance with the City's Travel Policy.

19.7 Paid Overtime and Compensatory Time Off

Compensation for overtime hours worked will be at a rate of one and a half (1.5) times the employee's regular rate of pay in either cash or compensatory time off.

The form of compensation shall be at the option of the employee, provided however, that no employee shall accrue more than forty (40) hours of unused compensatory time off. Accrual of compensatory time off shall be at the rate of one and a half (1.5) hours of compensatory time off for each overtime hour worked or fraction thereof. An employee who has accrued the maximum allowed balance of compensatory time off shall be paid cash for all overtime hours worked until the balance is below the maximum. All compensatory time off will be cashed out at separation in accordance with the FLSA.

Compensatory time off is intended to be taken as soon as it is mutually convenient following the date on which it is earned. Time off should be requested in advance, similar to vacation, and must be approved prior to

taking. Time off should be requested in writing to the supervisor with at least five (5) days' notice.

Should an employee receive a promotion or reclassification to an exempt position, all compensatory time off will be paid on the last day of employment in the non-exempt position. Payments will be made at the regular rate of pay for the non-exempt position.

19.8 Police-FLSA Section 207 (k)

The work period for sworn non-exempt employees, consistent with the 7(k) exemption of the Fair Labor Standards Act, is one hundred seventy-one (171) hours per 28-day work period. The workweek is not necessarily the same as the calendar week. The workweek for all sworn, non-exempt police officers begin at 12:00 AM Sunday and ends at 11:59 PM Saturday.

20 Management LEAVE

20.1 Management Leave-Management Employees

In lieu of the payment of overtime, exempt employees are granted ninety-six hours (96) of management leave on January 1st of each calendar year. Management leave will be prorated for management employees who are hired or promoted into a management position during the year. The pro-ration will be 8 hours per month including the month in which the employee is hired or promoted.

All ninety-six (96) hours of management leave should be used during the calendar year in which it was earned. Up to forty (40) hours of unused leave will be allowed to carry over to the next calendar year.

On rare occasions and with the approval of the City Manager, more than forty (40) hours management leave may be carried over to the next calendar year, subject to a maximum accrual limit of one hundred sixty (160) hours. Such a request must be made in writing on or before December 15th of each year. Failure to request a carry over by December 15th will limit an employee to the standard forty (40) hour carryover limit. Any accrued management leave that would exceed the carryover or maximum accrual limits of this provision are lost.

If leave was previously approved to be taken in December and the City cancels that leave for any reason, the amount approved will be carried over to the next year notwithstanding the above limits.

Managment leave can only be cashed out upon separation of employment and will be paid at the employee's base pay.

21 VACATION

Unless otherwise specified in a Memorandum of Understanding or Council approved resolution, each full-time employee shall accrue vacation on a bi-weekly basis at the following rate for continuous service performed in pay status as follows:

0 to 36 months of service:	80 hours per year (3.06 per pay period)
36 to 72 months of service:	120 hours per year (4.62 per pay period)
72 to 168 months of service:	160 hours per year (6.15 per pay period)
168 or more months of service:	200 hours per year (7.69 per pay period)

The increase in rate of vacation accruals is effective on the next pay period following the anniversary of the employee's hire date.

21.1 Maximum Accruals

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of the annual accrual of that employee.

0 to 36 months of service:	200 hours maximum
36 to 72 months of service:	300 hours maximum
72 to 168 months of service:	400 hours maximum
168 or more months of service:	500 hours maximum

Maximum Accrual Buy Back

Any hours accrued above the maximum as of the paycheck that includes December 1st of each year will be paid to the employee on the second paycheck in December.

21.2 Part-Time Employee Vacation Accrual

Part-Time employees working more than one thousand five hundred (1,500) hours per year will be eligible for a pro-rated accrual based on their full-time equivalent percentage.

Part-Time employees working under one thousand (1,000) hours per year will be eligible for up to thirty-eight (38) hours of vacation accrual per year. This excludes any seasonal, or temporary positions.

Accruals will occur bi-weekly in the amount of 1.46 hours per pay period.

21.3 Maximum Accruals Part-Time Employees

Regardless of the number of hours worked per year, vacation accrual hours will cap at two (2) times the annual accrual, i.e. seventy-six (76) hours.

There will be no cash out provision, except as required by law at separation, for part time vacation accruals. Any hours that would accrue above the seventy-six (76) hour maximum will be lost. Accruals will not continue until the accrual bank is below the maximum.

21.4 Use of Vacation

There is no waiting period before an employee can request to take accrued vacation. Vacation hours cannot be used in the pay period within which they are earned. Employees may only schedule time off for vacation hours that have already been accrued.

Email requests to the employee's immediate supervisor should be submitted for approval of vacation time off. The amount of time taken at any one time shall be determined by the Department Director with regard for the needs of the City.

21.5 Effect of Sick Leave On Vacation Leave

In the event an employee becomes ill during a vacation period, such time shall not be charged as vacation leave if the following conditions are met:

Employee Sick Leave Requirements

The employee complies with the same notice requirements as required when the employee is not on leave, including notice to the employee's supervisor no later than the start of the employee's regular work shift. If the employee becomes ill after the start of the work shift, then the employee must promptly provide notice on the same day the illness begins. In the event an employee is unable due to injury or illness to provide prior notice or same-day notice, the employee must provide notice

as soon as possible. Sick leave shall only be granted for those days on which notice is given.

Return to work requirements

The employee, upon return to work, submits a doctor's certificate for each day the employee was absent from work.

21.6 Vacation Pay-Out Upon Termination

A regular or probationary employee whose employment with the City terminates shall be paid for that part of vacation accumulations that remains unused at the time of termination. Payment for unused vacation shall be made at the base rate of pay in effect for such employees at time of termination.

Unless otherwise provided by State Law, when termination is caused by the death of the employee, said pay for unused vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with the Human Resources Department. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

21.7 Eligibility to Earn Vacation

An employee will accrue vacation while in a paid leave status. Vacation accruals will be pro-rated based on the number of hours being reported on the timesheet. Any employee in an unpaid leave status will not accrue vacation unless approved in advance by the City Manager.

21.8 Vacation Buyback

Employees are eligible to exchange up to forty (40) hours of accrued vacation for a lump sum payment at the employee's current base rate twice each fiscal year as follows:

- The lump sum payment will occur on the second pay period in March and October of each year.
- The employee must have three (3) consecutive years of full-time services with the City.
- The employee must have taken at least eighty (80) hours of vacation, compensatory time off or managment leave in the twelve (12) months preceding the buyback request.
- The employee's accrual bank cannot fall below one hundred twenty (120) hours.

21.9 Hardship Request

If an employee eligible for vacation accrual experiences a financial hardship due to unforeseen circumstances, the employee may submit a request to the Human Resources Director to receive cash payment of accrued vacation. Examples of qualifying events may include unexpected legal expenses, medical expenses not covered by other means, or any unforeseen situation that would necessitate a hardship request.

The Human Resources Director will ensure that the request meets the requirements and that the requested vacation accrual hours are available prior to seeking City Manager approval. The City will make a determination within five (5) business days of the hardship request.

Hardship payouts will only be considered on leave balances above one hundred twenty (120) hours. At no time should a payout cause a leave balance to fall below one hundred twenty (120) hours.

22 HOLIDAYS

22.1 Authorized Holidays

Every full-time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action of the City Council:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day After Thanksgiving
Christmas Eve Day
Christmas Day
New Year's Eve Day
Floating Holidays (2)

Generally, if a holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the holiday falls on a Sunday, the City will observe the holiday on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, the holiday will be observed on the next preceding or succeeding workday, as determined by the City.

If the holiday falls on the employee's regularly scheduled day off, the employee's day off is moved to the next closest workday within the same work week with supervisor approval.

An employee wishing to observe a holiday particular to the employee's national origin, culture, or religion may do so with prior approval of the Department Director. The time off shall be charged to vacation, floating holiday, compensatory time off or management leave.

The City provides regular and probationary full-time employees with eight (8) hours of pay for the observed holidays listed in Section 22.1. If a full-time employee is working an alternative work schedule, including the modified 9/80, the employee must use vacation, compensatory time off, floating holiday or management leave to make up the difference in the eight (8) hour holiday and their normal scheduled hours. With the approval of the Department Director, the employee may work to make up the difference in hours. Holiday time does not count as hours worked for the purpose of calculating overtime unless outlined separately in these Rules.

Part-time employees working more than one thousand five hundred (1,500) hours per year will receive holiday pay at a pro-rated number of hours based on FTE percentage.

All regular and probationary full-time employees receive two (2) eight (8) hour floating holidays on January 1st each year. Floating holiday time off requires advanced approval of the employees' supervisor.

Part-time employees working more than one thousand five hundred (1,500) hours per year will receive floating holidays at a pro-rated number of hours based on FTE percentage.

Newly hired or promoted employees will receive floating holidays based on the calendar year quarter in which they are hired.

January-March	16 hours
April-June	12 hours
July-September	8 hours
October-December	4 hours

Floating holidays must be used in the calendar year in which they are earned and will not carry forward. Any unused floating holiday hours at December 31st each year, will be lost.

Any unused floating holidays at the time of separation will be paid to the employee at the employees' base pay at the time of their separation.

22.2 Work Performed on Holidays

Employees are expected to observe all City designated holidays unless job demands require an employee to work. A regular and probationary full-time employee scheduled to work on a holiday shall be paid straight time for actual hours worked and in addition will be paid eight (8) hours of holiday pay.

Regardless of hours worked per year, part-time employees scheduled to work on a holiday shall be paid straight time for actual hours worked and in addition will be paid holiday pay for the number of actual hours worked, not to exceed eight (8) hours of holiday pay. If work hours on a holiday exceeds the forty (40) hours in a work week, hours worked will be paid in accordance with FLSA.

22.3 Holidays Falling During Vacation

When a day designated and observed by the City as a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday pay and the employee shall not be paid or charged for vacation, except for the additional hour(s) for those employees on an alternative work schedule.

23 SICK LEAVE

Sick leave shall be requested only in cases of actual employee or dependent sickness or disability, medical, dental or vision treatment, or as authorized in Section 23.6 of these Rules. The employee requesting sick leave shall, whenever possible, notify their supervisor or Department Director prior to the start of the employee's regular work shift. Where the need for sick leave is foreseeable, such as for pre-scheduled appointments, leave shall be requested with at least one (1) business day advance notice. Where the need for leave is not foreseeable and the employee is unable due to illness, injury, or other exigent circumstances to provide notice prior to the start of their work shift, the employee must provide notice as soon as practicable.

Sick leave with pay shall not be allowed unless the employee has met and complied with the provisions of these Rules and their Department Director has approved such use. Accrued and unused sick leave shall not be paid out when the employee separates from City employment except as provided in Section 23.9 and Section 23.10 of these Rules. Abuse of the sick leave benefit, as described in these Rules, is grounds for disciplinary action, up to and including termination.

23.1 Certification

The Department Director may request, in their discretion, that the employee produce a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted. The Department Director may also direct an employee to attend a physical examination by a City-retained licensed physician, at City expense, to ascertain whether the employee is fit to perform the duties of the position.

23.2 Prohibited Activity

Any employee who is absent from work on a leave as provided in Section 23 of these Rules or who is absent after requesting such leave shall not engage in work or other activities at any time which would conflict with the inability to report for work and to perform the duties assigned.

23.3 Eligibility

Regular and probationary employees shall be eligible to accrue sick leave upon commencement of City employment. There is no waiting period to utilize sick leave accruals, however, sick leave hours cannot be used within the pay period in which they were earned.

Part time employees working more than one thousand five hundred (1,500) in a fiscal year will accrue sick leave at a pro-rated number of hours based on their FTE percentage.

Part time employees working less than one thousand (1,000) hours in a fiscal year or Seasonal employees will accrue sick leave consistent with the Healthy Workplace Families Act. Any leave accrued under the law cannot be used until reaching the 90th day of employment. Sick leave hours cannot be used within the pay period in which they are earned.

For all employees, sick leave may under no circumstance be used before it is actually accrued.

23.4 Accrual

For Full time employees, sick leave shall be accrued at the rate of 3.69 hours per pay period that an employee has worked regularly scheduled hours or has been on an authorized paid leave.

For Part time employees working more than 1,500 hours in a fiscal year, sick leave shall be accrued on a pro-rata basis depending on the average

expected hours per week. In no case should the number of hours exceed 3.69 hours in a pay period.

For Part time employees working less than 1,000 in a fiscal year and for seasonal employees, sick leave will accrue at a rate of .034 for every hour worked.

Sick leave will continue to accrue during any paid leave of absence and will be pro-rated based on the number of hours being paid. During all unpaid leaves of absence, including FMLA, sick leave accruals will cease until the employee returns to a paid status, unless otherwise required by law.

23.5 Accumulation

All full-time employees may accrue a maximum of one thousand (1,000) hours of sick leave.

Part-time employees working more than one thousand five hundred (1,500) hours per fiscal year may accrue a pro-rated maximum number of hours proportional to their FTE percentage, but never more than one thousand (1,000) hours.

Part-time employees working less than one thousand (1,000) hours per fiscal year and seasonal employees may accrue a maximum of forty-eight (48) hours of sick leave.

Once the accrual maximum is reached, the employee will no longer accrue hours until the accrual balance has fallen below the maximum.

23.6 Use

Sick leave may be requested and used as approved by the Department Director or Human Resources Director. Pay for approved sick leave shall be authorized until the employee's accumulated sick leave hours have been exhausted and at such time the employee shall receive no further pay for sick leave.

Sick leave can be used for the following purposes:

- Diagnosis, care or treatment of an existing health condition or preventative care for an employee or any of the following of the employee's family members:
    - Child of any age or dependency status
    - Parent or parent in-law

- Spouse or registered domestic partner
- Grandparent
- Grandchildren
- Sibling
- Another person designated by the employee prior to or at the time the employee requests paid sick days (provided that an employee may not designate more than one person in this manner in a twelve (12) month period and only one-half of the sick leave accrued annually may be used for this purpose).

- For an employee who is a victim of domestic violence, sexual assault or stalking to obtain a temporary restraining order or other court assistance to help ensure the health, safety or welfare of the employee or their child or to obtain medical attention or psychological counseling services from a shelter, program or crisis center or participate in safety planning or other actions to increase safety.

23.7 Abuse of Sick Leave

The City of Oakley provides a generous amount of sick leave hours and encourages employees to use these hours wisely and maintain a comfortable number of hours available for unforeseen situations. The City considers the abuse of sick leave as a serious offense and evidence substantiating use of sick leave for willful injury, gross negligence, intemperance, or any instances of misrepresentation will result in disciplinary action, up to and including termination from employment.

Other examples of abuse of sick leave include the following:

- Failure to notify supervisor of medical absence.
- Failure to provide physician's verification when required.
- Fraudulent physician verification.
- Use of sick leave for that which it was not intended or provided.
- Continued pattern of maintaining zero or near zero leave balances or seeking approval of leave without pay because sick leave accrual has been exhausted.
- Pattern of abuse, for example, the routine use before and after holidays before and after weekends or regular days off; after pay days; of any one specific day; following overtime worked; frequent use of half days; and any routine use of any combination of the above.

Proof of Illness or Injury will be required in the following circumstances:

- An absence lasting three (3) or more days.
- Frequent use of sick leave accruals.
- When a pattern of sick leave has been identified.
- When a supervisor has reason to believe that sick leave is being abused.
- When an employee is released to return to work after an extended absence.

The employee may be required to submit a statement or certification for a licensed physician, dentist or optometrist stating the employee is or was incapacitated and unable to perform their normal duties. The statement or certification must include a date of when the employee can return to work with or without restrictions, listed restrictions should there be any and a date of when restrictions will be lifted, if known.

If the employee has a qualifying disability under the Americans with Disabilities Act (ADA) or the Fair Employment and Housing Act ("FEHA"), the City will engage in the interactive process in accordance with the Interactive Process Policy.

The City of Oakley maintains minimum staffing levels, and excessive absenteeism creates a negative impact on the workplace by disrupting work schedules, increasing overtime costs, leaving projects incomplete, decreasing organizational efficiency, moving additional work upon others, and creating an overall negative morale within the organization.

23.8 Use of Sick Leave toward Retirement

An employee may not use sick leave to extend a retirement (either disability or service retirement) or separation date, unless specifically provided for in an applicable Memorandum of Understanding, or as required by law.

23.9 Sick Leave at Separation

- Full Time employees hired on or before June 30,2022

  Sick leave is forfeited and not cashed out upon separation unless an employee has completed ten (10) years or more with the City at the date of separation.

  If ten years of service are met, fifty percent (50%) of the value of accrued sick leave or 360 hours, whichever is less, will be paid to the employee at separation as follows:

Payment can be taken as a lump sum cash payment or deposited into the employees deferred compensation account (as allowed under the terms and conditions of the plan and Internal Revenue Service regulations).

- Full Time employees hired on or after July 1, 2022

  Sick leave is forfeited and not cashed out upon separation

23.10 Sick Leave at Retirement

Sick leave is forfeited and not cashed out upon retirement unless an employee has completed ten (10) years or more with the City at the date of retirement. This applies to full time employees only.

If years of service are met, one hundred percent (100%) of the value of accrued sick leave will be paid to the employee at retirement as follows:

Payment can be taken as a lump sum cash payment or deposited into the employee's deferred compensation account (as allowed under the terms and conditions of the plan and the Internal Revenue Service regulations) or used as a payment to CalPERS to buy service credits.

Only fifty percent (50%) of the accrued sick leave can be allocated to CalPERS to buy service credits.

23.11 Integration of Benefits

If an employee is on approved illness or injury leave and is receiving State Disability Insurance (SDI) or temporary Disability payments (including Workers' Compensation payments), the employee may choose to supplement these payments utilizing accruals to continue to receive a full paycheck. To exercise this option, the employee shall provide a claims history showing payment amounts as well as dates paid by SDI, Worker's Compensation, or temporary disability so that the City can ensure the supplemented hours are correctly applied.

23.12 Catastrophic Leave

An employee may be eligible to receive donations of up to four hundred and eighty (480) hours of accruals to be used towards sick leave associated with a catastrophic leave. Hours can only be donated if the employee has exhausted all allowable leave banks.

Catastrophic illness or injury is defined as a critical medical condition that is terminal, a long-term major physical impairment or disability to the employee or an immediate family member. The definition of immediate family member and the usage of sick leave shall be defined as self, spouse, child or parent or anyone in the employee's direct care. This program will be administered in accordance with the City's Catastrophic Leave and Accrual Donation Administrative Policy.

24 LEAVES OF ABSENCE WITHOUT PAY

24.1 Authorization for Leave of Absence Without Pay

At the sole discretion of the City Manager, an employee may be granted a leave of absence without pay. Any leave without pay will be based on the operational needs and best interest of the City. Employees' must make a written request using the Leave Without Pay form and must seek approval of the City Manager prior to the leave being taken.

Leave without pay may not be requested until the employee has utilized all applicable leave hours in the employee's accrual leave bank.

Any employee in an unpaid status may no longer receive benefits including accruals, medical, dental, vision, retirement, etc. Any continuation of benefits will be at the City Manager's discretion.

The decision of the City Manager shall be final and is not subject to grievance or appeal.

The City may fill the position with a temporary employee during the term of the leave of absence or undertake any other appropriate measures to address workload needs.

24.2 Return from Authorized Leave of Absence Without Pay

When an employee intends to return from an authorized leave of absence without pay, extending beyond thirty (30) days, the employee shall contact the Human Resources Director as soon as possible but not less than three (3) working days prior to the planned day of return. Upon an employee's notification that the employee intends to return after a leave of absence without pay, the City shall make reasonable effort to do so. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination.

Employees returning from leave because of illness or disability must first submit to the Human Resources Director a release to work from a

physician that satisfactorily certifies the employee can perform the essential functions of the position to which they desire to return, with or without accommodation. Further, the employee may be subject to an examination by a City retained licensed physician, at City expense, to ascertain whether the employee is fit to perform the duties of the position.

24.3 Status of Employee on Authorized Leave of Absence Without Pay

Break in Service

Authorized leaves of absence without pay shall not be construed as a break in service, and rights accrued at the time the leave is granted shall be retained by the employee. However, vacation credits, sick leave credits, holidays, health benefits, and retirement benefits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence unless otherwise expressly provided for in a Council-approved action. Employees in such status may be required to pay for all fringe benefits, such as health plan premiums, during the period of their leave without pay.

Employee Return to Work

An employee returning after an authorized leave of absence without pay shall retain the same status and shall be placed at the same salary step in the pay range currently in effect for the class as the employee received when the authorized leave of absence without pay commenced. Time spent on such leave without pay shall not count toward service within the pay range and the employee's salary anniversary date shall be set forward a period of time equal to the employee's total absence as adjusted to the beginning of the closest pay period.

24.4 Unauthorized Leave of Absence

Whenever an employee is absent from work during a regular shift without permission or without advanced notification to their supervisor, or without sufficient accrued leave to cover the absence, it shall be reported as an unauthorized leave of absence.

Such unauthorized absence shall be considered as unpaid time off and the amount equal to the time the employee was absent without pay will be deducted from the employee's pay to the extent allowable by law.

Without extenuating circumstances, an unauthorized leave of absence is grounds for termination.

Employees not returning from an authorized leave of absence when agreed upon, will be considered as unauthorized leave.

25 OTHER LEAVES OF ABSENCE

25.1 Administrative Leave

The City, in its discretion, may place an employee on administrative leave with or without pay. Employees on such leave shall be available and are subject to the City's instructions during their normal working hours.

25.2 Bereavement Leave

The City shall grant leaves of absence with pay when a member of the employee's or employee's spouse or domestic partner's immediate family dies. "Immediate family" is defined as a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in Government Code Section 12945.2. The City, in its discretion, may request documentation of the death of the family member. If requested, the employee shall provide documentation of the death within thirty (30) days of the first day of leave. Examples of such documentation include a death certificate, published obituary, or written verification of death, burial, or memorial services from a religious institution, a governmental agency, or a funeral home or similar entity.

Upon the death of a family member, an employee may take up to five days of bereavement leave. The days need not be consecutive but must be completed within three months of the date of death. Up to three (3) working days of leave shall be with pay if the death occurred within the State of California, and up to five (5) days if the death is outside of the State.

Additional time off in excess of the time stated above, may be taken by an employee with prior approval of their immediate supervisor. Additional time off is not paid and the employee must use accruals to account for the time off. Sick leave may be used to supplement bereavement leave. If the employee does not have accrual hours to utilize, the employee must request a Leave Without Pay in accordance with Section 24.1 of these Rules to extend bereavement leave beyond five (5) days.

25.3 Family and Medical Leave (FMLA/CFRA)

In accordance with federal and state laws and regulations, the City shall provide family and medical leave, which is unpaid leave, to eligible employees. "Family and Medical Leave" under this Rule refers to leave

pursuant to the Family and Medical Leave Act of 1993 (“FMLA”) and the California Family Rights Act (“CFRA”). Employees with any questions or requests for information about family and medical leave should consult the Human Resources Department and the City’s FMLA/CFRA administrative policy.

25.4 Jury Duty

All full-time employees and part-time employees regardless of the number of hours worked, who are required to report for jury duty shall be granted leave for such purpose, upon presentation of the jury notice to the Department Director. Said employees shall receive full pay for their normally scheduled work hours for the time served on a jury, provided the employee remits to the City all fees as soon as received by the employee for such duties.

Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee.

Employees are expected to report to work before and after any jury service if jury service begins after the start of your normal shift or ends before the end of your normal shift. Jury service means physically reporting to the court to serve on a jury and does not include being instructed to call for status updates.

25.5 Military Family Leave

In accordance with the Family and Medical Leave Act (FMLA), eligible employees may use their twelve (12) weeks of FMLA leave for any "qualifying exigency" arising out of a family member's active military duty. Eligible employees are also permitted to take up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a family member who sustains a serious illness or injury while on active military duty.

25.6 Military Leave

Military Leave With Pay, shall be granted in accordance Federal and State law. An employee entitled to military leave shall give their Department Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of the military orders to the Department Director. The Department Director shall promptly advise the Human Resources Director of such military orders. The employee’s work schedule may be temporarily changed by the Department Director to accommodate the leave and department workloads, in accordance with applicable law. Benefits shall continue to accrue to the employee to the extent required by

law. Employees on military leave shall be granted promotional opportunities and reinstatement after return from military leave in accordance with applicable law.

25.7 Military Spouse Leave

In accordance with California Military & Veterans Code Section 395.10, eligible spouses and domestic partners of active members of the military are entitled to up to ten (10) days of unpaid leave when their spouse or domestic partner, who is in active military service, is on qualified leave.

25.8 Paid Family Leave (PFL)

Employees who are covered by State Disability Insurance (SDI) are eligible for Paid Family Leave (PFL) benefits while taking care of family member(s). These benefits are paid by the State Employment Development Department.

25.9 Pregnancy Disability Leave (PDL)

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL). The rules for PDL are contained in the City's Pregnancy Disability Leave Administrative Policy

25.10 School Activity Leave

Employees who are parents, guardians, or grandparents of a child in kindergarten through grade 12 may take up to forty (40) hours per year, not to exceed eight (8) hours per month, to participate in the child's school activities. The employee shall use accrued vacation, management leave, floating holiday or compensatory time for this leave. Prior notice of the need for this leave shall be given to the supervisor. If accrued vacation or compensatory time off have been exhausted, the employee must request and receive approval for leave without pay in accordance with Section 24.1 of these Rules.

25.11 Voting Leave

Time off with pay to vote in any general, direct primary or presidential primary election shall be granted as provided by state law. If an employee does not have sufficient time to vote outside of their working hours, they may take time off to vote at the beginning or end of the shift, whichever provides the freest time to vote. Employees shall give their supervisors at least two (2) working days' prior notice of the need to take such time off. Only the first two (2) hours of time taken to vote shall be paid leave.

25.12 Witness Leave

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which they perceived or investigated in the course of employment with the City, shall be allowed to do so without loss of compensation, unless it is the employee's own lawsuit.

An employee subpoenaed to appear in court in a matter unrelated to their official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation, management leave, floating holiday, or compensatory time for this purpose.

The employee may be required to present the subpoena to their Department Director.

25.13 Leave Rights for Victims of Crime and Abuse

Pursuant to Labor Code Sections 230 and 230.1, the City provides certain leave rights an employee who is a victim of crime or abuse. For purposes of this provision, "a victim of crime or abuse" means an employee who is a victim of stalking, domestic, violence, or sexual assault, who is a victim of a crime that caused physical injury or mental injury and a threat of physical injury, or whose immediate family member is deceased as a direct result of a crime.

Eligible employees may take time off for any of the following purposes:

- To seek relief, such as a temporary restraining order, or other assistance to help safeguard the "health, safety, or welfare" of the employee or their child.
- To seek medical attention for injuries caused by crime or abuse.
- To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization as a result of crime or abuse.
- To obtain psychological counseling or mental health services related to an experience of crime or abuse.
- To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

An employee must provide reasonable advance notice to the Human Resources Director, whenever possible, and provide written certification of their status as a victim of crime or abuse. If advance notice is not feasible, the employee must provide certification within a reasonable time after the

absence. The written certification will be kept confidential to the extent allowed by law, and can include any of the following:

- A police report indicating that the employee is a victim of crime or abuse.
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other documentation from the court or the prosecuting attorney that the employee has appeared in court.
- Documentation from a medical professional, domestic violence counselor, sexual assault counselor, victim advocate, health care provider, or counselor that the employee is (or was, as applicable) undergoing treatment or receiving service for physical or mental injuries or abuse.
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written signed statement certifying that the absence is (or was) for a purpose authorized under Labor Code Section 230(c) or Section 230.1.

The leave is unpaid unless the employee is eligible for and elects to use sick leave in accordance with Section 23.6 of these Rules.

25.14 Crime Victim or Family Member Victim Rights Proceeding Leave

Any employee who is a victim of a crime listed in Labor Code Section230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the City, within a reasonable time after the leave is taken the following:

- Certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code Section 230.5(a)(2)(A).

An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met.

The leave is unpaid unless the employee elects to utilize vacation, management leave, floating holiday, or compensatory time off.

26 EMPLOYEE TRAINING AND EDUCATION PROGRAMS

26.1 Training and Development

The City encourages all employees to seek additional training and development of their job skills and knowledge. When possible, the City is committed to providing periodic training to assist employees in developing their professional skills and knowledge.

Any out-of-town travel requirements should be completed in accordance with the City's Travel Policy.

The City encourages participation in professional organizations that will enhance the employee's job-related skills, abilities, and knowledge. Membership or certificates should be approved in advance by the Department Director or the City Manager. Approved memberships or certificates may be paid directly by the City or will be reimbursed upon submittal of satisfactory evidence of payment.

26.2 Education and Tuition Reimbursement

Employees are encouraged to further their education by taking accredited courses which satisfy any of the following criteria:

- Related to the employee's present position with the City.
- Related to the employee's potential development with the City.
- Part of a program leading to a degree related to the employee's present position or potential for development.

An employee who participates in an educational program may be reimbursed for courses taken on the employee's own time and at the employee's expense in accordance with the City's Tuition Reimbursement Policy and Procedure.

The City reserves the right to amend, modify or terminate the program at any time. All employees will be notified in writing if such changes occur, and all commitments made up to the time of the change will be honored by the City.

27 NEPOTISM POLICY

This policy prohibits the hire or promotion of individuals who are related by blood, marriage, or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person

exercising appointing authority, or would have or are likely to have in the future any supervisory authority over such individuals. This prohibition includes the following relationships: spouse, domestic partner, children, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, first cousin, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

27.1 Marital Status and Immediate Family

It is the City's policy not to discriminate against employees based on marital status. The City retains the right to:

- Refuse to place one spouse or immediate family member under the direct or indirect supervision of the other spouse or immediate family member in that the placement has the potential for creating an adverse impact on supervision, safety, security, morale, or potential conflicts of interest.
- Refuse to place spouses or immediate family members in the same department, division, or facility in that it has the potential for creating an adverse impact on supervision, safety, security, morale, or potential conflicts of interest.

27.2 Marriage of Co-Employees

If employees marry or become domestic partners, or an employment relationship listed above is created by any other means, the City shall make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, morale, or potential conflicts of interest.

Should reasonable efforts to assign job duties to minimize such problems fail, one of the following must occur:

- The City Manager or designee will attempt to arrange a transfer to a similar position in another department, division, or facility for the employee with the later hire date. There can be no guarantee that the new position will be within the same classification or at the same pay level, OR
- One of the employees must be separated from City employment if a transfer or demotion is not available. If one of the employees does not voluntarily resign, the City will separate employment with the employee with the later hire date.

Neither the transfer of an employee nor the separation from service of an employee or any other decision implemented pursuant to this policy shall be subject to any administrative appeal or grievance procedures.

28 HARASSMENT AND DISCRIMINATION PREVENTION

The City of Oakley strives to provide a professional work environment where all employees can work together comfortably and productively, free from harassment, discrimination, and retaliation on the basis of one's membership in a protected class. The City is committed to providing a workplace free of sexual harassment. The City's policy has been and remains more all-encompassing than the law requires. The City's policy rests on the fundamental precept that each individual treats all others with respect, dignity, and professionalism. Deviation from that fundamental precept will not be tolerated. Whether or not the individual means to offend or believed their comments or conduct was welcome is not significant. The City's workplace is not limited to the City's facilities, but may also include client and vendor facilities, as well as anywhere a City business-related function is taking place.

The City is responsible for taking all reasonable steps to prevent harassment, discrimination, and retaliation. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and/or retaliation in violation of this Policy. Any retaliation against a person for filing a complaint or participating in the complaint investigation or resolution process is prohibited.

Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action. For investigation guidelines for the informal and formal process for resolving sexual harassment and/or discrimination complaints see Section 29 of these Rules.

28.1 Covered Individuals and Scope of Policy

This Policy protects employees regardless of rank or title, elected or appointed officials, applicants, volunteers, and interns (including unpaid interns). Supervisors, coworkers and third parties are prohibited from engaging in harassment, retaliation, or any other behavior which violates this policy. Employees have an obligation to comply with this Harassment and Discrimination policy. Failure to do so may result in disciplinary action up to and including termination.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including but not limited to selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Definitions

- **Protected Classification**: This Policy prohibits harassment and discrimination based on an individual's protected classification. "Protected classification" includes: race/color, national origin/ancestry,

sex (including gender, gender identity, and gender expression), religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming), age, mental or physical disability, veteran status, medical condition, marital status or status as a registered domestic partner, sexual orientation, citizenship status (including a driver's license issued to undocumented persons), pregnancy (including, medical conditions related to pregnancy or childbirth, and breastfeeding, or medical conditions related to breastfeeding), reproductive health decisions, and any other consideration made unlawful by federal, state, or local law.

- **Discrimination**: This Policy prohibits treating covered individuals differently because of the individual's protected classification, actual or perceived; because the individual associates with a person who is a member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

  Harassment Prohibited harassment includes, but is not limited to, unwelcome conduct undertaken because of a covered individual's actual or perceived protected classification, such as:

  - Verbal harassment – epithets, derogatory comments, or slurs.

  Examples: Speech such as name calling, belittling, epithets, derogatory comments or slurs; sexually explicit or degrading words to describe an individual, race, ethnicity, etc.; sexually oriented jokes and stories; comments about an employee's anatomy and/or dress, including physical features, gender identification, sexually oriented noises or remarks; questions about a person's sexual practices; use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.

  - Physical harassment – assault, impeding or blocking movement, or any physical interference with normal work or movement.

  Examples: Assault, touching, pinching, patting, grabbing, brushing against, or poking another employee's body; hazing or initiation that involves a sexual component; requiring an employee to wear sexually suggestive clothing; or making explicit or implied job threats or promises in return for submission to physical acts.

  - Visual harassment - derogatory posters, cartoons, or drawings.

  Examples: Displaying derogatory pictures, writings, cartoons, emails, drawings, or objects related to a protected classification;

obscene letters or invitations; staring at an employee's anatomy, leering, sexually oriented gestures, mooning, or unwanted love letters or notes.

- Sexual favors – unwanted sexual advances which condition an employment benefit (or withhold a detriment) upon an exchange of sexual favors.

While it is impossible to define every action or all words that could be interpreted as harassment, the examples listed above, along with the state definition of harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute harassment. Harassment on the basis of sex need not be motivated by sexual desire in order to constitute unlawful harassment.

28.2 Quid Pro Quo Harassment

Under state and federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's appointment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

28.3 Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

28.4 Guidelines for Identifying Harassment

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification.

The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient “appears” to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

28.5 Complaint Procedure

Report and Investigation of Complaint

If an individual believes that any City employee, vendor, client, or other business contact has harassed them, then the individual should immediately report the incident to their supervisor or Department Director, orally or in writing. If the immediate supervisor or Department Director is involved in the reported conduct tor, for some other reason, the individual feels uncomfortable about reporting to that supervisor or Department Director, the individual should then report directly to the City Manager. If the individual feels uncomfortable about reporting to the City Manager, then the individual should report directly to the Human Resources Division. If the individual feels uncomfortable about reporting to the Human Resources Department, then the individual should report directly to City Attorney. Employees are not required to follow the chain of command.

Any employee, who sees or learns of conduct that may constitute harassment under this policy, shall immediately advise their Department Director of the incident and actions taken. The Department Director shall

immediately report the incident and actions taken to the Human Resources Director.

Upon receiving notification of a harassment complaint, the Human Resources Director will complete and/or delegate the following steps.

- Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with
    - The complainant.
    - The accused.
    - Other persons who have relevant knowledge concerning the allegations in the complaint.
- Review the factual information gathered through the investigation to determine whether the alleged conduct violates the Policy considering all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
- Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
- If conduct in violation of this Policy occurred, take, or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
- Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

28.6 Proactive Approach

The City takes a proactive approach to potential violations of this Policy and will investigate if its supervisory or management employees become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

28.7 No Retaliation

The City will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment in the workplace. The City will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining, and dismissing from employment any individual who is found to have violated these prohibitions against harassment and/or retaliation. All employees and supervisors have a duty to cooperate in the City's investigation of alleged

harassment and/or alleged retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination.

28.8 Option to Report to Outside Administrative Agencies

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, or employees can check posters that are located on City bulletin boards for office locations and telephone numbers.

28.9 Confidentiality

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

28.10 Responsibilities

Each non-manager or non-supervisor is responsible for:

- Treating all individuals in the workplace or on worksites with respect and consideration.
- Modeling behavior that conforms to this Policy.
- Participating in periodic training.
- Cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.
- Taking no actions to influence any potential witness while the investigation is ongoing.
- Reporting any act, they believe in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to their immediate supervisor, or department head, or City Manager.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

- Informing employees of this Policy.
- Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- Informing those who complain of harassment or discrimination of their options to contact the EEOC or CRD regarding alleged Policy violations.
- Assisting, advising, or consulting with employees and the City Manager regarding this Policy.
- Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
- Implementing appropriate disciplinary and remedial actions.
- Reporting potential violations of this Policy of which they become aware to the City Manager, regardless of whether a complaint has been submitted.
- Participating in periodic training and scheduling employees for training.

29 Investigation Guidelines for Sexual Harassment and Discrimination Complaints

29.1 Investigation Procedure

Any investigation of sexual harassment or discrimination allegations shall be conducted in accordance with the section 28 of these Rules.

29.2 Treat All Complaints Seriously and Act Promptly

Even if a complaining employee insists that they want nothing done about the complaint, the City has an obligation to investigate any allegation of sexual harassment or discrimination promptly and thoroughly. All necessary steps must be taken to ensure that if the conduct has occurred, it does not continue.

For example: Separate the employees by changing shifts or assignments; order the accused to have no contact with the complaining party; and/or depending on the seriousness of the allegations, place the accused employee on paid administrative leave pending the outcome of the investigation.

29.3 Neutral Investigator

All investigations need to be objective, fair and thorough. It is important that the individual chosen to do the investigation is unbiased when conducting the investigation.

29.4 Conduct of Investigator

All complaints of sexual harassment and discrimination will be treated seriously and promptly investigated.

29.5 Confidentiality Of Investigation

The City will make every effort to assure the confidentiality of complaints made under this policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the City's need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The City expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee's employee organization and/or the employee's legal representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

29.6 Detailed Interview With Complainant

The investigator will interview the complaining employee. The complaining employee may be asked specific questions in order to obtain detailed information about the allegations.

29.7 Interview the Accused Employee and Other Employees

The investigator should interview the accused employee and all witnesses with relevant information. All interviews should be documented in detail and/or recorded.

29.8 Analysis of Investigation

In analyzing the evidence from the investigation, the investigator should keep in mind that the objective is to determine whether there has been a policy violation.

29.9 Documentation Of Sexual Harassment

Since personnel files can be purged, the Personnel Officer shall keep a separate file on all sexual harassment and discrimination complaints that are filed or raised by or against any individual. Such complaints would be available for purposes of corroboration or to find potential patterns of misconduct that would tend to verify the veracity of any future complaints, for notice, and for progressive discipline.

30 MISCELLANEOUS

30.1 Effective and Approval

These rules and regulations shall only become effective when the City Council adopt them. Upon adoption they shall supersede any and all City-wide and/or departmental personnel management policies, rules, regulations, and procedures previously adopted, except those adopted by order of a department director which are not in conflict with these Rules.

Any and all provisions contained in a Memorandum of Understanding (MOU) in effect at the time of adoption of these Rules, and which may be in conflict with the provisions of these Rules, shall remain in effect and supersede these Rules until such time as the conflicting provisions of the MOU may be modified, through the meet and confer process, to conform to these Rules. No existing MOU shall be modified, and no new MOU shall be entered into, which would establish provisions that would be in conflict with these Rules unless expressly identified by the City Manager and recommended to the City Council for review and approval.

30.2 Public Employees as Disaster Service Workers

Government Code Section 3100 et seq. declares public employees as disaster service workers and requires employees to report to work (and if

not possible, then to the next closest public employer) following the effects of natural, manmade, or war caused emergencies. The City shall establish and maintain a method, or methods, of informing employees of their disaster service worker status. Employees who fail, without good cause, to honor their obligations as disaster service workers shall be subject to disciplinary action up to and including termination.

30.3 City Records, Contracts and Requests for Information

All official City records and files are considered property of the City. Some records are considered confidential and will not be released. A request for information that is not part of an employee's routine job responsibilities or duties should be referred to the employees' Department Director.

All media requests should be referred to the City Manager or designee, specifically authorized by the City Manager to handle public information.

No employee, except those specifically designated, should accept service on behalf of the City of any legal documents pertaining to work-related cases. Any such documents received should be immediately turned over to the City Clerk.

Employees shall not respond to any subpoenas, requests for deposition or other legal requests for information regarding City business. Any such request shall be reported to the Department Director, City Manager and City Attorney immediately.

30.4 Employee Remote Access

Unless approved in advance by the City Manager, non-exempt employees may not have remote access to City equipment, resources, or emails. To be in compliance with FLSA any remote access for non-exempt employees will be on a case-by-case basis and will be the responsibility of the employee and the Department Director to ensure timecards are completed accurately and include any time spent working remotely.

30.5 Exempt Employee

FLSA exempt personnel are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job, and not for a certain number of hours each day. The focal point is the job to be done, not the number of hours worked. However:

- Exempt positions are designed with an "at least 40-hour" workweek in mind. The necessity to perform consistent work for a substantial

number of hours over 40 per workweek should be examined so that exempt employees are utilizing their time wisely.

- Exempt employees, including Department Directors are generally expected to be available to perform their job duties during normal business hours, however, completing the work assigned for an exempt position will, from time to time, require extra work to be performed outside of normal business hours or on the weekends.
- Recognizing the varying demands placed on an exempt employee's time, and in recognition of exempt employees spending substantially more than a typical workweek in accomplishing the job, the City allows exempt employees to take limited periods off without using accrued vacation or sick leave, subject to the approval of the City Manager. Typically, an exempt employee will have a deduction from their accruals to equal the amount of time absent from work that reduces the employee's normal workday, similar to non-exempt employees. Subject to the approval of the City Manager, for an exempt employee, absences of less than four (4) hours, are not to be charged to leave accruals, if at least 80 hours total have been worked otherwise during the timesheet reporting period (this would include a holiday day). See Section 19.5 for absences in excess of four (4) hours.
- Neither flexible work hours nor administrative leaves constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40-hours per week. Accordingly, exempt employees do not accrue a balance of compensatory leave hours.

30.6 Personnel Records

The Human Resources Department maintains personnel records for all employees.

Personnel records are considered property of the City and confidential information in a personnel file will not be revealed to outside sources except as required by law or with the consent of the employee and the City Manager.

Personnel Files

The City shall maintain an official personnel file for each of its employees. Personnel files contain such personnel records as may be deemed necessary for the administration of labor and employment relations in the City. Personnel files shall be made available to employees for inspection within a reasonable time after an employee's written request and without loss of pay, provided that employees shall make arrangements with their supervisor if the inspection occurs on duty.

The City may preclude inspection of certain information in accordance with the law, such as background and other pre-employment information and materials relating to confidential investigations.

The City shall maintain separate files for injury reports, confidential medical records, grievances, discrimination complaints and other matters in accordance with applicable laws.

Employee Name, Classification Title, Department, Status, Salary Range, Salary, Benefits, Date of Hire and Separation date are all considered public record and will be disclosed if requested.

Outside Inquiries on Employees

All inquiries concerning information about employees from outside sources should be directed to Human Resources. No employee is authorized to provide a job reference for a current or former employee.

When former or current sworn employees are seeking employment in other agencies there may be a background investigation. In these instances, the Police Chief or designee will cooperate with the background investigation and may respond to such request on behalf of the City.

Rules Do Not Create Employment Contract

These Rules do not create a “contract” of employment between the City and any employee. Public employment is statutory, not contractual.

Severability

If any part of these Rules is determined to be unconstitutional or illegal, such part shall be severed from these rules and the remaining Rules shall be given full force and effect. The City shall comply with changes in state and federal law and shall amend these Rules as necessary for consistency. The term “City” as used in these rules refers to the City of Oakley. Responsibilities and rights of the City under these rules are exercised by the City Manager and may be delegated at the City Manager’s discretion.

OAKLEY

Administrative Regulation

SUBJECT: ADMINISTRATIVE REGULATIONS

Effective Date	February 28, 2023	Revised Date	n/a	Policy Number	A101

1 Purpose

The purpose of this Administrative Regulation Policy is to establish policies that set forth and clarify the various administrative processes and procedures necessary for the efficient management of City affairs. The Policy specifies the manner in which to issue, revise, repeal, maintain, and communicate Administrative Regulations.

2 Policy and Procedures

An Administrative Regulation is a formal statement of administrative policy, organization, and procedure issued by the City Manager.

2.1 Criteria

In order to be included in the set of Administrative Regulations, a proposed regulation should meet the following criteria:

- It should be directed toward an ongoing City process or procedure;
- It should be limited to one major subject area; and
- It should be applicable to more than one department in the City.

2.2 Issuance

Administrative Regulations shall be issued by the City Manager under the authority of Chapter 2, Article 1 of the Oakley Municipal Code. Upon approval by the City Manager, Administrative Regulations shall continue in full force and effect notwithstanding the appointment of a different City Manager unless such Administrative Regulations are expressly revised or repealed, in whole or part, by action of the then incumbent City Manager.

2.3 Responsibility

- **Employees**
  Administrative Regulations will be binding on all City employees. Employees shall conform to the provisions outlined in Administrative Regulations.
- **Supervisors and Managers**
  It is the responsibility of all supervisors and managers to ensure that their employees are familiarized with these Administrative Regulations to the extent necessary for proper compliance.

- **Department Directors**
  Directors shall be responsible for:
  - Preparing drafts of Administrative Regulations for subject areas for which their department exercises or shares functional or technical supervision;
  - Requesting placement of the draft Administrative Regulations on agenda for review at a Department Head meeting;
  - Finalizing the Administrative Regulation for signature by the City Manager; and
  - Editing/updating the Administrative Regulations initiated by their department as the need arises.
- **City Manager's Office**
  The City Manager's Office shall be responsible for reviewing, drafting, distributing, and maintaining Administrative Regulations. The City Manager has the sole ability to approve, repeal, and revise Administrative Regulations.

2.4 Preparation of Drafts

Department Directors will prepare drafts of Administrative Regulations as requested by the City Manager or draft Administrative Regulations on topics for which their department provides direction and/or coordination. Generally, draft Administrative Regulations will be based on present operating practices.

When an Administrative Regulation is requested by the City Manager, the topic, general guidelines for content, and specific requirements desired will be furnished to the department prior to preparation of a draft.

- Format & Numbering
  - All Administrative Regulations shall be drafted on the City's Administrative Regulation template.
  - Administrative Regulations should be numbered serially based on the digit category number below and shall fall into one of the following categories:

Administration – A 100

Budget & Finance – B 100

Communications – C 100

Departmental Coordination – D 100

Employees – E 100

Facilities – F 100

General – G 100

- Review Process
    - Drafts of Administrative Regulations will be submitted to the City Manager and other departments as needed (Human Resources, Finance, City Attorney, etc.).
    - The City Manager's Office will place the draft Administrative Regulation on a Department Head meeting agenda for discussion by all Department Directors.
    - Following a review of the draft Administrative Regulation by Department Directors, the initiating department will make any needed revisions to the Administrative Regulation and forward the Administrative Regulation in final form to the City Manager for signature.
    - If an Administrative Regulation has been updated and there are no major changes, it can be sent out electronically via email to the Department Directors for review. All comments or suggestions should be sent back to the responsible department.

2.5 Distribution

Once signed by the City Manager, the City Manager's Office will distribute the final Administrative Regulation Citywide and make it available electronically.

An index of all Administrative Regulations will be maintained and distributed by the City Manager's Office.

2.6 Revisions

Revisions to an Administrative Regulation will be made as required by the initiating department. However, at no time shall an Administrative Regulation go more than five years without review.

2.7 Consistency With Other Policies

The City will follow all policies to meet and confer with a recognized bargaining unit prior to disbursement of an administrative regulation.

City of Oakley General Staff
Table of Content
Compensation and Benefits Resolution

1 COMPENSATION PLAN ***2***

1.1 Five Step System **2**

1.2 Cost of Living (COLA) **2**

2 BENEFITS ***2***

2.1 Medical Insurance **2**

2.2 Dental Insurance **4**

2.3 Vision Insurance **4**

2.4 Retirement **4**

2.5 Other Retirement **5**

2.6 Life Insurance and Accidental Death and Dismemberment **5**

2.7 Long Term Disability **6**

2.8 Longevity **6**

2.9 Consolidated Omnibus Budget Reconciliation Act (COBRA) **6**

2.10 Uniforms and Safety Shoes **7**

2.11 Bilingual Pay **8**

2.12 Call-Out Pay **9**

2.13 Standby Pay **9**

2.14 Wellness Program **9**

Compensation and Benefits

City of Oakey General Staff

1 COMPENSATION PLAN

1.1 Five Step System

The City has adopted a five-step system for full-time employees that is applied as follows:

- Full-Time Employees hired before July 1, 2021

  All step advancements will occur annually in the first full pay period of July after a meets expectations overall performance evaluation is achieved.

- Full-Time Employees hired on or after July 1, 2021

  All step advancements will occur annually in the first pay period following hire date after a meets expectations overall performance evaluation is achieved.

1.2 Cost of Living (COLA)

Cost of living increases will occur in the first full pay period in July of each year for all positions within the general staff as follows:

July of 2023 – 3% COLA
July of 2024 – 2% COLA
July of 2024 – 2% COLA
July of 2025 – 2% COLA

COLA increases will not continue in future years unless approved by City Council Resolution.

2 BENEFITS

2.1 Medical Insurance

The City provides medical insurance benefits to all full-time employees at a rate determined by City Council. Medical insurance contributions are as follows:

Employee Only Coverage	$1,235 per month
Family Coverage	$1,835 per month

Family Coverage is set to increase each year as follows:

December 1, 2023	$1,935 per month
December 1, 2024	$2,060 per month
December 1, 2025	$2,185 per month
December 1, 2026	$2,335 per month

Contributions will remain at $2,335 for all future years unless updated by City Council Resolution.

Part-time employees working more than 1,500 hours in a fiscal year will receive a pro-rated portion of the medical insurance benefit, based on their FTE percentage and are not eligible for any cash-in-lieu should they waive coverage.

Any employee who has alternative qualified group medical coverage and choose to waive group medical will be eligible for cash-in-lieu of medical as outlined below:

Hired before August 1, 2016

Cash-in-lieu will be paid at an amount not to exceed $1,235 per month. An employee whose medical group coverage is less than $1,235 per month will be entitled to the difference between the medical premium and $1,235 per month as cash-in-lieu.

Hired on or After August 1, 2016

Cash-in-lieu will be paid at an amount not to exceed $400 per month. An employee whose medical group coverage is less than $400 per month will be entitled to the difference between the medical premium and $400 per month as cash-in-lieu.

Employees who waive medical coverage are required to complete the Waiver Form as well as provide evidence of qualifying coverage.

For the purposes of determining who is eligible for health insurance, the City will use July 1 – June 30 as the Affordable Care Act (ACA) lookback measurement period.

2.2 Dental Insurance

The City covers 100% of the premiums for all full-time employee plus qualified dependent coverage for dental insurance.

Employees who waive dental coverage are required to complete the Waiver Form. There is no cash-in-lieu for waived dental coverage.

Part-time employees working more than 1,500 hours in a fiscal year will receive a pro-rated portion of the dental insurance benefit, based on their FTE percentage.

2.3 Vision Insurance

The City covers 100% of the premiums for all full-time employee plus qualified dependent coverage for vision insurance.

Employees who waive vision coverage are required to complete the Waiver Form. There is no cash-in-lieu for waived vision coverage.

Part-time employees working more than 1,500 hours in a fiscal year will receive a pro-rated portion of the vision insurance benefit, based on their FTE percentage.

2.4 Retirement

The City participates in the California Public Employees' Retirement System (CalPERS). Retirement benefits shall be consistent with the laws of the State of California and the United States.

Eligible City employees will fall within one of the following CalPERS plans. These tiers are dependent on your specific membership status and will be solely determined by CalPERS.

Miscellaneous Classic Tier 1: Retirement plan for employees hired at the City of Oakley before October 18, 2010

Classic Tier 1 members shall receive the 2.5% at 55 retirement formula. For purposes of determining a retirement benefit, final compensation for these employees shall mean the single highest year of pensionable compensation.

Classic Tier 1 members have an employee contribution of 8%. This contribution is paid in full by the City.

Miscellaneous Classic Tier 2: Retirement plan for employees hired at the City of Oakley on or after October 18, 2010, and meet the CalPERS definition of a Classic member.

Classic Tier 2 members shall receive the 2.0% at 60 retirement formula. For purposes of determining a retirement benefit, final compensation for these employees shall mean the single highest year of pensionable compensation.

Classic Tier 2 members have an employee contribution of 7%. This contribution is paid in full by the City.

Miscellaneous PEPRA: Retirement plan for employees hired at the City of Oakley on or after January 1, 2013, and do not meet the CalPERS definition of a Classic member.

PEPRA members shall receive the 2.0% at 62 retirement formula. For purposes of determining a retirement benefit, final compensation for these employees shall mean the average of the highest earnings over thirty-six (36) consecutive months of service of pensionable compensation.

As required by Government Code § 7522.04(g), PEPRA members shall pay, through payroll deduction, fifty percent (50%) of the total normal cost of their retirement benefit as determined annually by CalPERS.

2.5 Other Retirement

The City provides several before and after-tax retirement plans in which participation is optional such as 457, 401a and Roth IRAs. These plans are available to all full-time and part-time employees working more than 1,500 hours in a fiscal year.

Should an employee choose to contribute to a 457 or 401a plan, the City will match up to one percent (1%) of the contribution each pay period.

The City also provides a Retiree Health Savings Plan. Contributions are mandatory by the employer and employee and are set as follows:

- Mandatory Employee contribution of twenty-five dollars ($25) per pay period.
- Mandatory Employer contribution of fifty dollars ($50) per pay period.

2.6 Life Insurance and Accidental Death and Dismemberment

The City provides a life insurance benefit of $100,000 coverage and accidental death and dismemberment to all full-time employees.

Part-time employees working more than 1,500 hours in a fiscal year will receive a pro-rated portion of the life insurance and AD&D benefit, based on their FTE percentage.

The City offers an optional life insurance plan to those employees wishing to add to their life insurance policy. Any optional life insurance will be paid for by the employee.

2.7 Long Term Disability

The City provides long term disability coverage to all full-time employees.

Part-time employees working more than 1,500 hours in a fiscal year will receive a pro-rated portion of the long-term disability, based on their FTE percentage.

2.8 Longevity

The City will pay all full-time employees a longevity incentive as follows:

All full-time employees with 10 or more years of service with the City of Oakley will receive one percent (1%) of base salary each pay period, beginning on the pay period following their anniversary date.

All full-time employees with 20 or more years of service with the City of Oakley will receive two percent (2%) of base salary each pay period, beginning on the pay period following their anniversary date.

2.9 Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA gives workers and their families who lose their health insurance benefit the right to choose to continue in group health benefits provide by their employer. The coverage is for a limited period under certain circumstances such as voluntary or involuntary job loss, reduction in hours worked, transition between jobs, death, divorce and other qualifying life events.

Qualified individuals may be required to pay the entire premium for coverage up to one hundred and two percent (102%) of the cost of the plan premiums.

An employee's eligible dependents may also have the right to elect and pay for continuation of coverage for a temporary period in certain circumstances where their coverage under the plan would otherwise end.

2.10 Uniforms and Safety Shoes

When required to be worn by employees, uniforms shall be provided to the employee at the expense of the City and are required to be worn during working hours. Work uniforms shall be appropriate for the typical function performed and consistent with good safety practices. The Department Director shall determine the color, style and lettering on the uniform to be worn by staff, subject in each case to the approval of the City Manager.

The City will purchase uniforms by department as follows:

Public Works Maintenance: The typical annual uniform will consist of five (5) pairs of pants, ten (10) shirts and one (1) jacket. The estimated annual cost of these uniforms is five hundred dollars ($650).

Code Enforcement and Inspectors: The typical annual uniform will consist of five (5) shirts. The estimated annual cost of these uniforms is two hundred dollars ($250). One (1) jacket will be provided every 2 years with an estimated cost of one hundred dollars ($100).

Police Non-Sworn Employees:

Records Full Time Staff: The typical annual uniform will consist of two (4) shirts. The estimated annual cost of these uniforms is two hundred dollars ($200).

Records Part Time Staff: The typical annual uniform will consist of two (2) shirts. The estimated annual cost of these uniforms is one hundred dollars ($100).

Service Assistants Full Time Staff: The typical annual uniform will consist of two (2) pairs of pants and five (5) shirts. The estimated annual cost of these uniforms is three hundred dollars ($300).

Service Assistants Part Time Staff: The typical annual uniform will consist of two (2) pairs of pants and two (2) shirts. The estimated annual cost of these uniforms is two hundred fifty dollars ($250).

Employees are to report to work in uniforms that are neat, clean, stain-free, and in good repair. The employee shall be responsible for properly laundering and mending their work uniforms at their expense. Where appropriate, (or more specifically: Employees whose duties routinely require interface with the public and do not involve physical labor) uniform shirts will be pressed.

Uniforms will be purchased in April of each year by the department supervisor after receiving the proper approvals. An inventory of uniforms purchased, itemized by person shall be provided to the Human Resources Department no later than May 1st each year.

All new hires will be provided a uniform upon hire.

The City shall retain the right to establish minimum safety and quality standards for safety equipment, clothing, and steel-toed safety footwear to be used while performing assigned tasks. If an employee is at work without the required clothing or safety equipment, that employee will not be allowed to work until they are able to return to the worksite with the required clothing and safety equipment.

The City will purchase on an annual basis safety footwear for positions requiring such, as determined by the department director. The employee shall make the selection of appropriate footwear and shall be required to wear the approved footwear at all times while on duty. Footwear shall not exceed two hundred fifty dollars $250 per year. If an employee wishes to purchase footwear greater than the amount provided, any amount over the two hundred fifty dollars ($250) will be paid by the employee.

Safety footwear will be purchased in April of each year by the department supervisor after receiving the proper approvals. An inventory of safety footwear purchased, itemized by person shall be provided to the Human Resources Department no later than May 1st each year.

Part-Time and Seasonal employees that are required to wear safety footwear will be reimbursed for 100% of the cost of the footwear which shall not exceed two hundred fifty dollars ($250) per year. After being employed for at least 160 days, the employee may present a receipt to their supervisor to receive reimbursement.

2.11 Bilingual Pay

Bilingual Pay may be provided for proficiency in any language, including American Sign Language, that has been recommended by the department director and has been determined by the City to be relevant to the delivery of services to the public.

In order to be eligible, an employee must demonstrate their proficiency in the designated language by passing an oral and written exam.

Employees interested in providing translation services should submit a written request to their department director outlining the language they are proficient in as well as how it compliments their position and benefits the

public. Should the department director agree with their request, the request will be forwarded to Human Resources to schedule an exam. Once the employee successfully completes an exam, bilingual pay will begin on the first pay period following the certification of the results.

All full-time employees who are successfully certified, will receive bilingual pay of thirty-five ($35) per pay period.

Should an employee change positions, a new written request by the employee is required and must be approved for the employee to continue to receive this pay.

The number of employees designated to provide translation services will be at the sole discretion of the City.

2.12 Call-Out Pay

All non-exempt full-time employees designated as “call out employees” by their Department Director who are called to perform work after hours, shall be compensated for at least two (2) hours pay at one and one-half (1.5) times the employees’ hourly rate of pay for each call out occurrence.

2.13 Standby Pay

Non-exempt regular or probationary full-time employees, working in the Public Works Department and designated to be in Standby Status by their Department Director will be compensated for the time spent in such status.

Employees placed in standby status are expected to remain fit for duty for the entire period in which they are on standby.

Employees will be compensated at thirty-six dollars ($36) per day or two-hundred fifty-two dollars ($252) per seven (7) day period. Should an employee serve in Standby for less than seven (7) days any compensation will be pro-rated by days.

Should an employee in standby status be called to report to work, Section 2.11 applies.

2.14 Wellness Program

The City encourages health and wellness for its employees. As a part of this effort, and as a benefit to employees, the City may pay up to thirty-five dollars ($35) monthly to reimburse health club dues for employees that join an approved local health club located in East Contra Costa County.

Employees are responsible for all membership dues or amounts incurred pursuant to their membership.

The City's payments for this benefit do not qualify for income tax exclusion under Section 132 of the Internal Revenue Code and therefore are taxable income. Taxes are the responsibility of the employee, and for those employees electing to participate in the program, applicable income will be reported, and taxes withheld as part of payroll processing. Reimbursement for membership will be paid on the second payroll of the month following the end of the quarter.

City of Oakley Police Management
Table of Content
Compensation and Benefits Resolution

1 COMPENSATION PLAN _____ 2

1.1 Six Step System _____ 2

1.2 Starting Base Pay _____ 2

1.3 Compaction _____ 2

1.4 Cost of Living (COLA) _____ 2

2 BENEFITS _____ 3

2.1 Medical Insurance _____ 3

2.2 Dental Insurance _____ 4

2.3 Vision Insurance _____ 4

2.4 Retirement _____ 4

2.5 Other Retirement _____ 4

2.6 Life Insurance and Accidental Death and Dismemberment _____ 5

2.7 Long Term Disability _____ 5

2.8 Consolidated Omnibus Budget Reconciliation Act (COBRA) _____ 5

2.9 Uniforms _____ 6

2.10 Bilingual Pay _____ 6

2.11 Wellness Program _____ 7

2.12 POST Certification & Education Incentive _____ 7

2.13 Longevity Incentive Pay _____ 8

2.14 Retiree Medical _____ 8

Compensation and Benefit

City of Oakey Police Management

Police management is defined as all sworn officers not covered by the Police MOU.

1 COMPENSATION PLAN

1.1 Six Step System

The City has adopted a six-step system for Police Lieutenants that is applied as follows:

- All step advancements will occur annually in the first pay period following hire date after a meets expectations overall performance evaluation is achieved.

1.2 Starting Base Pay

Lieutenants starting base pay will be at least 20% higher than the highest paid Sergeant's base pay. This is to compensate for the loss of holiday and incentive pays that are no longer available to Police Management employees.

1.3 Compaction

Total compaction between the Sergeant and Lieutenant and the Lieutenant and Chief will not fall below 10% when comparing total compensation at the maximum base salary for each position.

1.4 Cost of Living (COLA)

Cost of living increases will occur in the first full pay period in July of each year for all positions within the general staff as follows:

July of 2023 – 3% COLA
July of 2024 – 2% COLA
July of 2024 – 2% COLA
July of 2025 – 2% COLA

COLA increases will not continue in future years unless approved by City Council Resolution.

2 BENEFITS

2.1 Medical Insurance

The City provides medical insurance benefits to all full-time employees at a rate determined by City Council. Medical insurance contributions are as follows:

Employee Only Coverage	$1,235 per month
Family Coverage	$1,835 per month

Family Coverage is set to increase each year as follows:

December 1, 2023	$1,935 per month
December 1, 2024	$2,060 per month
December 1, 2025	$2,185 per month
December 1, 2026	$2,335 per month

Contributions will remain at $2,335 for all future years unless updated by City Council Resolution.

Any employee who has alternative qualified group medical coverage and choose to waive group medical will be eligible for cash-in-lieu of medical as outlined below:

Hired before August 1, 2016

Cash-in-lieu will be paid at an amount not to exceed $1,235 per month. An employee whose medical group coverage is less than $1,235 per month will be entitled to the difference between the medical premium and $1,235 per month as cash-in-lieu.

Hired on or After August 1, 2016

Cash-in-lieu will be paid at an amount not to exceed $400 per month. An employee whose medical group coverage is less than $400 per month will be entitled to the difference between the medical premium and $400 per month as cash-in-lieu.

Employees who waive medical coverage are required to complete the Waiver Form as well as provide evidence of qualifying coverage.

2.2 Dental Insurance

The City covers 100% of the premiums for all full-time employee plus qualified dependent coverage for dental insurance.

Employees who waive dental coverage are required to complete the Waiver Form. There is no cash-in-lieu for waived dental coverage.

2.3 Vision Insurance

The City covers 100% of the premiums for all full-time employee plus qualified dependent coverage for vision insurance.

Employees who waive vision coverage are required to complete the Waiver Form. There is no cash-in-lieu for waived vision coverage.

2.4 Retirement

The City participates in the California Public Employees' Retirement System (CalPERS). Retirement benefits shall be consistent with the laws of the State of California and the United States.

Safety PEPRA: Retirement plan for employees hired at the City of Oakley on or after January 1, 2013 and do not meet the CalPERS definition of a Classic member.

PEPRA members shall receive the 2.7% at 57 retirement formula. For purposes of determining a retirement benefit, final compensation for these employees shall mean the average of the highest earnings over thirty-six (36) consecutive months of service of pensionable compensation.

As required by Government Code § 7522.04(g), PEPRA members shall pay, through payroll deduction, fifty percent (50%) of the total normal cost of their retirement benefit as determined annually by CalPERS.

Classic Safety members, as determined by CalPERS, will receive some of the classic benefits, but the formula above is the only formula offered for all Safety Members.

2.5 Other Retirement

The City provides several before and after-tax retirement plans in which participation is optional such as 457, 401a and Roth IRAs.

Should an employee choose to contribute to a 457 or 401a plan, the City will match up to one percent (1%) of the contribution each pay period.

In addition to the one percent (1%) match the City will contribute an additional two percent (2%) to a 457 or 401a plan of the employee's choice for lieutenants for a total of three percent (3%).

The City also provides a Retiree Health Savings Plan. Contributions are mandatory by the employer and employee and are set as follows:

- Mandatory Employee contribution of twenty-five dollars ($25) per pay period.
- Mandatory Employer contribution of fifty dollars ($50) per pay period.

2.6 Life Insurance and Accidental Death and Dismemberment

The City provides a life insurance benefit of $100,000 coverage and accidental death and dismemberment to all full-time employees.

The City offers an optional life insurance plan to those employees wishing to add to their life insurance policy. Any optional life insurance will be paid for by the employee.

2.7 Long Term Disability

The City provides long term disability coverage to all full-time employees.

2.8 Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA gives workers and their families who lose their health insurance benefit the right to choose to continue in group health benefits provide by their employer. The coverage is for a limited period under certain circumstances such as voluntary or involuntary job loss, reduction in hours worked, transition between jobs, death, divorce, and other qualifying life events.

Qualified individuals may be required to pay the entire premium for coverage up to one hundred and two percent (102%) of the cost of the plan premiums.

An employee's eligible dependents may also have the right to elect and pay for continuation of coverage for a temporary period in certain circumstances where their coverage under the plan would otherwise end.

2.9 Uniforms

The City shall pay for the full cost of employee uniforms and safety equipment. In the event these uniforms are damaged in the course of work or worn out as a result of normal wear, the uniform shall be replaced at no cost to the employee.

The City shall over the cost of laundering/dry cleaning of uniforms at a designated location.

The has estimated the cost of uniforms, including the cost of dry cleaning to be $1,000 per employee annually.

The City shall provide one pair of boots to each employee every calendar year, in an amount not to exceed $200.

2.10 Bilingual Pay

Bilingual Pay may be provided for proficiency in any language, including American Sign Language, that has been recommended by the department director and has been determined by the City to be relevant to the delivery of services to the public.

In order to be eligible, an employee must demonstrate their proficiency in the designated language by passing an oral and written exam.

Employees interested in providing translation services should submit a written request to their department director outlining the language they are proficient in as well as how it compliments their position and benefits the public. Should the department director agree with their request, the request will be forwarded to Human Resources to schedule an exam. Once the employee successfully completes an exam, bilingual pay will begin on the first pay period following the certification of the results.

All full-time employees who are successfully certified, and who have received approval, will receive bilingual pay of thirty-five ($35) per pay period.

Should an employee change positions, a new written request by the employee is required and must be approved for the employee to continue to receive this pay.

The number of employees designated to provide translation services will be at the sole discretion of the City.

2.11 Wellness Program

The City encourages health and wellness for its employees. As a part of this effort, and as a benefit to employees, the City may pay up to thirty-five dollars ($35) monthly to reimburse health club dues for employees that join an approved local health club located in East Contra Costa County.

Employees are responsible for all membership dues or amounts incurred pursuant to their membership.

The City's payments for this benefit do not qualify for income tax exclusion under Section 132 of the Internal Revenue Code and therefore are taxable income. Taxes are the responsibility of the employee, and for those employees electing to participate in the program, applicable income will be reported, and taxes withheld as part of payroll processing. Reimbursement for membership will be paid on the second payroll of the month following the end of the quarter.

2.12 POST Certification & Education Incentive

Employees who posses or obtain the following POST certificates or educational degrees shall receive additional compensation as follows:

a. POST Intermediate Certificate – Two and one-half percent (2.5%) of base salary.
b. POST Advanced Certificate – Two and one-half percent (2.5%) of base salary.

Incentives in subsections (a) and (b) compound, with a maximum incentive of five percent (5%).

Instead of earning POST incentive pay, an employee with a bachelor's degree earns a five percent (5%) incentive. An employee may not earn separate incentive pays for both POST certificates and a bachelor's degree.

An employee may earn an additional two- and one-half percent (2.5%) over the POST or Bachelor's Degree incentive pay if the employee has a Master's Degree for a total POST/Education incentive pay not to exceed seven and one half percent (7.5%).

Pay for all education incentives will be effective in the first full pay period following receipt of documentation by Human Resources. Employees are responsible for ensuring timely submission to Human Resources.

Any updates made to this section in the Police Officers Association MOU, shall apply to this section and be updated accordingly at the earliest convenience.

2.13 Longevity Incentive Pay

All employees, with the exception of the Police Chief, shall receive Longevity Incentive Pay as follows:

- Five (5) Years of Service – two- and one-half percent (2.5%) of base salary.
- Ten (10) Years of Service – additional two- and one-half percent (2.5%) of base salary (5% cumulative total).
- Fifteen (15) Years of Service – additional two- and one-half percent (2.5%) of base salary (7.5% cumulative total).
- Twenty (20) Years of Service – additional two- and one-half percent (2.5%) of base salary (10% cumulative total).
- Twenty-five (25) Years of Service – additional two- and one-half percent (2.5%) of base salary (12.5% cumulative total).

  Employees who were previously serving in a sworn position with the City of Oakley while employed by Contra Costa Sheriff's Office as of April 15, 2015, will receive credit for their prior service with Contra Costa Sheriff's office when calculating longevity increments. The increase in percentage is effective on the next pay period following the anniversary of the employee's hire date.

The Police Chief will receive 5% of base pay if they have five (5) or more years of service with the City of Oakley. This longevity is not reportable to CalPERS as compensation.

Any updates made to this section in the Police Officers Association MOU, shall apply to this section and be updated accordingly at the earliest convenience.

2.14 Retiree Medical

Employees will participate in the Peace Officers Research Association of California (PORAC) Medical Trust. The city will pay four hundred and fifty dollars ($450) per month into the PORAC medical trust on behalf of the employee from the date of hire until the employee's separation date. Contributions will be made for all employees in Police Management and employees may not individually elect against participation in the PORAC Medical Trust Plan.

Members will also participate in the Legal Defense Fund offered through PORAC. These fees are paid directly by the employees to PORAC.

Any updates made to this section in the Police Officers Association MOU, shall apply to this section and be updated accordingly at the earliest convenience.

DocuSign Envelope ID: 9484BF6B-3C9C-4109-BA66-DC9FE4EDB141

SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE OAKLEY POLICE OFFICERS ASSOCIATION AND THE CITY OF OAKLEY

This Side Letter of Agreement is entered into by and between the Oakley Police Officers Association and the City of Oakley effective July 1, 2022. The items listed in this Agreement shall supersede any provisions included in the current Memorandum of Understanding (MOU). The parties agree to the following Terms and Conditions:

10.2 Vacation Accrual

The City recognizes its employees' loyalty and longevity of service by granting an increase in vacation hours at milestone anniversary dates. Regular full-time employees shall be entitled to accrue paid vacation for years of service according to the schedule below.

0 to 36 months of service:	80 hours per year (3.06 per pay period)
36 to 72 months of service:	120 hours per year (4.62 per pay period)
72 to 168 months of service:	160 hours per year (6.15 per pay period)
168 or more months of service:	200 hours per year (7.69 per pay period)

The increase in rate of vacation accrual is effective on the next pay period following the anniversary of the employee's hire date. For example, if an employee completes three full years of service on July 1st and the next full pay period begins on July 5th, the employee will begin accruing the 120 hours per year on July 5th. Vacation accruals are calculated on a bi-weekly basis with the City's pay period schedule and are reflected on the employee's paycheck.

Note: Employees that were serving in the City of Oakley with the Contra Costa Sheriff's Office as of April 15, 2015, shall receive credit for years served with the Contra Costa Sheriff's Office.

10.3 Vacation Accumulation

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of their annual accrual as follows:

0 to 36 months of service:	200 hours maximum
36 to 72 months of service:	300 hours maximum
72 to 168 months of service:	400 hours maximum
168 or more months of service:	500 hours maximum

Maximum Accrual Buy Back

Any hours accrued above the maximum as of the paycheck that includes December 1st of each year will be paid to the employee on the second paycheck in December.

DocuSign Envelope ID: 9484BF6B-3C9C-4109-BA66-DC9FE4EDB141

12.2 Bereavement Leave

The City shall grant leaves of absence with pay when a member of the employee's or employee's spouse or domestic partner's immediate family dies. "Immediate family" is defined in the "Definitions" section of this MOU. The City, in its discretion, may request documentation of the death of the family member. If requested, the employee shall provide documentation of the death within 30 days of the first day of leave. Examples of such documentation include a death certificate, published obituary, or written verification of death, burial, or memorial services from a religious institution, a governmental agency, or a funeral home or similar entity.

Upon the death of a family member, an employee may take up to five days of bereavement leave. The days need not be consecutive but must be completed within three months of the date of death. Up to three (3) working days of leave shall be with pay if the death occurred within the State of California, and up to five (5) days if the death is outside of the State.

Additional time off in excess of the time stated above, may be taken by an employee with prior approval of the Police Chief. Additional time off is not paid and the employee must use accruals to account for the time off. Sick leave may be used to supplement bereavement leave. If the employee does not have accrual hours to utilize, the employee must request a Leave Without Pay in accordance with Section 24.1 of the Personnel Rules to extend bereavement leave beyond five days.

8.1 Standby Status and Standby Pay

When an employee is required to leave word where the employee can be reached for emergency call out or for other work-related purposes during a specified period outside the employee's scheduled hours of work, such employee shall be considered on standby status. (This provision does not apply to court ordered standby status issued by the District Attorney's Office or Judge.)

The following provisions apply to standby status:

Compensation:

1. Any employee formally placed on stand-by status in writing shall be paid two-hundred and fifty-two dollars ($252) per week (7 days). A partial week on stand-by status shall be prorated at thirty-six dollars ($36) per day.
2. If an employee is contacted for fifteen minutes or more (including any combination of one or more telephone calls, emails and/or texts) for a work-related purpose or required to physically report to work for an emergency while on standby status, the employee will be compensated for a minimum of two (2) hours worked at one and one-half (1.5) times the employee's base hourly rate of pay. Any time worked in addition to the two-hour minimum will be compensated at one and one-half (1.5) times the employee's base hourly rate of pay for each additional hour or fraction thereof. Work time shall commence from the time the employee is first contacted, as defined above, for a work-related purpose or first required to physically report to work until the time the employee returns home. For purposes of this provision, successive contacts during the same two (2) hour period following an initial contact or requirement to physically report to work is considered a single contact for purposes of the two (2) hour minimum.
3. Employees contacted for fifteen minutes or more for work-related purposes or called to physically report to work after midnight may elect to delay the normal start time for a shift scheduled later that same day by an amount of time equivalent to the time worked past midnight. If an employee elects to exercise this privilege, the employee must notify the supervisor in advance of the normally scheduled

DocuSign Envelope ID: 9484BF6B-3C9C-4109-BA66-DC9FE4EDB141

workday or within thirty (30) minutes of normal start time. If it is deemed to be detrimental to the operation of the City to grant this time off, the supervisor may deny the request. Employees who use this option will be paid their base hourly rate of pay for hours actually worked that day.

4. Employees must remain fit for duty during the entire period the employee is on stand-by status.

City of Oakley		Oakley Police Officers' Association	
DocuSigned by: Joshua McMurray 2571533459F6461...	2/21/2023	DocuSigned by: E17607B7EBC443B...	2/20/2023
Joshua McMurray, City Manager	**Date**	**Tyler Radcliffe, President**	**Date**

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE CITY OF OAKLEY'S PERSONNEL RULES

WHEREAS, in 2020 the City Council adopted a personnel ordinance #17-00 and created a personnel handbook in 2001, and

WHEREAS, in 2004 the handbook was updated and in 2008 a personnel manual was created and adopted, and

WHEREAS, the personnel manual was modified with slight changes in 2012, 2016 and 2017, and

WHEREAS, it was determined a new policy was required to modernize language, reorganize to make it easier for the reader, and bring current with best practices, and

WHEREAS, having a policy in place allows for consistency and trust in how the City manages personnel issues as they may arise from time to time, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Personnel Rules for the City of Oakley, attached as Exhibit A, effective February 28, 2023

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE CITY OF OAKLEY'S ADMINISTRATIVE REGULATION POLICY

WHEREAS, the Personnel Rules references an administrative regulation policy, and

WHEREAS, the administrative regulation policy allows for the City Manager to implement processes and procedures that effect departments, and

WHEREAS, creating this policy will allow for guidelines on how and when to create these types of procedures as opposed to a Council approved policy, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Administrative Regulation Policy, attached as Exhibit A, effective February 28, 2023.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING COMPENSATION AND BENEFITS FOR GENERAL STAFF (EXCLUDING THOSE COVERED BY THE OPOA MOU)

WHEREAS, the Personnel Rules are being re-organized and re-written to modernize the policy, and

WHEREAS, the City, has recommended removing compensation and benefits from the Personnel Rules and created a separate document in order to make the updating of compensation and benefits more accessible, and

WHEREAS, all compensation and benefits were approved in June of 2022 by the City Council and this step is simply part of the clean-up of the personnel rules, and

WHEREAS, the compensation and benefit resolution will update exhibit A anytime an amendment is made allowing for better tracking and transparency when it comes to the compensation and benefits provided,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Compensation and Benefits for the General Staff, attached as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING COMPENSATION AND BENEFITS FOR POLICE MANAGMENT STAFF (EXCLUDING THOSE COVERED BY THE OPOA MOU)

WHEREAS, the Personnel Rules are being re-organized and re-written to modernize the policy, and

WHEREAS, the City, has recommended removing compensation and benefits from the Personnel Rules and created a separate document in order to make the updating of compensation and benefits more accessible, and

WHEREAS, all compensation and benefits were approved in June of 2022 by the City Council and this step is simply part of the clean-up of the personnel rules, and

WHEREAS, the compensation and benefit resolution will update exhibit A anytime an amendment is made allowing for better tracking and transparency when it comes to the compensation and benefits provided,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Compensation and Benefits for the Police Management Staff, attached as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A SIDE LETTER TO THE OAKLEY POLICE OFFICERS ASSOCIATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the Oakley Police Officers Association (OPOA) and the City have a memorandum of understanding (MOU) that was approved at the May 24, 2022 council meeting, and

WHEREAS, several updates were made to the City of Oakley Personnel Rules, and

WHEREAS, in order to provide consistent language between the Personnel Rules and the MOU with OPOA several language updates are recommended, and

WHEREAS, in addition to language changes, one slight modification to standby benefit is requested to make payroll more efficient, and

WHEREAS, it is agreed that updating language will allow for a consistent understanding of the intent of the language, and

WHEREAS, City Staff, Police Management and the OPOA board have discussed this side letter, and all agree it is the best interest of all parties involved,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

The Side Letter to the Memorandum of Understanding for the Oakley Police Officers Association.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE OAKLEY POLICE OFFICERS ASSOCIATION AND THE CITY OF OAKLEY

This Side Letter of Agreement is entered into by and between the Oakley Police Officers Association and the City of Oakley effective July 1, 2022. The items listed in this Agreement shall supersede any provisions included in the current Memorandum of Understanding (MOU). The parties agree to the following Terms and Conditions:

10.2 Vacation Accrual

The City recognizes its employees' loyalty and longevity of service by granting an increase in vacation hours at milestone anniversary dates. Regular full-time employees shall be entitled to accrue paid vacation for years of service according to the schedule below.

0 to 36 months of service: 80 hours per year (3.06 per pay period)

36 to 72 months of service: 120 hours per year (4.62 per pay period)

72 to 168 months of service: 160 hours per year (6.15 per pay period)

168 or more months of service: 200 hours per year (7.69 per pay period)

~~YEARS OF SERVICE~~	~~VACATION HOURS ACCRUED PER YEAR~~
~~Year 0-3~~	~~80 hours per year~~
~~Year 4-7~~	~~120 hours per year~~
~~Year 8-14~~	~~160 hours per year~~
~~Year 15+~~	~~200 hours per year~~

The increase in rate of vacation accrual is effective on the next pay period following the anniversary of the employee's hire date. For example, if an employee completes three full years of service on July 1st and the next full pay period begins on July 5th, the employee will begin accruing the 120 hours per year on July 5th. Vacation accruals are calculated on a bi-weekly basis with the City's pay period schedule and are reflected on the employee's paycheck.

Note: Employees that were serving in the City of Oakley with the Contra Costa Sheriff's Office as of April 15, 2015, shall receive credit for years served with the Contra Costa Sheriff's Office.

10.3 Vacation Accumulation

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of their annual accrual as follows:

0 to 36 months of service: 200 hours maximum

36 to 72 months of service: 300 hours maximum

72 to 168 months of service: 400 hours maximum

168 or more months of service: 500 hours maximum

~~YEARS OF SERVICE~~	~~MAXIMUM VACATION ACCRUAL~~
~~Year 0-3~~	~~200 hours maximum~~
~~Year 4-7~~	~~300 hours maximum~~
~~Year 8-14~~	~~400 hours maximum~~
~~Year 15+~~	~~500 hours maximum~~

Maximum Accrual Buy Back

Any hours accrued above the maximum as of the paycheck that includes December 1st of each year will be paid to the employee on the second paycheck in December.

~~Unused vacation hours over the maximum vacation accrual, as of each December 1st, will be paid, at the employee's base pay, on the first full pay period after December 1st.~~

12.2 Bereavement Leave

The City shall grant leaves of absence with pay when a member of the employee's or employee's spouse or domestic partner's immediate family dies. "Immediate family" is defined in the "Definitions" section of this MOU. The City, in its discretion, may request documentation of the death of the family member. If requested, the employee shall provide documentation of the death within 30 days of the first day of leave. Examples of such documentation include a death certificate, published obituary, or written verification of death, burial, or memorial services from a religious institution, a governmental agency, or a funeral home or similar entity.

Upon the death of a family member, an employee may take up to five days of bereavement leave. The days need not be consecutive but must be completed within three months of the date of death. Up to three (3) working days of leave shall be with pay if the death occurred within the State of California, and up to five (5) days if the death is outside of the State.

~~Employees shall be granted up to three (3) working days leave with pay by the Police Chief in the event of death in the immediate family of the employee if death occurred within the State and up to five (5) days if death is outside of the State. ("Immediate family" is defined in "Definitions" section of this MOU).~~

Additional time off in excess of the time stated above, may be taken by an employee with prior approval of the Police Chief. Additional time off is not paid and the employee must use accruals to account for the time off. Sick leave may be used to supplement bereavement leave. If the employee does not have accrual hours to utilize, the employee must request a Leave Without Pay in accordance with Section 24.1 of the Personnel Rules to extend bereavement leave beyond five days.

~~Additional time off in excess of three (3) or five (5) days may be taken by an employee with prior approval of the Police Chief and the City Manager. Such additional time off is to be charged in the following order:~~

~~a. Accumulated sick leave~~

~~b. Accumulated vacation leave~~
~~c. Accumulated compensatory time~~
~~d. Leave of absence without pay.~~

8.1 Standby Status and Standby Pay

When an employee is required to leave word where the employee can be reached for emergency call out or for other work-related purposes during a specified period outside the employee's scheduled hours of work, such employee shall be considered on standby status. (This provision does not apply to court ordered standby status issued by the District Attorney's Office or Judge.)

The following provisions apply to standby status:

Compensation:

1. Any employee formally placed on stand-by status in writing shall be paid two-hundred and fifty-two dollars ($252~~0~~) per week (7 days). A partial week on stand-by status shall be prorated at thirty-six dollars ($36) per day.
2. If an employee is contacted for fifteen minutes or more (including any combination of one or more telephone calls, emails and/or texts) for a work-related purpose or required to physically report to work for an emergency while on standby status, the employee will be compensated for a minimum of two (2) hours worked at one and one-half (1.5) times the employee's base hourly rate of pay. Any time worked in addition to the two-hour minimum will be compensated at one and one-half (1.5) times the employee's base hourly rate of pay for each additional hour or fraction thereof. Work time shall commence from the time the employee is first contacted, as defined above, for a work-related purpose or first required to physically report to work until the time the employee returns home. For purposes of this provision, successive contacts during the same two (2) hour period following an initial contact or requirement to physically report to work is considered a single contact for purposes of the two (2) hour minimum.
3. Employees contacted for fifteen minutes or more for work-related purposes or called to physically report to work after midnight may elect to delay the normal start time for a shift scheduled later that same day by an amount of time equivalent to the time worked past midnight. If an employee elects to exercise this privilege, the employee must notify the supervisor in advance of the normally scheduled workday or within thirty (30) minutes of normal start time. If it is deemed to be detrimental to the operation of the City to grant this time off, the supervisor may deny the request. Employees who use this option will be paid their base hourly rate of pay for hours actually worked that day.
4. Employees must remain fit for duty during the entire period the employee is on stand-by status.

City of Oakley		**Oakley Police Officers' Association**	
Joshua McMurray, City Manager	**Date**	**Tyler Radcliffe, President**	**Date**

OAKLEY

CALIFORNIA

PERSONNEL MANUAL

Adopted by the City Council

April 25, 2017

Table of Contents

SECTION 1. **INTRODUCTION & PURPOSE OF PERSONNEL MANUAL** **1-1**

Mission and Values Statement 1-1

Human Resources Division 1-2

Disclaimer 1-3

Acceptance of Employment 1-2

Applicability 1-2

Personnel Officer 1-3

Department/Division Rules and Regulations 1-3

Approval of and Amendment to Personnel Manual 1-4

Rights of Management 1-4

Violation of Personnel Rules 1-4

SECTION 2. **DEFINITIONS** **2-4**

SECTION 3. **CLASSIFICATIONS OF POSITIONS** **3-1**

Classification Plan 3-1

Reclassification 3-1

Types of Employees 3-1

SECTION 4. **RECRUITMENT AND SELECTION OF EMPLOYEES** **4-1**

Administration 4-1

Announcement of Vacancies 4-1

Applications 4-2

Disqualification of Applications 4-2

Competitive Selection Process 4-3

4.4.1 Employment Conditions 4-3

Reasonable Accommodation for Disabilities 4-4
Driver's Licenses 4-4
Employer Pull Notice Program 4-5
Other Types of Appointments 4-5
Transfer 4-6
Promotion 4-6
Demotion 4-7
Acting/Interim Position 4-7
Marital Status and Immediate Family 4-8
Anti-Nepotism Policy 4-8
Marriage of Co-Employees 4-9
Employment Incentives 4-9
SECTION 5. **EQUAL EMPLOYMENT OPPORTUNITY 5-1**
SECTION 6. **PROBATIONARY PERIOD 6-1**
Application 6-1
Probationary Status 6-1
Action Required to Remove Employee from Probationary Status 6-2
Evaluation After Removal from Probationary Status 6-2
Extension of Probation 6-2
Rejection from Probation 6-3
Completion of Probation 6-3
SECTION 7. **PERFORMANCE EXPECTATIONS, EVALUATIONS AND PROFESSIONAL DEVELOPMENT 7-1**
Performance Expectations 7-1
The 3P's of Public Service 7-1

Performance Evaluation 7-2

Procedure for Conducting Performance Evaluations 7-2

Informal Performance Evaluations 7-3

Employee Training and Development 7-3

Tuition Reimbursement 7-3

Eligibility 7-3

Criteria 7-4

Tax Issues 7-4

Reimbursement 7-4

No Reimbursement 7-5

General Information Regarding Tuition Reimbursement Program 7-5

Professional Organization Membership/Certificate Renewal 7-5

Travel and Training for Professional Development 7-5

SECTION 8. **WORKWEEK, SCHEDULES, ATTENDANCE AND OVERTIME 8-1**

Hours of Business 8-1

Attendance 8-1

Excessive Tardiness/Absenteeism and Abuse of Leave 8-2

Abandonment of Position 8-2

Official Workweek for Computing Overtime and Compensatory Time 8-3

Standard Work Periods for Non-Exempt, Full-Time Employees 8-3

Non-Exempt Office Personnel: 8-4

Non-Exempt Public Works/Parks Field Personnel: 8-4

Lunch or Meal Periods 8-4

Designation of Alternative Work Schedules 8-5

Break Periods - Non-Exempt Eligible Employees 8-5

Lactation Breaks 8-6
Lactation Break Time 8-6
Private Location 8-6
Storage of Milk 8-6
Time Sheet Submittal 8-7
Time Reporting - Exempt Employees 8-7
Time Reporting - Non Exempt Employees 8-7
Purpose of Time Reporting 8-7
Hours Worked 8-7
Responsibility for Completion of Time Sheets 8-9
Overtime Reporting 8-10
Hours for Overtime 8-10
Accounting for Portions of an Hour Worked 8-11
Work Period for Police - FLSA Section 207(k) 8-11
Compensation for Overtime 8-11
No Remote Access 8-13
No Volunteering of Work Time 8-13
Exempt Employee Policy 8-13
Management Leave - Exempt Employees 8-14
SECTION 9. **COMPENSATION AND BENEFITS** **9-1**
Compensation Plan 9-1
New Employees 9-1
Merit Increases 9-1
Pay Upon Separation 9-1
Employee Paychecks 9-2

Overtime and Compensatory Time Off....9-2
Insurance Benefit Programs....9-2
Health Insurance Benefit and Waiver....9-2
Retirement Benefit Program....9-3
Employee Assistance program (EAP)....9-4
Consolidated Omnibus Budget Reconciliation Act (COBRA) Continuation of Group Health Benefits....9-4
Bilingual Pay....9-5
Call Out Pay....9-6
Wellness Program....9-6
Part-Time Employees Eligibility for Pro-Rata Benefits....9-6
SECTION 10. **HOLIDAYS, VACATION, SICK LEAVE AND OTHER LEAVES OF ABSENCE....10-1**
Holidays....10-1
Holiday Benefits for Full-Time Employees....10-2
Holiday Benefits for Regular Part-time Employees....10-2
Work Performed on Holiday....10-3
Holiday Falling on a Weekend or Scheduled Day Off....10-3
Religious or Other Observances....10-4
Paid Vacation Leave....10-4
Eligibility for Vacation....10-5
Initial Accruals - City Manager Discretion....10-5
Eligibility to Earn Vacation....10-5
Holiday During Vacation....10-6
Illness During Vacation....10-6
Earning and Accumulating Vacation Leave....10-6
Maximum Amount of Accrual....10-6

Vacation buyback 10-6
Hardship Request 10-7
Regular Part-time Employee Vacation Leave Benefit 10-8
Limited Term and Seasonal Employees 10-8
Paid Management Leave 10-8
Sick Leave 10-9
Sick Leave Notice 10-9
Eligibility 10-9
Accrual 10-10
Earning and Accumulating Sick Leave 10-10
Sick Leave at Separation 10-10
Use of Sick Leave 10-11
Abuse of Sick leave 10-12
Proof of Illness/Injury 10-13
Sick Leave Donation Program for Catastrophic Circumstances 10-14
Rules of Sick Leave Donation Program 10-14
Donation Guidelines 10-14
Donations are Voluntary 10-15
Medical Termination 10-15
Family Medical Leave Act and California Family Rights Act 10-16
Definitions 10-16
Covered Reasons for Leave 10-22
Employee Eligibility 10-23
Parents Both Employed by the City 10-24
Amount of Leave 10-24

FMLA Coordination with CFRA and Other Leaves....10-25
City Designated FMLA/CFRA Leave....10-26
Cities and Employee's Rights if Employee Requests Accrued Leave Without Mentioning FMLA/CFRA....10-26
Maintenance of Benefits....10-26
Job Restoration and Return to Work....10-28
Intermittent Leave and Reduced Work Schedules....10-28
Minimum Duration of Leave....10-29
Procedure for Requesting Leave....10-29
Procedure for Notice & Certification of Serious Health Condition....10-30
Deficiencies in Certification....10-32
Second and Third Medical Opinions....10-33
Return to Work....10-34
Pregnancy Disability Leave....10-34
Eligibility and Leave Purposes....10-34
Duration of Leave....10-35
Requirements Regarding the Use of Paid Leave....10-35
Notification Requirements....10-36
Certification by Health Care Provider....10-36
Benefits, Transfers, Job Restoration and Return to Work while taking Pregnancy Disability Leave....10-36
Domestic Violence Leave....10-37
Leave for Victims Of Domestic Violence, Sexual Assault, or Stalking to Obtain Restraining Orders or Injunctive Relief....10-38
Crime Victim/Family Member Victims' Rights Proceedings Leave....10-38

Bereavement Leave 10-39
Court Apperances 10-39
Jury Duty 10-39
Personal Court Appearances/Depositions 10-40
Job-Related Court Appearances 10-40
Parental Participation Leave 10-40
Child Suspension Leave 10-41
Industrial Leave 10-42
Coordination of Benefits 10-42
Accrual of Sick and Vacation Leave Continues While on Paid Leave 10-42
Unpaid Leave and Continuation of Health Care Benefits 10-42
Industrial Leave: Employees Covered by Labor Code Section 4850 10-43
Coordination of Benefits 10-44
Paid Administrative Leave 10-43
Fitness for Duty 10-43
General Policy 10-43
Role of Health Care Provider 10-44
Results of the Fitness-for-Duty Exam 10-45
Confidentiality of Medical Information 10-45
Voting 10-46
Military Leave of Absence 10-46
Leave Without Pay 10-47
Unauthorized Absence From Work 10-47
SECTION 11. **EMPLOYEE CONDUCT** **11-1**
Employee Conduct 11-1

Personal Appearance 11-1
Casual Friday 11-1
Service of Process 11-2
Off-Duty Social and Recreational Activities 11-2
Public Employees as Disaster Service Workers 11-2
Smoking 11-2
AB 846 Statewide Smoke-Free Entryway Law 11-3
SECTION 12. **EMPLOYEE RELATIONS** **12-1**
Employee Relations Philosophy 12-1
Employee Concerns 12-1
Procedure 12-1
Collective Risk Management Team (CRMT) 12-2
CRMT Activities 12-2
Employee Grievance 12-2
Reporting Time Limitation 12-3
Informal Resolution Procedure 12-3
Formal Grievance Procedure 12-4
Written Grievance 12-4
Grievance Meeting 12-4
Appeal Process 12-5
Timelines 12-5
City Manager Decision 12-5
Representation 12-5
Freedom from Reprisal 12-6
SECTION 13. **EMPLOYEE DISCIPLINE** **13-1**

Disciplinary Action 13-1

Causes for Disciplinary Action 13-1

Types of Disciplinary Action 13-5

Counseling 13-5

Oral Reprimand 13-5

Written Reprimand 13-6

Reduction-In-Pay 13-6

Disciplinary Demotion 13-7

Suspension 13-7

Termination 13-7

Procedures for Taking Disciplinary Action 13-8

Investigation 13-8

Notice of Proposed Disciplinary Action 13-8

Right to Respond - "Skelly" Process 13-8

Right of Appeal 13-11

Appeal Hearing 13-11

Scheduling the Hearing 13-11

Conduct of Hearing 13-11

Failure of Employee to Appear at the Hearing 13-12

Representation 13-12

Advisory Findings of the Hearing Officer 13-12

Decision by the City Manager 13-12

No Retaliation 13-12

Reimbursement 13-13

SECTION 14. **RESIGNATION, LAYOFF, OR SEPARATION FROM CITY SERVICE 14-1**

Types of Separation 14-1

Resignation from City Service 14-1

Failure to Notify 14-2

Use of Accrued Leaves 14-2

Retirement from City Service 14-2

Termination - Disciplinary 14-2

Release of Probationary and Limited Term Part-Time and Limited Term Seasonal Employees 14-3

Separation - Non-Disciplinary 14-3

Layoff - Reduction in Force 14-3

Return of City Property 14-4

SECTION 15. **WORKPLACE SAFETY AND WORKPLACE VIOLENCE PREVENTION POLICIES 15-1**

Workplace Health and Safety 15-1

Employee Responsibilities 15-1

Supervisor/Manager Responsibilities 15-1

Rules And Guidelines 15-2

Mandatory Reporting Of Accidents And Injuries 15-2

Reporting Requirements 15-2

Reporting of Job-Related Injury 15-3

Job-Related Industrial Injury or Disability (Workers' Compensation) 15-3

Workplace Violence Prevention Policy 15-3

Prohibited Acts 15-4

Enforcement 15-6

Notification by Employees 15-6

Investigation 15-6

Steps to Provide Security 15-6

City Response to Violation of Workplace Violence Policy 15-7
Prevention 15-7
SECTION 16. **HARASSMENT AND DISCRIMINATION PREVENTION POLICIES** **16-1**
Covered Individuals and Scope of Policy 16-2
Definitions 16-2
Protected Classification 16-2
Discrimination 16-2
Quid Pro Quo Harrasment 16-4
Retaliation 16-4
Guidelines for Identifying Harassment 16-5
Complaint Procedure 16-6
Report and Investigation of Complaint 16-6
Proactive Approach 16-7
No Retaliation 16-7
Option to Report to Outside Administrative Agencies 16-8
Confidentiality 16-8
Responsibilities 16-8
SECTION 17. **ALCOHOL AND DRUG POLICY** **17-1**
Prohibited Acts 17-1
Violations of Policy 17-2
Notification of Impairment 17-2
Reporting By Employees 17-3
Reasonable Accommodation 17-3
Alcohol and Drug Testing 17-4
Drug and Alcohol Testing for Applicants for Employment 17-4

Reasonable Suspicion Testing of Current Employees 17-4
Positive Test Result 17-5
Testing Employees who have a Commercial Drivers License 17-6
Investigations, Searches, No Expectation of Privacy on City Property 17-6
SECTION 18. **CITY RECORDS, COMMUNICATION SYSTEMS, AND REQUESTS FOR INFORMATION 18-1**
City Records and Requests For Information 18-1
Public Records Act Requests 18-1
Media Requests 18-1
Legal Service and Requests for Information 18-1
Outside Inquiries Concerning Employees 18-2
Personnel Records 18-2
Personnel Files 18-2
Confidential Medical Records 18-2
Employee Access to Personnel Files 18-3
Notification of Changes By Employees 18-4
City Equipment and Resources 18-4
Policy and Applicablity 18-4
Agency Equipment or Resources 18-4
De Minimis Use 18-5
No Expectation of Privacy 18-5
Appropriate Use 18-5
Employee Cell Phone Usage 18-6
Off Duty Use of Non-City Owned Technology Policy 18-7
Electronic Public Records 18-7

SECTION 19. **EMPLOYEE CONFLICT OF INTEREST** **19-1**

Purpose 19-1

Conflicts of Interest and Gifts 19-1

Conflicts of Interest Under Government Code Section 1090 19-2

Conflicts of Interest Under the Political Reform Act (Government Code section 87100 et seq.) 19-2

Gifts and Gratuities 19-3

Statement of Economic Interest 19-4

Incompatible Activities 19-4

Use of Public Property 19-4

Political Activities 19-4

Outside Business or Employment 19-5

Annual Approval Required 19-5

Changes in Outside Employment Status 19-5

Revocation/Suspension of Outside Employment Authorization 19-6

Violations Subject to Discipline 19-6

SECTION 20. **MISCELLANEOUS** **20-1**

Policy Regarding Vehicle Use 20-1

Use of City Vehicles 20-1

Use of Personal Vehicles 20-1

Uniforms and Safety Shoes 20-3

SECTION 21. **REASONABLE ACCOMMODATION AND INTERACTIVE PROCESS** **21-1**

Reasonable Medical Documentation of Disability 21-1

Medical Certification Indicating the Need for Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions 21-2

When to Initiate the Interactive Process 21-2

Interactive Communication 21-3

Potential Accommodations for Applicants or Employees with Disabilities 21-3

Potential Accommodations for Applicants or Employees with Disabilities 21-4

Potential Accommodations for Employee-Victims of Domestic Violence, Sexual Assault, or Stalking 21-5

Potential Accommodations for Religious Creed, Religious Dress Practice, or Religious Grooming Practice 21-6

Determination 21-6

Section 1. Introduction & Purpose of Personnel Manual

The City of Oakley (hereinafter "City") has prepared this Personnel Manual to familiarize its employees with City policies, benefits and rules, as well as the privileges and responsibilities of City employment. It is important that all employees read, understand and follow the provisions of the Manual to make the City work environment as positive and productive as possible. Please feel free to contact the City's Human Resources Division, or the City Manager, with any questions.

The City strives to improve its policies and services and employees are encouraged to suggest improvements. By working together, the City hopes to instill a sense of individual and organizational pride that shows in the work, products and services that we provide to the community.

1.1 MISSION AND VALUES STATEMENT

The City exists to build and enhance a quality community and to serve the public in a friendly, efficient and responsive manner. The City values:

Honesty and Integrity

Quality Customer Service

Community Input and a Proactive Approach to solving community issues

A Positive and Encouraging Environment

Teamwork

Professionalism

Fiscal Responsibility

All employees are committed to be polite, professional and progressive.

1.2 HUMAN RESOURCES DIVISION

The City's Human Resources Division, designated by the City Manager, provides employees with information and assistance in understanding the City's personnel policies and procedures. The Human Resources Division is the best place for employees to obtain current information on work rules, benefits, personnel policies and procedures, payroll data, personnel records, insurance, job opportunities, and training. Human Resources personnel are also responsible for maintaining complete and up-to-date personnel records for all current employees.

1.3 DISCLAIMER

This Manual describes important City policies, procedures, practices, and benefits and is intended to acquaint employees with the privileges and responsibilities of City employment. However, it is not a legal document and does not constitute or create any expressed or implied contractual obligations between the City and its employees.

1.4 ACCEPTANCE OF EMPLOYMENT

As a condition of employment, each employee agrees to be governed by and to comply with the provisions of the Personnel Manual, all City ordinances and the rules, regulations and directives of the City department in which the employee is assigned and other official rules, policies, practices and procedures of the City applicable to the employee. Each employee is required to sign a statement of receipt acknowledging that: (a) he or she has received a copy, or has been provided access to this Manual; and (b) understands that he or she is responsible to read and become familiar with the contents and any revisions to this Manual.

1.5 APPLICABILITY

Except as indicated, the provisions in this Personnel Manual shall apply to all officers and employees of the City, except for the City Council. Independent contractors

and volunteers are not officers or employees. By separate employment agreement, the City Council may provide alternate personnel rules for the City Manager and City Attorney.

1.6 PERSONNEL OFFICER

The City Manager is authorized by the City Council to implement these policies and procedures. The City Manager is designated as the Personnel Officer and has the authority to:

1. Act as the appointing authority for the City as to all employees, except the City Attorney and her/his staff
2. Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules
3. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the City Council
4. Maintain a classification plan, including class specifications and periodic revisions to the plan
5. Maintain a compensation plan, including ranges for pay increases within classifications
6. Provide increases in compensation for employees as set forth in the compensation plan approved by the City Council
7. Discipline employees in accordance with the personnel rules
8. Delegate any of the powers and duties of this Manual to a staff member or any other officer or employee of the City or to recommend that such powers and duties be performed under contract

1.7 DEPARTMENT/DIVISION RULES AND REGULATIONS

Department Directors/Division Managers may develop, implement and revise as necessary any departmental policies, procedures, rules and regulations required by unique

operational requirements and their effect upon department/division personnel as needed for the full performance of duties and responsibilities and which are not contrary to this Personnel Manual, the City's ordinances and administrative policies, other official rules, policies and procedures of the City, state and/or federal law, or direction of the City Manager. All departmental policies, procedures, rules and regulations must be approved by the City Manager, or designee.

1.8 APPROVAL OF AND AMENDMENT TO PERSONNEL MANUAL

This Manual and any amendments thereto shall be approved by City Council resolution. The City retains the full discretion to modify this Manual, and the Policies and Procedures contained within this Manual, at any time, and in accordance with law.

1.9 RIGHTS OF MANAGEMENT

The approval of this Personnel Manual shall not be deemed a waiver or surrender of any management prerogative. Management rights are defined in Section 2 and outlined throughout this Manual, and any applicable Memorandum of Understanding ("MOU") with any City bargaining group.

1.10 VIOLATION OF PERSONNEL RULES

Each employee is responsible for knowledge of and compliance with the provisions of the Personnel Manual and any amendments hereto. Violation of any provision of this Personnel Manual shall be grounds for disciplinary action, up to and including termination.

Section 2. DEFINITIONS

The following terms, whenever used in this Manual, unless otherwise specified, shall be defined as follows:

Advancement: A pay increase within the limits of the salary range established for a classification.

Applicant: A person who has filed an application for an employment position.

Appointment: The offer to and acceptance by a person of a position in the City service in accordance with the provisions of this Manual.

Appointing Authority: The City Manager is designated as having the power to make appointments to any position to be filled in any City Department/Division, and to perform those duties and obligations set forth under the duties of the Personnel Officer in Section 1.

At-Will Employee: Employment with the City that may be terminated with or without cause and with or without notice, or right to pre- or post-disciplinary due process or evidentiary appeal. The employee serves at the pleasure of the City Manager, who retains the authority to terminate any such employee at any time. At-will employees have no property interest, expressed or implied, in the positions to which they are appointed. An "at will" employee has no right of appeal of discipline or termination. Nothing in this Manual or in any document or statement shall limit the right to terminate an at-will employee.

Authorized Position: A full-time position authorized by the City Council.

Budgeted Position: An authorized full-time position for which funds are appropriated.

Candidate: Any person who has been accepted for participation in an examination.

City: The City of Oakley, California; to also include the Successor Agency to the Oakley Redevelopment Agency and the Oakley Public Financing Authority, and any other governing body in which the City Council of the City of Oakley serves as the majority membership of the governing board, unless specifically excluded in this Manual.

Classification Plan: A list of titles of the classes of all regular positions in the City service, including a written specification of each class title and general description of the

work to be performed by each class, a summary statement of duties and responsibilities for each class, and desirable qualifications for appointment.

Classified Service: All positions in the City service except the following: Elected Officials, the City Manager, the Assistant City Manager, the Assistant to the City Manager, the City Attorney, all Department Directors/Division Managers (as defined herein), all Limited-Term positions, and any other employee hired as "at-will."

Collective Risk Management Team (CRMT): A group of at least three employees appointed by the City Manager to be available to review, investigate, and evaluate, as a team, any workplace liability risk or wrongdoing, such as employee safety, theft, harassment, discrimination, etc. The CRMT will recommend to the City Manager appropriate corrective courses of action.

Compensation Policy: Policy adopted by the City Council that sets the salary ranges for each job position; and sets forth the process and procedure for adjustments of the salary ranges, benefits and movement within the salary ranges.

Continuous Service: Service without an unauthorized break during the period for which the employee has been employed by the City. An unauthorized break in continuous service shall be construed as a deliberate severance of employment initiated by either the City or the employee for a period of more than three (3) working days, unless otherwise provided by law.

Council: The City Council of the City of Oakley, California.

Days: Calendar days, unless otherwise stated.

Demotion: The movement of an employee from one class to another class having a lower salary range.

Department Director: The Director, or Lead Staff Person of a City Department or Division, or other manager who reports directly to the City Manager – all serve "at-will."

Other employees that report directly to the City Manager serve "at-will" pursuant to job description, job offer letter and/or employment agreement.

Dismissal or Discharge: The termination of an employee's employment with the City, usually for disciplinary reasons. At-will employees may be released from employment for any reason, whether disciplinary or not.

Division Manager: see Department Director.

Domestic Partners: Two adults who have satisfied all requirements of domestic partnership under the California Family Code.

Elected Official: A person currently a member of the City Council.

Eligible: A person who has earned a place on an active eligibility employment list established by a competitive examination.

Employee: A person who performs services for the City in the Classified, Limited, or Unclassified Service.

Exempt Employee: An employee who meets the qualifications for exemption from overtime compensation established by federal law.

Full-Time Position: Appointment to a position in which the employee typically works forty (40) hours per work week.

Grievance: An alleged violation, misinterpretation, improper application or non-compliance with the Personnel Manual, or other official City policies or departmental rules, affecting the status or working conditions of City employees, filed by one or more employees.

Human Resources Division: The staff designated by the City Manager to provide employment and benefit information, administer recruitments, safety and wellness programs, and other duties as assigned.

Job Description: A written statement of the general duties of a classification and the minimum qualifications required to perform them.

Immediate Family Member: Includes individuals who are related by blood, marriage or adoption with the following relationships: spouse, domestic partner, child, child of a domestic partner, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, first cousin, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100.

Layoff: The non-disciplinary separation of an employee because of a material change in organization, or shortage of work or funds, or for other business reasons as determined by the City Council. Layoff is action taken as a management prerogative and is without fault of the employee.

Leave: Absence, with or without pay, by an employee from work.

Authorized leave: Absence from work with prior approval from the supervisor or the Department Director and for which an employee will use accrued and available leave. Employees who do not have sufficient leave accruals, including eligibility for statutory leaves, to cover her/his absences shall not be granted authorized leave except for good cause.

Unauthorized leave: Absence from work without prior approval from the supervisor or the Department Director.

Limited Term Part-Time: A specifically budgeted position that is not a Part-Time Regular or Full-Time position. Limited Term Part-Time employees work less than Part-Time Regular and Full-Time employees, typically less than twenty (20) hours per week and not more than 960 hours in any fiscal year (includes all time spent in one or more positions). Limited Term Part-Time employees are paid for time worked on an hourly basis. Positions assigned as Limited Term Part-Time include, but are not limited to: Administrative Assistant, Accounting Assistant, Public Works Receptionist, Senior Recreation Leader, and

Management Analyst. Limited Term employees serve "at-will" and may be terminated at any time with or without cause and without right of appeal. They have no property interest, express or implied in the position. The only benefits provided to Limited Term Part-Time employees are those required by law.

Limited Term Seasonal: A position that is not a budgeted Part-Time Regular or Full-Time position, but rather has a specific term or seasonal purpose (limited to not more than 960 hours in any fiscal year). Limited Term Seasonal employees are paid for time worked on an hourly basis. Positions assigned as Limited Term Seasonal include, but are not limited to, hourly, temporary, intermittent positons, such as Recreation Aide, Recreation Leader, Seasonal Parks and Landscape Maintenance Laborer, Streets Laborer, Sports Field Maintenance Laborer, student, project, intern, some contract positions, and emergency positions. Limited Term Seasonal employees serve "at-will" and may be terminated at any time with or without cause and without right of appeal. They have no property interest, express or implied, in the position. The only benefits provided to Limited Term Part-Time Seasonal employees are those required by law.

Management Rights: The City of Oakley retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the departments of City government and all of their various aspects, including, but not limited to the right to direct the work force; to plan, direct and control all of the operations and services of the City; to determine the methods, means, organization and schedule by which such operations and services are to be conducted; to assign and transfer employees within the various departments to hire, promote, suspend, demote, discharge, reprimand, and evaluate employees; to relieve employees from duty due to lack of work or other legitimate reasons set forth in the City reduction-in-force policy; to change or eliminate existing methods, equipment, or facilities in order to maintain or increase the efficiency of

governmental operations; and to exercise complete control and discretion over its organization and the technology of performing its work.

These Management Rights also include, but are not limited to, the following:

1. To determine the mission of its departments, commissions and boards and to determine issues of policy;
2. To set standards of service to be offered to the public;
3. To exercise control and discretion over its own organization and operations;
4. To determine methods of financing;
5. To determine the methods, means, number and kind of personnel by which its operations are to be conducted, including the right to contract or subcontract work or City functions and to determine workloads and staffing patterns;
6. To prescribe qualifications for employment, selection procedures and standards, job classifications, and to reclassify employees in accordance with applicable resolutions, rules and ordinances of the City;
7. To administer the City's personnel system; to reclassify positions; to amend the Compensation Policy; and, to add or delete position or classes;
8. To issue reasonable employee performance standards and to require compliance therewith;
9. To maintain order, efficiency, and safety in its facilities and operations.

Nothing herein shall not be deemed a waiver or surrender of any management prerogative.

Nepotism Policy: Policy prohibiting the hire or promotion of individuals who are related by blood, marriage or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person exercising appointing authority, or would have or are likely to have in the future any supervisory authority over such individuals. This prohibition includes the following relationships: spouse,

domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, first cousin, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100.

Outside Employment: Any employment, activity or enterprise outside of an employee's normal City working hours wherein the employee is compensated for specific hours or duties on a regular basis. Outside employment does not include sporadic employment or occasional employment unless the employee is required to perform work related to her/his position with the City or utilize any City owned/controlled facilities, equipment, information, records, supplies, and/or uniforms.

Overtime: Hours worked in excess of forty (40) during the workweek, with prior Department Director approval, are compensable as overtime. Overtime shall be compensated in increments of 15 minutes at a rate of time and one-half. Time within any 15 minute increment shall be rounded off, with 0-6 minutes adjusting back to the preceding increment and 7-15 minutes adjusting forward to the next increment. Therefore,

Overtime Eligible: Employees who are designated by the City as non-exempt pursuant to the Fair Labor Standards Act (FLSA). Such employees are eligible to receive overtime, with prior Department Director approval. FLSA exempt employees are not eligible for overtime.

Part-Time Regular: A person appointed to an authorized and specifically budgeted position who is scheduled to work at least 20 but less than 40 hours per week, or at least 1,040 hours but less than 2,080 hours per year in a job-share or continued part-time work schedule and who has successfully completed the probationary period. A Part-Time Regular employee occupies an authorized budgeted position and may be eligible for pro-rated benefits.

Personnel Officer: The City Manager or someone appointed by him/her to act in that position.

Promotion: The movement of an employee from one classification to another classification having a higher maximum rate of pay.

Personnel Action: Any action taken with reference to appointment, compensation, classification, leave of absence, disciplinary action, separation, or termination.

Personnel Ordinance: Oakley Municipal Code Title 2, Chapter 3 which creates a personnel system for the City and which the City Council from time to time may amend.

Position: A group of duties and responsibilities requiring employment of one person.

Probationary Period: A trial "at-will" period of one (1) year after date of appointment, or date of promotion, during which an employee is required to demonstrate her/his fitness to perform the actual duties required of a specific position. The probationary period is an integral part of the examination of an individual, and the City will use the employee's probationary period to evaluate the employee's conduct, performance, attitude, adaptability, job knowledge and adherence to the polices found within this Personnel Manual. During the probationary period, a probationary employee serves at the pleasure of the City, has no property right in continued employment, and has no right of appeal of discipline or termination, and is an at-will employee. The City Manager may extend the probationary period up to an additional six (6) months, in his/ her sole discretion. At-will employees do not have a formal probationary period and remain at-will during their tenure as employees.

Reclassification: The change in the assignment of a position from one existing class to a new class or another existing class.

Regular Day Off (RDO): The scheduled day off (the first and third Fridays) following eight nine hours days and one eight hour days in two weeks, stemming from the modified 9/80 schedule

Regular Full-time Employee: A person appointed to a regular position with the City who is scheduled to work five (5) days and forty (40), or more, hours per week, or other comparable full-time work schedule and who has successfully completed the probationary period. A regular full-time employee occupies an authorized budgeted position.

Reinstatement: The appointment, without examination, of either a former regular employee who resigned in good standing not more than one (1) year previously, or the return from a non-disciplinary demotion of an employee to a classification in which status was held not more than one (1) year previously. A reinstated employee must begin a new probationary period upon reinstatement.

Resignation: Resignation is a voluntary separation from the City with either verbal or written notice on the part of the employee. It is expected that employees will give at least two (2) weeks' notice of resignation, preferably in writing. If employee gives verbal notice of resignation, the supervisor or the City Manager will acknowledge and accept the resignation in writing. Notice of resignation shall be final and may only be rescinded with approval of the City Manager.

Retirement:

Service Retirement: The voluntary separation and concurrent retirement of a regular employee after becoming eligible for retirement benefits.

Disability Retirement: The separation and concurrent retirement of a regular employee due to physical or mental inability to perform the duties of the position.

Non-industrial disability means the disability need not be job-related. Industrial disability means the disabling injury or illness is work-incurred or job-related.

Salary Range: The minimum and maximum salary that is assigned to a job position. Salary ranges for full-time employees are set by the City Council.

Suspension: An involuntary absence from duty without pay imposed for disciplinary purposes.

Termination: The separation of an employee from City service, either voluntarily or involuntarily.

Time Sheet: The document on which an employee's actual hours worked and absences from work are recorded.

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

Unclassified Service: Positions that are not part of the Classified Service and in which there is no property interest. The Unclassified Service includes the City Manager, City Attorney, Assistant City Manager, all Department Directors, and Limited Term Part-Time, Limited Term Seasonal positions and any employees hired at-will. Employees serving in the Unclassified Service do so in an "at-will" status and employment may end at the lawful request of either the employee or the City.

Vacancy: An authorized position that is not occupied.

Work Week: The workweek for non-exempt City employees shall be from 12:01 p.m. Friday through the following Friday 11:59 a.m., unless otherwise designated in writing by the Department Director with approval of the City Manager.

Section 3. Classifications of Positions

3.1 CLASSIFICATION PLAN

The City Manager maintains a classification plan, authorized by the City Council, which arranges every regular employment position in the City into classes with titles and job specifications, duties and responsibilities for each class. The classification plan and all future amendments must be approved and adopted by the City Council. The City Council reserves the right to eliminate classifications or staffed positions with at least fifteen (15) business days' notice to any affected employee.

3.2 RECLASSIFICATION

The City Manager may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification. Upon completion of the job audit, the City Manager shall make a recommendation regarding reclassification to the City Council.

3.3 TYPES OF EMPLOYEES

Management Employees

Management Employees, including Department Directors and other designated positions with significant responsibilities and that report to the City Manager are "at-will" and these employees can be terminated with or without cause and without the right of appeal. Management Employees are paid on a salary basis and are exempt from overtime provisions pursuant to FLSA guidelines.

Probationary Employees

Probationary employees are not regular employees and are still being evaluated as part of the testing process for the position. Probationary employees are "at-will" and can be released from employment during the probationary period with or without notice

or cause and without the right of appeal. Probationary employees serve a probation period either at the outset of initial employment with the City or at the outset of a promotion to a higher position. The probationary period for the City is one (1) year.

Regular Full-Time Employees

Regular full-time employees are employees who, upon the recommendation by the Department Director and approval by the City Manager, have successfully passed probation and are employed in a budgeted position with an indefinite term, regularly scheduled to work full-time hours (5 days and 40 (or more) hours per week). within the classified service. Non-management, regular full-time employees can only be subject to certain types of disciplinary action that result in a deprivation of property for cause and may utilize the disciplinary appeal process outlined in this Manual. Management, regular full-time employees can be released from employment with or without notice or cause and without the right of appeal.

Regular Part-Time Employees

Regular part-time employees are employees who have successfully passed probation and hold a regular position in the classified service, but work between 20-40 hours per week. Regular part-time employees may hold either management or non-management positions. Non-management, regular part-time employees can only be disciplined or terminated for cause and may utilize the disciplinary appeal process outlined in this Manual. Management, regular part-time employees can be released from employment with or without notice or cause and without the right of appeal. Depending on the position, at the discretion of the City Manager, part-time employees may be eligible to receive pro-rated benefits for their position based on the number of hours worked. Employees working nineteen (19) hours or less per week shall not receive prorated benefits.

Limited Term Employees

Volunteers

Individuals who agree to provide specified services to the City for civic or philanthropic reasons on a strictly voluntary basis for no pay or other compensation, other than nominal fees and reimbursement of expenses. A volunteer serves at-will and at the pleasure of the City, has no property right in continued service or in employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. Unpaid interns are considered volunteers.

Independent Consultants/Contractors

An independent contractor is not an employee, and serves solely pursuant to a contract to perform specified services for the City that has been formed and approved as required by City purchasing policies and procedures. . These individuals are not City employees and are subject to the terms and conditions in their contracts with the City and have no employment rights with the City. An independent contractor cannot be used to perform any part of the City's regular and customary work.

Section 4. Recruitment and Selection of Employees

4.1 ADMINISTRATION

The City is committed to administering a fair and equitable recruitment and selection process for hiring new employees and promoting current employees. Vacancies that occur shall be filled by competitive process. This process shall include appropriate posting and notice of the vacancy, review of the qualifications of each applicant based upon the education, training, characteristics, skills, knowledge, abilities required, and establishment of a list of eligible candidates ("finalists"). As the appointing authority for the City, the City Manager shall review the list of finalists for each position and approve the final appointment of an applicant.

4.2 ANNOUNCEMENT OF VACANCIES

The recruitment announcement for vacant positions shall specify the position; title; salary range; nature of the work to be performed and essential job duties of the position; the minimum qualifications required for the job; the time, place and manner of making an application; a statement of the employment status of the position – for cause or at will; and any other pertinent information, including who to contact in the event that reasonable accommodation may be needed during the application process. In addition, if any medical examination and/or drug screen will be required following a conditional offer of employment, the recruitment announcement will include the type of examination and, if known, the time and place of the examination.

When the City seeks only promotional candidates, distributions will be limited to internal sources. Additionally, when distribution of a job announcement would detrimentally delay the filling of a position the City, in its sole discretion, may opt to fill the position temporarily from immediately available sources. At the City Manager's discretion, an

employment list may be maintained and may be utilized to fill vacant positions. Eligible persons would be those who meet minimum qualifications and originally applied through a competitive process. The eligibility list will expire within nine (9) months.

4.3 APPLICATIONS

An applicant for a position must submit an employment application as determined by the City. Job applications shall require information describing an individual's training, experience, and other pertinent information as deemed necessary to assess qualifications for the job. Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions; resume; licenses; certifications; diplomas; letters of recommendation; and references. All applications must be completed in full and signed by the person applying. The City will not process any application which is not fully completed and signed.

Once submitted, the application will become an official record of the City and will not be returned. The City Manager, or designee, shall review all applications for completeness and will make final determination of the applicant's qualifications. Whenever an applicant is rejected, disqualified, or not selected for any reason, the applicant shall be notified in writing within a reasonable period. The City Manager may extend or reopen the time for filing applications.

Should an applicant be appointed to a position, the application and supplemental information shall become part of the individual's permanent employment records.

4.4 DISQUALIFICATION OF APPLICATIONS

The City Manager or designee may reject any application which is not properly completed or incomplete; received after the application deadline; or indicates that the applicant does not meet the minimum qualifications for the position. Whenever an application is rejected, notice of such rejection shall be mailed or emailed to the applicant.

4.5 COMPETITIVE SELECTION PROCESS

The City shall use a competitive testing and selection process designed to determine the applicants with the best qualifications to perform the job. The content of any tests or examinations will be kept confidential prior to the administration of the examination. An eligibility list will be established of all qualified candidates who successfully pass the testing and selection process and are deemed the finalists for the position. The City Manager shall approve the final appointment of an applicant to a position.

4.6 EMPLOYMENT CONDITIONS

1. United States Citizenship

All employees of the City, except as otherwise provided by the laws of the State of California, must be citizens of the United States or authorized to work in the United States.

2. Physical Examination

The City of Oakley may require an employee to submit to an independent medical examination by a doctor selected by the City of Oakley to determine an employee's fitness for duty. Human Resources Division will maintain a list of the applicable classifications. At the City Manager's discretion, other classifications may also be required to undergo a physical examination.

3. Background Check

Prior to employment, all candidates who the City determines meet the minimum qualifications are subject to a background investigation. For some classifications this which may include a criminal background check consisting of fingerprinting and law enforcement records being checked for past criminal convictions, except for misdemeanor marijuana-related convictions that are over two years old, or convictions that have been judicially

sealed, eradicated or expunged. The extent of the investigation varies by classification and type of appointment, and inquiry is limited to collection of the job-related information necessary to make an employment decision. Any information thus obtained shall be confidential. Employment of or the continuation of service of employees with a criminal conviction must have the approval of the City Manager.

4.7 REASONABLE ACCOMMODATION FOR DISABILITIES

In accordance with applicable Federal and State laws, the City will attempt to accommodate reasonably qualified individuals with disabilities unless doing so would create an undue hardship on the City. Any qualified applicant or employee with a physical or mental disability who requires an accommodation in the testing and/or selection process or in order to perform the essential functions of the job should contact the Human Resources Division and request an accommodation. Following receipt of a request for accommodation, the City Manager, or designee, may require additional information, such as reasonable documentation of the existence of a disability. With any such request, the City will follow its Reasonable Accommodation/Interactive Process policy contained in this Manual.

4.8 DRIVER'S LICENSES

All employees who are required to operate a City vehicle or operate City equipment shall be required to maintain a valid California Driver's License in the proper classification and with the proper endorsement (for example, a Recreation Supervisor responsible for transporting passengers must maintain a valid Class B license with passenger endorsement). All employees who may be assigned work entailing the operation of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. The Human Resources Division shall process such checks.

4.9 EMPLOYER PULL NOTICE PROGRAM

The City participates in the Department of Motor Vehicles Employer Pull Notice Program. The purpose of the program is to provide the City with a means of promoting driver safety through the ongoing review of driver records. All records are maintained by the Human Resources Division and are strictly confidential.

A report indicating a suspended or revoked license status or indicating an unsafe driving record may be cause to deny or terminate employment. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until she/he obtains a valid license, and may be subject to disciplinary action. Any employee performing work, which requires the operation of a City vehicle, must notify her/his immediate supervisor in those cases where her/his license is expired, suspended, or revoked and/or who is unable to obtain an occupational permit from the Department of Motor Vehicles. Any employee who fails to report such revocation or suspension to her/his supervisor and continues to operate a City vehicle shall be subject to the full range of disciplinary action, up to and including termination from employment. Any employee whose job specification requires him/her to have a valid driver's license in order to fulfill the requirements of the position may be subject to disciplinary action, up to and including termination, for inability to obtain a valid license due to suspension or revocation of the license.

4.10 OTHER TYPES OF APPOINTMENTS

A vacant position may be filled from an original appointment, temporary appointment, reinstatement, transfer, promotion, or demotion.

4.10.1 Transfer

A transfer is the appointment of a person from one classification to another which is equivalent to that of the classification held prior to the transfer, and/or from one

department or division to another, upon approval of the City Manager and the affected Department Directors/Division Managers. A transfer of a regular employee from a position in one classification in the Classified Service to a position in another classification having related duties and responsibilities as determined by the City Manager and the same salary range, shall assume regular status in the classification to which assigned and may be required to serve a probationary period at the discretion of the City Manager. All other employees transferred to a position in the Classified Service shall serve a probationary period as set forth in this Manual.

4.10.2 Promotion

The appointment of any employee to a position, other than special assignment, in a classification, which has a higher maximum rate of pay than the employee's present position, constitutes a promotion. Advancement from level I to level II of a classification is also deemed a promotion. In all cases, such promotion will be at the recommendation of the Department Director and upon approval of the City Manager, with confirmation that the expenditure created by such promotion is covered by the department budget. If not, the request for a budget adjustment will be presented to the City Council for consideration.

The promoted employee's new anniversary date shall be the effective date of the promotion. Unless extended or otherwise stated, an employee who has been promoted to a position in the classified service must successfully complete a one (1) year probationary period in the new position in order to attain regular employment status in such position. A regular part-time or full-time employee who is rejected during the probationary period from a position to which she/he has been promoted, may be reinstated to a position in the classification from which she/he was promoted if a vacancy in such

a classification exists and unless the employee is terminated from City service as provided for in this Manual.

4.10.3 Demotion

A demotion is the appointment of a person to a classification having a lower maximum rate of pay. An employee may be demoted at her/his request, or because of a reduction in force, for disciplinary reasons, because of organizational restructuring, or for other reasons. Before a non-disciplinary demotion is considered effective, such action requires approval of the City Manager. Disciplinary demotions shall be imposed pursuant to the provisions in this Manual which address disciplinary actions. For a disciplinary demotion, a new anniversary date shall be established as of the effective date of demotion. For a non-disciplinary demotion, the employee's previous anniversary date shall be retained. If the demotion involves an employee with regular status in her/his position at the time of demotion, then the demoted employee shall assume regular status in the classification to which she/he is demoted.

4.10.4 Acting/Interim Position

Employees directed to work in a vacant higher level regular position may receive a ***temporary*** salary increase to the beginning of the salary range of the higher-level position, or at least a 5% temporary increase in pay, whichever is greater, when the employee serves in the higher level position in excess of 20 workdays. The increase does not apply to an employee who does not serve at least 20 workdays in the higher level position, but all employees who serve in an acting position for at least 20 workdays shall receive acting pay. Such increase shall be paid as if the assignment had been a promotion retroactive to the first day of such assignment. For purposes of this Manual, a vacant position is defined as an authorized regular position that is unoccupied due to attrition or due to the incumbent being on an extended leave of absence. The City

Manager must approve requests for higher compensation. The City Manager may only approve such requests upon certification that the assigned employee meets the minimum training and experience guidelines for the position and is held responsible to perform fully the scope of duties that are outlined in the job description of the higher-level position. Assignment rotations among qualified staff are encouraged unless such rotations would considerably disrupt the operations of the department/division(s).

4.11 MARITAL STATUS AND IMMEDIATE FAMILY

It is the City's policy not to discriminate against employees based on marital status. The City retains the right to:

1. Refuse to place one spouse or immediate family member under the direct or indirect supervision of the other spouse or immediate family member in that the placement has the potential for creating an adverse impact on supervision, safety, security, or morale.
2. Refuse to place spouses or immediate family members in the same department, division or facility in that it has the potential for creating an adverse impact on supervision, safety, security or morale, or potential conflicts of interest.

"Immediate family member" is defined in the definitions section of this Manual.

4.11.1 Anti-Nepotism Policy

The City prohibits the hiring or promotion of individuals who are related by blood, marriage, or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person exercising appointing authority, or could have supervisory authority over such individuals. This prohibition includes the immediate family members as defined in this Manual.

4.11.2 Marriage of Co-Employees

If employees marry or become domestic partners, or an employment relationship listed above is created by any other means, the City shall make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, morale, or potential conflicts of interest. Should reasonable efforts to assign job duties to minimize such problems fail, one of the following must occur:

The City Manager or designee will attempt to arrange a transfer to a similar position in another department, division, or facility for one of the employees, usually the one in the junior classification. While the wishes of the involved parties will be considered, the controlling factors in determining which relative shall be transferred shall be the positive operation, efficiency, and needs of the City. There can be no guarantee that the new position will be within the same classification or at the same salary level; OR

One of the employees must be separated from City employment if a transfer or demotion is not available. If one of the employees does not voluntarily resign, the City Manager may dismiss one employee and retain the other based on the best interest of the City. Neither the transfer of an employee nor the separation from service of an employee or any other decision implemented pursuant to this policy shall be subject to any administrative appeal or the grievance procedures.

4.12 EMPLOYMENT INCENTIVES

In the process of recruitment, selection, and retention, the City may consider various employment incentives. In no case, however, shall the City offer or authorize loans for real property or for any type of equity share agreements for real property to potential or existing City employees.

Section 5. Equal Employment Opportunity

The City is committed to providing equal opportunity in all of its employment practices, including selection, hiring, promotion, transfer, training, discipline, termination, and compensation to all qualified applicants and employees. The City prohibits discrimination on the basis of race/color, national origin/ancestry, sex (including gender, gender identity, and gender expression), religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming), age, mental or physical disability, veteran status, medical condition, marital status or status as a registered domestic partner, sexual orientation, citizenship status (including a driver's license issued to undocumented persons), pregnancy (including, medical conditions related to pregnancy or childbirth, and breastfeeding, or medical conditions related to breastfeeding), or any other protected status in accordance with the requirements of all federal, state and local laws. Unless based upon a bona fide occupational qualification, employment procedures and policies shall be implemented without regard to any protected classification listed above. Discrimination and harassment on the basis of a protected classification is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct. Employees, volunteers, or applicants who believe they have experienced any form of employment discrimination are encouraged to report the conduct immediately by using the complaint procedures provided in this Manual or by contacting the U.S. Equal Employment Opportunity Commission or California Department of Fair Employment and Housing.

The City's Equal Employment Opportunity Policy can be found in Section 5 of this Manual. The City's Harassment, Discrimination, and Retaliation policy can be found in this Manual.

Section 6. Probationary Period

6.1 APPLICATION

This section applies only to employees who have been hired or promoted to regular full-time or regular part-time positions. It does not apply to management employees, Limited Term Part-Time, and Limited Term Seasonal employees or any other employees that are "at-will" employees as set forth in this Manual.

6.2 PROBATIONARY STATUS

All regular part-time and regular full-time employees hired or promoted shall be required to serve a one (1) year probationary period beginning from the date of appointment or promotion. The probationary period is considered an extension of the testing process, is intended to allow the City to determine if the employee can successfully perform the job, and is a good fit for the organization. The probationary employee's performance will be periodically reviewed during this period. The probationary period does not include time served under a temporary or part-time appointment or for any period of unpaid leave.

During the probationary period, the employee may be rejected from employment at any time, with or without cause, and without any right of appeal, hearing, or grievance procedure. No justification or cause will be provided to a probationary employee rejected from probation.

A regular part-time or full-time employee who is rejected during the probationary period from a position to which she/he has been promoted, may be reinstated to a position in the classification from which she/he was promoted if a vacancy in such a classification exists and unless the employee is terminated from City service as provided for in this Manual.

6.3 ACTION REQUIRED TO REMOVE EMPLOYEE FROM PROBATIONARY STATUS

An employee remains on probation until the City takes formal, written action to remove the probationary employee from probationary status.

6.4 EVALUATION AFTER REMOVAL FROM PROBATIONARY STATUS

If an employee successfully completes the probation period, her/his Supervisor shall complete a performance appraisal review at the approximate date of the probationary employee completing one (1) year in the probationary position. This performance appraisal will be accompanied by a Personnel Action Form (PAF) fully executed by the Department/Division Director, Finance Director, Human Resources Division, and the City Manager.

6.5 EXTENSION OF PROBATION

An employee's probation may be extended for up to six (6) months if it is determined by the City Manager that there is a need for further evaluation before making a regular appointment to the position. An employee not removed from probationary status pursuant to the provision of Section 6.3 within ten (10) working days following the completion of one (1) year of probationary employment shall have his/her probationary status automatically extended for thirty (30) working days. An employee who is automatically extended may request a written performance appraisal to be completed within ten (10) working days of the request. The failure to perform the performance evaluation does not in any way limit the City's ability to release the employee from probation, without cause and without right of appeal, hearing, or grievance procedure.

An employee's probationary period will also be automatically extended for any leave of absence or sick leave of more than thirty (30) calendar days taken by the employee during the probationary period. The probation period will be extended by the length of time that the employee is on leave. A transfer of a regular employee from a

position in one classification in the Classified Service to a position in another classification having related duties and responsibilities as determined by the City Manager and the same salary range, shall assume regular status in the classification to which assigned and may be required to serve a probationary period at the discretion of the City Manager.

6.6 REJECTION FROM PROBATION

The City Manager may determine that an employee did not pass probation at any time during the probationary period with or without cause or notice. The probationary employee does not have the right to appeal this decision. No justification or cause will be provided to the probationary employee rejected from probation.

6.7 COMPLETION OF PROBATION

Once a regular full-time or regular part-time employee has successfully completed the probationary period, including any extended probationary period, or subsequent probationary period if promoted or transferred, the employee will hold a regular position and can only be disciplined or terminated for cause or a reduction in force as set forth in this Manual.

Section 7. Performance Expectations, Evaluations and Professional Development

7.1 PERFORMANCE EXPECTATIONS

The City's expectation is for all employees to perform their job duties in a polite, professional and progressive manner. The City's goal is to provide the guidance and tools necessary to make this level of job performance possible. Together, with effective communication, the employer/employee team can be more successful.

7.1.1 The 3P's of Public Service

POLITE means we are customer-friendly, courteous and tactful. We have a "CAN DO" attitude. We acknowledge people who have concerns and we listen and try to understand. We treat people fairly and how we would like to be treated. We are respectful and we are friendly. We never raise our voices or use unkind words or expressions.

PROFESSIONAL means we are trained and competent in our jobs. We seek to learn more about our jobs so we can perform better - we "sharpen the saw." We take pride in the quality of our work and we do not just seek to do our best, we always strive to do better. If we are not moving forward professionally then we are moving backward. "Every job is a self-portrait of the person who did it."

PROGRESSIVE is that we are willing and anxious to find more creative and efficient ways of doing things. We do not do things "the same way we have always done them." We listen to suggestions from our supervisors, co-workers (especially new employees), and members of the public. We take advantage of new technology and ideas. We have a vision and look to the future of how things can and should be. In fact, we dream of things that never have been and say, "Why not?"

7.2 PERFORMANCE EVALUATION

Performance evaluations are communication tools used to provide constructive feedback on work performance, professional relationships, goals, and expectations. During the evaluation, the parties should discuss progress on goal achievement from the prior year, identify and correct weaknesses, encourage and recognize strengths, and discuss methods for improving individual and team performance. Performance evaluations also provide an opportunity for the employee to notify the supervisor of any problems, concerns, or suggestions that would help improve the City, the work environment, or the employee's job performance. Employees and supervisors should not wait to discuss any matters of concern until a performance evaluation is held. These items of concern should be addressed as they arise.

A performance evaluation for each regular employee (including regular part-time) shall be made each year by the Department Director/Division Manager using the City's performance evaluation form (see Appendix A), pursuant to the City's Compensation Policy. The performance evaluation will serve as the basis for determining any increase in pay within the pay range for the employee's position pursuant to the City's adopted Compensation Policy, as it may be modified from time to time by the City Council.

7.3 PROCEDURE FOR CONDUCTING PERFORMANCE EVALUATIONS

As a part of the performance evaluation, each employee will be given the opportunity to conduct a written self-evaluation regarding her/his own performance and to develop goals and identify areas for professional development. The employee's supervisor and Department Director will utilize the employee's self-evaluation as part of the formal preparation of the annual performance evaluation. The Department Director/Division Manager will utilize the City's performance evaluation form and prepare a draft for the City Manager's review. Following the City Manager's review, the Department Director will meet

with the Employee to complete the evaluation. The employee shall sign the evaluation to acknowledge its contents and that he or she has met with his/her supervisor to discuss the evaluation. The employee's signature shall not mean that he/she endorses the contents of the evaluation. The Department Director shall then forward the completed evaluation to the Human Resources Division, and a copy of each performance evaluation shall be retained in the employee's personnel file on a permanent basis.

An employee does not have the right to appeal or submit a grievance regarding any matter related to the content of a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement must be submitted within 10 days after the employee receives the evaluation.

7.4 INFORMAL PERFORMANCE EVALUATIONS

In addition to the more formal annual performance evaluations, the City encourages discussions of an employee's job performance on an ongoing basis.

7.5 EMPLOYEE TRAINING AND DEVELOPMENT

The City encourages all employees to seek additional training and development of their job skills and knowledge. When possible, the City will provide periodic training to assist employees in developing their professional skills and knowledge.

7.6 TUITION REIMBURSEMENT

7.6.1 Eligibility

To be eligible for tuition reimbursement, an employee must:

1. Be a regular full-time, employee of the City at the time of enrollment in course(s)
2. Obtain prior written approval for the course from her/his Department Director and the City Manager

3. Enroll at an accredited college or university for courses taken for credit

Regular part-time employees may request to participate in the Tuition Reimbursement Program. Approval is at the discretion of the City Manager. If approved by the City Manager, the maximum reimbursable amount would be pro-rated.

7.6.2 Criteria

In order to be approved, the course(s) must be:

1. Scheduled on the employee's own time
2. Directly related to the employee's work
3. Required for an academic degree in a field that is directly related to the employee's work or of clear benefit to the City, at the discretion of the City Manager.

7.6.3 Tax Issues

Tax consequences of participating in the City's Tuition Reimbursement Program depend on current IRS regulations and are ultimately the responsibility of the employee, not the City.

7.6.4 Reimbursement

When an employee has demonstrated completion of the approved course with a Grade of "B" or better, or a "pass" if the course is offered on only a "pass or fail" basis, the employee will be reimbursed for one hundred percent (100%) of the expenses covering tuition, registration fees, textbooks, and any required or mandatory fees for the approved class. The maximum allowable reimbursement is $2,500 per fiscal year. No other expenses will be considered. Amounts not used are not carried over to the next calendar year. Should an employee drop or fail to complete a course, she/he shall not be entitled to reimbursement.

7.6.5 No Reimbursement

No tuition reimbursement will be made in the event of employment termination prior to satisfactory completion of the course.

7.6.6 General Information Regarding Tuition Reimbursement Program

The City reserves the right to amend, modify, or terminate the program at any time. All employees will be notified in writing if any such changes occur. Under such circumstances, all commitments made up to the time of cancellation will be honored by the City.

Participation in the program is intended to help employees improve their knowledge and skills in order that they may perform their present and future job assignments in a more proficient manner. However, promotion within the City is predicated upon many factors; therefore, participation in the program is not a guarantee of advancement or promotion.

7.7 PROFESSIONAL ORGANIZATION MEMBERSHIP/CERTIFICATE RENEWAL

The City encourages participation in professional organizations and shall reimburse employees for professional memberships and certification expenses, which are considered by the City Manager to enhance the employee's job-related skills, abilities, and knowledge. Questions on whether or not a particular membership or certification is an approved expense must be brought to the employee's Department Director or to the City Manager, prior to joining the professional organization. Dues for approved membership in professional organizations and fees for approved professional certification may be paid directly by the City or will be reimbursed upon submittal of satisfactory evidence of payment.

7.8 TRAVEL AND TRAINING FOR PROFESSIONAL DEVELOPMENT

`The City strongly encourages on-going training and professional development, some of which requires out of town travel. Such out of town travel and training will follow the policies and procedures outlined in the City's Travel Policy, found in Appendix B.

Section 8. Workweek, Schedules, Attendance and Overtime

8.1 HOURS OF BUSINESS

The City operates under a modified 9/80 Work Schedule Policy. City offices shall be open Monday through Thursday from 8:00 a.m. to 6:00 p.m. and Friday from 8:00 a.m. to 5:00 p.m., except that City offices are closed on the first and third Fridays of each month, unless otherwise established and authorized by the City Manager in writing.

8.2 ATTENDANCE

Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department to which they are assigned. Tardiness and absenteeism will not be tolerated.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave must file written notice to the Human Resources Division.

Employees who are unexpectedly unable to report for work as scheduled on any particular day must call their immediate supervisor no later than their scheduled time to begin work for that day, or as otherwise required by the Department Director/Division Manager. Employees must inform their supervisor of the expected duration of any absence. Employees who fail to call to inform their supervisor of their absence shall be deemed to have an unauthorized absence in violation of this attendance policy.

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited, absent authorization. A non-exempt employee who fails to timely notify the supervisor of any absences as required by this Manual, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence. The employee may be subject to a reduction

of pay for unauthorized tardy or absence. Any such reduction in pay will be subject to the disciplinary/due process procedures in this Manual.

8.2.1 Excessive Tardiness/Absenteeism and Abuse of Leave

Excessive tardiness occurs when an overtime-eligible employee who, without authorization, is late to work or late to return from breaks more than three times during any 30-day period. Excessive absenteeism occurs when the number of unapproved absences for reasons that are not permitted by state or federal law, exceeds three days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of any form of accrued or unpaid leave time may be grounds for discipline, up to and including termination.

8.2.2 Abandonment of Position

Failure on the part of an employee, who is absent without notification or authorization to return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number and/or address will be deemed a voluntary resignation, effective as of the last day an employee worked. If, within ten (10) days of said notice, the employee can show good cause for the failure to return to duty, the City Manager, in his/her discretion may, reverse the resignation. In the event that an employee's absence is deemed a "voluntary resignation" in accordance with the Rule, the employee shall have the same right to appeal afforded the employees who are terminated for cause. However, an employee's absence without notification or authorization for twenty-four (24) hours or more shall be deemed just cause for automatic resignation pursuant to this rule.

8.3 OFFICIAL WORKWEEK FOR COMPUTING OVERTIME AND COMPENSATORY TIME

The workweek for non-exempt City employees shall be as follows, unless otherwise designated in writing by the Department Director with approval of the City Manager. The workweek for City employees is a 168 hours (i.e. seven 24-hour periods) beginning at Noon on Friday and ending at 11:59 a.m. on the following Friday. The workday begins at Noon on any given day and continues until 11:59 a.m. on the following day.

Employees using the 9-80 work schedule are required to work nine (9) hours (for example form 8:00 a.m. to 6:00 p.m.) for eight (8) work days, and eight (8) hours on a ninth (9th) work day (Fridays). Due to City Hall being closed the first and third Fridays of every month, the first and third Fridays are the scheduled week days off for employees designated to work a 9/80 schedule.

For employees working a 9/80 schedule, each employee's designated work week shall begin exactly four hours after the start of his/her eight hour shift on the day of the week that corresponds to the employee's alternating regular day off. Overtime would not be paid unless an employee exceeded 40? hours of work in the work week (not the calendar week).

There are also two or three times per year when an employee would work 44 hours in two consecutive weeks due to City Hall closure the first and third Fridays of the month. These extra four hours and any hours exceeding 40 in any given work week (not calendar week) are compensable as overtime for any employee eligible for overtime.

8.4 STANDARD WORK PERIODS FOR NON-EXEMPT, FULL-TIME EMPLOYEES

Consistent with the 9/80 work schedule, non-exempt full-time employees are normally scheduled to work a total of 44 hours in one calendar workweek and 36 hours in the

second calendar of the two-week payroll period. The customary workday or work period for non-exempt City personnel shall be as follows:

8.4.1 Non-Exempt Office Personnel:

8:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on the second, fourth and any fifth Fridays of each month with a one (1) hour unpaid lunch period.

8.4.2 Non-Exempt Public Works/Parks Field Personnel:

7:30 a.m. to 4:30 p.m. with a one (1) hour unpaid lunch period. These employees do not have a 9/80 schedule.

The City Manager shall designate the work schedule for employees. Due to the changing needs of the City, work schedules of employees may vary from time to time. Supervisors will be in charge of notifying employees when work schedules change, and employees will be notified in writing of any changes in the employee's standard work schedule with at least ten (10) working days' notice. Employees shall be in attendance at work in accordance with their approved work schedule.

8.5 LUNCH OR MEAL PERIODS

A regular schedule for lunch or meal periods will be authorized by the supervisor or Department Director for non-exempt employees. Typically, this will include a break of 1/2 hour, after 5 hours, except when the workday will be completed in 6 hours or less and there is mutual employer/employee consent to waive meal period. After 10 working hours per day the employee will be provided with a second meal period of not less than 1/2 hour.

The customary lunch period for full-time employees is one (1) hour and typically from 12:00 pm to 1:00 pm. A Department Director/Division Manager may consider a thirty (30) minute non-paid lunch period in lieu of the regular one (1) hour lunch period,

if requested in writing or via email by an employee and if such a schedule will not impair the efficiency and effectiveness of the department, at the discretion of the Department Director. The Department Director/Division Manager may rescind approval of a shortened lunch period with at least ten (10) working days written notice to the employee.

8.6 DESIGNATION OF ALTERNATIVE WORK SCHEDULES

The City Manager is authorized to designate alternative work schedules for employees. Examples of alternative schedules are the 9/80 or 4/10 workweek.

An employee may request an alternative work schedule by submitting a written request to her/his Department/Division Director. For an alternative work schedule other than a shortened lunch period, the Department/Division Director will then discuss the request with the City Manager who shall have final authority to approve or deny the request. The employee will then be notified if the requested alternative work schedule is approved. Approval will be on a case-by-case basis and the City Manager reserves the right to rescind approval of the alternative work schedule with at least ten (10) business days written notice to the employee. A record of approval of an alternative work schedule shall be on file in the Human Resources Department.

8.7 BREAK PERIODS - NON-EXEMPT ELIGIBLE EMPLOYEES

Non-exempt employees shall be allowed one, paid fifteen (15) minute break for each four (4) hour period worked. Breaks are generally scheduled in the middle of each four (4) hour work period. However, the supervisor or Department Director shall have the authority to arrange break times which best meet the needs of the department, but not within one (1) hour of the employee's starting time, quitting time, or lunch period. With approval of the Department Director and City Manager, an employee may voluntarily agree to place one or both break periods within one (1) hour of the employee's quitting

time. Break periods may not be scheduled or taken consecutively or in conjunction with the lunch period. Further, break periods do not accrue and cannot be “saved” or used at a later time.

8.8 LACTATION BREAKS

8.8.1 Lactation Break Time

An non-exempt employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Those desiring to take a lactation break must notify a supervisor prior to takin such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

8.8.2 Private Location

The City will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The City will attempt to find a location in close proximity to the employee’s work area, and the location will be other than a toilet stall. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

8.8.3 Storage of Milk

Any employee storing expressed milk in any authorized refrigerated area within the City shall clearly label it as such. No expressed milk shall be stored at the City beyond the employee’s work day/shift.

8.9 TIME SHEET SUBMITTAL

Department Directors must submit time sheets to the Finance Department's employee who is designated to process payroll, every other week by 10:00 a.m. on the Monday following the completion of a pay period. The failure to submit a timesheet within the appropriate time frame may result in the paycheck not being processed until the following pay period. Time sheets must be signed by the employee and her/his Department Director, or designee, in order to be processed. All employees must accurately report all work time to the nearest five minutes.

8.10 TIME REPORTING - EXEMPT EMPLOYEES

Exempt employees may be required to use accrued leave time (e.g., vacation, sick, or management leave) for partial day absences of four hours or more if the employee has such accrued time available.

8.11 TIME REPORTING - NON EXEMPT EMPLOYEES

8.11.1 Purpose of Time Reporting

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, monitoring leave accruals, assuring compliance with Federal and State law, and maintaining an effective and efficient accounting system.

8.11.2 Hours Worked

Overtime eligible employees will be paid for all hours worked. Hours worked include:

1. Hours before or after the normally assigned shift, if approved in advance by the Department Director in writing. Record hours worked to the nearest quarter (1/4) hour. Periods of six (6) minutes or less are not considered overtime when such work periods are not regularly recurring. Prior permission of the

employee's supervisor or Department Director must be obtained for overtime work. Unless it is a justifiable emergency, working overtime that has not been pre-approved will result in disciplinary action.

2. Rest periods of fifteen (15) minutes or less, as outlined in this Manual.
3. Out-of-town travel is covered by two sets of rules, depending on whether the assignment is for one day or requires an overnight stay. If an employee is given a one-day assignment in another city which does not require an overnight stay, all the time spent traveling between cities is counted as hours worked. However, time spent traveling between the employee's home and the airport or train station (during the employee's departure or return) is not considered work time because it is equivalent to travel between work and home. If the employee's out-of-town travel requires an overnight stay, time spent traveling to another city is counted as hours worked only to the extent that it coincides with the employee's regular workday. Travel that occurs during hours of the day in which the employee normally works, is counted as work time, even if it falls on a non-working day for the employee (for example, a Saturday or Sunday). If, on the other hand, the travel occurs during hours that are outside the employee's regular workday, it is not counted as hours worked unless the employee actually performs work for the City while traveling during these regularly unscheduled hours. Please see the City's Travel Policy in Appendix B.
4. Hours spent at lectures and training activities conducted by the City, unless attendance is voluntary and the employee's job performance is not dependent upon such training.

5. Hours spent in public or charitable work if it is at the City's request or as part of an employee's regularly scheduled shift.

8.11.3 Responsibility for Completion of Time Sheets

Employees are responsible for the accurate and timely submission of time sheets and other supporting documentation to their supervisor for approval. Timesheets should reflect the actual time worked and be filled out on at least a daily basis.

1. All overtime eligible employees will record all hours worked and all leave time taken, and the type of leave to be charged, whether paid or unpaid, on the time sheet.
2. All exempt employees in positions which require an accounting of hours worked by work order (as determined by the Department of Industrial Relations by work order number) number will record their hours worked for each project and all leave hours taken on the time sheet.
3. Exempt employees in positions not required to account for hours worked by work order number will record only those hours off for sick leave, management leave, vacation, or other applicable leave.
4. Supervisors or Department Directors shall not alter or adjust the hours that an employee reports on her/his time sheet. If an employee's time sheet is inaccurate or appears to be inaccurate, the Department Director/Division Manager will meet with the employee and if it is determined the employee's time sheet is, in fact, inaccurate, the Department Director will direct the employee to correct the time sheet. If an inaccurate time sheet is forwarded for payment by the Department Director due to an error by the employee and the pay to the employee is more or less than what would have been payable due to the

error, the adjustment in pay will be made on the employee's next regular paycheck.

5. Intentional inaccuracies or falsification of any kind of the submitted timesheet will result in disciplinary action, up to and including termination.

8.12 OVERTIME REPORTING

Employees designated as "non-exempt" pursuant to the provisions of FLSA are eligible for overtime pay. As stated in this Manual, overtime must be approved in advance and in writing by an employee's Department Director/Division Manager. Overtime-eligible employees who are directed to work overtime must do so.

8.12.1 Hours for Overtime

For overtime purposes, City employees in positions designated as overtime eligible will receive additional compensation, either cash or compensatory time off, in any workweek during which they work more than 40 hours. Employees required to work overtime will not be forced to take time off in the same workweek to avoid paying overtime, but may volunteer to do so. City employees in exempt positions are not eligible for overtime pay or compensatory time off.

Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating Fair Labor Standards Act (FLSA) overtime pay. Time paid but not worked, including sick leave, compensatory time off, holiday and vacation, does not count as hours worked for the purpose of computing overtime hours. If an employee is compensated for holidays on which he or she does not work, the holiday hours do not count in determining overtime entitlement as overtime premiums are based upon hours worked, not upon hours paid.

1. The Human Resources Division will maintain a list of employees in positions eligible for overtime pay.

2. Overtime pay for work on an employee's scheduled day off will be based on actual hours worked in excess of 40 hours per workweek.
3. Hours worked on a regular day off (RDO) may be taken as unpaid time off at a later date at the discretion of the Supervisor and City Manager

8.12.2 Accounting for Portions of an Hour Worked

Partial hours of overtime are accounted for in quarters of an hour as indicated below:

Time Worked	Indicate on Time Sheet
7 - 15 min.	¼ hour
16 - 33 min.	½ hour
34 - 48 min	¾ hour
49 - 60 min.	1 hour

8.12.3 Work Period for Police - FLSA Section 207(k)

The workweek for employees, consistent with the 7(k) exemption of the Fair Labor Standards Act, is one hundred seventy-one (171) hours per 28-day period. The workweek is not necessarily the same as the calendar week. The workweek for all sworn police officers, begins at 12:00 a.m. Sunday and ends at 11:59 p.m. Saturday as adopted in August of 2015.

8.12.4 Compensation for Overtime

Compensation for overtime hours worked shall be at the rate of 1.5 times the eligible employee's regular rate of pay (including all FLSA-applicable salary differentials and special pays), in either cash or compensatory time off.

The form of compensation shall be at the option of the employee; provided, however, that no employee shall accrue more than forty hours (40) of unused compensatory time off. Accrual of compensatory time off shall be at the rate of 1.5

hours of compensatory time off for each overtime hour worked, or fraction thereof. An employee who has accrued the maximum allowed balance of compensatory time off shall be paid cash on her/his next regular paycheck for any additional overtime hours worked. Compensatory time off is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials and special pays).

Compensatory time off is intended to be taken as soon as it is mutually convenient following the date on which it was earned. When requesting to use compensatory time, the employee shall complete a Request for Leave form and submit it to her/his supervisor for approval. The City will grant an employee's request to use accumulated Compensatory time off provided that: 1) the Department or Division can accommodate the use of compensatory time off on the day requested without undue disruption to Department or Division operations; and 2) the employee makes the request in writing to the supervisor no later than five days prior to the date the employee requests the compensatory time off. If the employee does not provide five days' notice, or if the Department or Division cannot accommodate the time off without undue disruption, the City will provide the employee the opportunity to cash out the amount of compensatory time off requested at the end of the pay period in which the employee made the request.

At any time, the City may pay an employee in cash on any regular paycheck for compensatory time off earned and not used, no matter the amount of hours accrued. A promotion or reclassification will result in the cash out of any accrued compensatory time prior to the effective date of the promotion or reclassification. Employees separating from City employment will be compensated for all accrued, unused compensatory hours at their current FLSA regular rate of pay, or their FLSA regular rate for the prior three (3) years, whichever is higher.

8.13 NO REMOTE ACCESS

Unless the City Manager approves otherwise, non-exempt employees may not have remote access to City equipment, resources, or email.

8.13.1 No Volunteering of Work Time

All time spent for the benefit of the City must be reported as hours worked on time records so that the employee is paid for all work. Non-exempt employees may not "volunteer" work time to perform duties that are the same or similar as their stated or regular job duties. Employees have no authorization to work without compensation. No supervisor has authority to request overtime-eligible employees to volunteer work time.

8.14 EXEMPT EMPLOYEE POLICY

FLSA exempt personnel are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job, and not for a certain number of hours each day. The focal point is the job to be done, not the number of hours worked. However:

1. Exempt positions are designed with an “at least 40-hour” workweek in mind. The necessity to perform consistent work for a substantial amount of hours over 40 per workweek should be examined so that exempt employees are utilizing their time wisely. A part-time regular employee may be classified as exempt and would be expected to perform work for “at least” the hours she/he is on average expected to work.
2. Exempt employees, including Department Directors/Division Managers, are generally expected to be available to perform their job duties during normal business hours (usually 8:00 a.m. to 6:00 p.m., Monday through Thursday and 8:00 a.m. to 5:00 p.m. on the second, fourth and any fifth Fridays of each month). However, completing the work assigned for an exempt position will,

from time to time, require extra work to be performed outside of normal business hours or on the weekend (Saturday and/or Sunday).

3. Recognizing the varying demands placed on an exempt employee's time, and in recognition of exempt employees spending substantially more than a typical workweek in accomplishing the job, the City allows exempt employees to take limited periods off without using accrued vacation or sick leave. Typically, an exempt employee will have a deduction from her/his accruals to equal the amount of time absent from work that reduces the employee's normal workday, similar to non-exempt employees. For an exempt employee, absences of less than four (4) hours are not to be charged to leave accruals, as long as at least 80 hours total have been worked otherwise during the timesheet reporting period (this would include a holiday day). Absences of 4 hours or more (including a full day) may also be eligible to not be charged leave time, if prior approval has been granted by the City Manager via email and the timesheet is clearly marked "flex time" on the day the absence or partial absence took place. Regular days off (RDO) may also be exchanged with prior approval of the City Manager.
4. Neither flexible work hours nor paid management leaves constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40-hours per week. Accordingly, exempt employees do not accrue a balance of compensatory leave hours.

8.15 MANAGEMENT LEAVE - EXEMPT EMPLOYEES

In lieu of the payment of overtime, exempt employees are granted eighty (80) hours of management leave (sometimes called "Admin Leave") on January 1st of each calendar year. The City Manager may grant up to sixteen (16) hours of additional management

leave for exempt employees working the modified 9/80 schedule. An exempt employee hired or promoted after January 1st of any given year will have her/his management leave prorated according to the following schedule:

Month of Hire or Promotion	Allocation of Hours
January	80.00
February	73.33
March	66.67
April	60.00
May	53.33
June	46.67
July	40.00
August	33.33
September	26.67
October	20.00
November	13.33
December	6.67

All 80 hours of management leave must be used during the calendar year in which they are granted. Management Leave will not be cashed out except for resignation, layoff, or retirement of an employee who has passed her/his probation period. An employee eligible for Management Leave that separates prior to July 1st of any given year, shall have his/her payout of Management Leave reduced by 50%. Management leave will not carry over into the next calendar year unless approved in writing by the City Manager. Such a request must be submitted to the City Manager on or before December 15th of each year. Failure to request carry over by December 15th will waive an employee's right to

receive carryover. If an exempt employee has been previously approved to take Management Leave in December of a calendar year and the City then requires the employee to cancel such previously approved leave, the employee may carry over the amount of previously approved Management Leave to the next calendar year; however, the previously approved leave must be used by the employee no later than March 1st of the next calendar year.

Section 9. Compensation and Benefits

9.1 COMPENSATION PLAN

The City Council shall by resolution adopt and maintain a Compensation Policy with a salary range for each regular full-time position. The City Manager shall administer the Compensation Policy.

9.2 NEW EMPLOYEES

New employees shall be appointed at the pay rate designated by the City Manager within the pay range to which their classification is assigned. Typically, a new employee's salary will be placed at the beginning of the salary range. When the City Manager determines that the education and previous training or experience of a proposed employee, or the difficulty in recruiting for the position, would justify a salary in excess of the beginning salary, the City Manager may authorize a higher beginning salary within the pay range for the classification.

9.3 MERIT INCREASES

Advancement within the salary range will be made based on merit as determined by the supervisor and approved by the City Manager after reviewing the employee's work performance and contributions to the City. All increases will be consistent with the City's Compensation Policy, which may be amended from time to time by the City Council.

9.4 PAY UPON SEPARATION

An employee separated from employment for any reason, including resignation, termination, release from probation, layoff or retirement, is entitled to pay for any work completed for the City from the first day of the final pay period to the effective date of separation. The employee is also entitled to receive payment for any accrued vacation, floating holidays, management leave, and compensatory time actually earned, but not taken. The City does not compensate employees for unused sick leave, unless the employee has successfully completed at least five (5) years of total employment with the

City, then the employee will be compensated for fifty percent (50%) of the value of any unused sick leave at separation, pursuant to the terms and conditions found in this Manual.

9.5 EMPLOYEE PAYCHECKS

Paychecks are distributed biweekly on the normally scheduled payday unless otherwise notified. Employees who enroll in direct deposit will receive a pay stub in lieu of a check. Any questions about pay amount or deductions should immediately be brought to the attention of the Finance Director.

9.6 OVERTIME AND COMPENSATORY TIME OFF

Overtime will be paid pursuant to Section 8 of this Manual.

9.7 INSURANCE BENEFIT PROGRAMS

The City provides health insurance (dental/medical/vision), life insurance and long term disability insurance benefits for regular full-time employees at percentages or rates determined by the City Council. (See Sections 9.15 and 9.16 for applicability to Part-Time and Limited Term employees). Employees should contact the Human Resources Division for details concerning the terms, enrollment, and eligibility to receive these benefits, as well as other optional benefits provided, if any. The City Council reserves the right to modify the insurance benefit program at any time and provide as much notice as possible to employees affected by any change.

9.8 HEALTH INSURANCE BENEFIT AND WAIVER

The City provides a health insurance benefit for regular employees at percentages or rates determined by the City Council. Staff employed by the City prior to August 1, 2016 who have alternate qualified group health coverage, can waive group insurance coverage by completing the Waiver Form and providing evidence of the coverage, certifying that adequate health care benefits are being provided by another group insurance source.

The City will provide "cash in lieu" to the employee equivalent to the health benefit amount set by the City Council, not to exceed $1,235. An employee whose group coverage costs less than $1,235 per month may receive the difference between the costs of coverage and the $1,235 as "cash in lieu", which will be considered regular income for taxation purposes. Any employee hired after August 1, 2016, who waives coverage as described herein or has group coverage cost that is less than the $1,235, the City will provide a benefit payment of an amount not to exceed $400 per month as "cash in lieu", which will be considered regular income for taxation purposes.

This election may take up to 30 days to process.

9.9 RETIREMENT BENEFIT PROGRAM

The City participates in the California Public Employees Retirement System (CalPERS). The Human Resources Division and/or CalPERS should be contacted for details concerning the terms, enrollment, and eligibility to receive these benefits as well as other optional retirement plans that may be provided. Current CalPERS policy stipulates that when an employee completes five (5) years of employment within the system, she/he is then fully vested in CalPERS.

Eligible City employees currently fall within one of three different levels of CalPERS Plans. Employees hired before October 18, 2010 are currently enrolled in the 2.5% at 55 CalPERS plan. Any employees hired between October 18, 2010 and December 31, 2012 would have been enrolled in the 2% at 60 CalPERS plan. Currently, the City pays both the employer and the employee contributions for these plans, and this may be modified from year-to-year by action of the City Council.

Any individual hired any time after January 1, 2013 will be enrolled in the 2% at 62 CalPERS plan, in compliance with the California Public Employees' Pension Reform Act (PEPRA). Those enrolled in the PEPRA Plan are required to pay the employee

contribution for their own plan and contribution rates vary from year to year. To learn what the current employee rate is, please contact Human Resources.

New employees can apply for member reciprocal self-certification, if they had previously participated in CalPERS or any other eligible retirement system, in order to be enrolled as a "Classic" member in the 2% at 60 CalPERS Plan. To find out if you are eligible for reciprocity, please contact Human Resources.

9.10 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City offers an employee assistance program that allows confidential discussions with a professional counselor at no initial cost to the employee. This program is intended to help employees when they have personal problems or other matters that are affecting their work.

All employees are given an informational brochure with their new employee information package upon hire. The brochures are also available via the Employee Bulletin Board and from the Human Resources Division. The EAP brochure explains in more detail how to use the program and provides the phone number to call. The City encourages employees to use this benefit when needed.

9.11 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) CONTINUATION OF GROUP HEALTH BENEFITS

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan. The coverage is for a limited period under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102 percent (102%) of the cost to the plan.

Employees covered by the City's medical insurance plan who voluntary or involuntary terminate employment for reasons other than gross misconduct or who have a reduction in the number of hours of employment have a right to choose to pay for continuation coverage if they lose their group health coverage, pursuant to applicable state or federal law. An employee's eligible dependents may also have the right to elect and pay for continuation of coverage for a temporary period in certain circumstances where their coverage under the plan would otherwise end.

Questions concerning employee rights under COBRA should be directed to the Human Resources Division.

9.12 BILINGUAL PAY

With a significant percentage of Oakley residents being Hispanic, the City embraces its cultural diversity and recognizes that there are occasions when a customer needs to communicate with employees in Spanish. This bilingual ability is not only beneficial in the performance of department tasks, but also reflects the City's progressive approach to its delivery of services. Employees who receive bilingual pay shall be determined at the discretion of the City Manager based on the business needs of the City. Employees who demonstrate a proficiency in Spanish based on an oral and/or written assessment, approved by the City Manager or her/his designee, shall receive thirty-five dollars ($35) per pay period as bilingual pay. Employees receiving bilingual pay will be asked to translate and assist other departments/divisions as requested. Bilingual pay shall be prorated for employees working less than full-time and/or who are in an unpaid status for any part of the biweekly pay period.

Unless operational needs of the City change, a maximum of ten (10) employees, not including the Police Department, will be eligible to receive bilingual pay. Other languages

in addition to Spanish may be added in the future, if it is determined that it is necessary to meet the operational needs of the City.

9.13 CALL OUT PAY

Non-exempt regular full-time employees designated as "call out employees" by their Department Director who are called to perform work after hours, shall be compensated for at least two (2) hours pay at one and one-half (1.5) times the employees hourly rate of pay for each call out occurrence.

9.14 WELLNESS PROGRAM

The City encourages health and wellness for its employees. As a part of this effort, and as a benefit to employees, the City may pay a portion of monthly health club dues for employees that join an approved local health club located in Oakley. Employees must notify Human Resources within seventy-two (72) hours for all changes to membership status or dues level. Employees are responsible for all membership dues or amounts incurred pursuant to their membership less the City's monthly contribution.

The City's payments for this benefit do not qualify for income tax exclusion under Section 132 of the Internal Revenue Code and therefore are taxable income. Taxes are the responsibility of the employee, and for those employees electing to participate in the program, applicable income will be reported and taxes withheld as part of payroll processing.

9.15 PART-TIME EMPLOYEES ELIGIBILITY FOR PRO-RATA BENEFITS

Regular part-time employees receive employee benefits such as medical, dental, vision, and retirement benefits as do regular full-time employees in the same job classification, but the health benefits amounts are pro-rated beginning at 30 hours (average of hours worked per week over the course of a fiscal year), based on the anticipated

regularly scheduled work hours indicated at the time of hire. For example, a regular full-time employee, working 40 hours per week is considered as 100% full-time equivalency, whereas a part-time regular employee, working 30 hours per week is considered 75% of full time equivalency and would receive health benefit amount prorated to 75%. Sick leave, vacation leave, bereavement leave, floating holidays, and holidays are also available to regular part-time employees on a pro-rated basis.

Section 10. Holidays, Vacation, Sick Leave and Other Leaves of Absence

10.1 HOLIDAYS

The City observes the following twelve (12) holidays and two (2) floating holidays for use at the employee's discretion

New Year's Day

Martin Luther King Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

Veterans' Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve Day

Christmas Day

New Year's Eve Day

Floating Holidays (2)

All regular and probationary full-time and management employees receive two (2) eight (8) hour floating holidays on January 1 of each year. Regular part-time employees who are eligible for benefits will receive the floating holidays on a pro-rated basis according to her/his work schedule. An employee who is requesting to use her/his floating holidays shall complete and return a Request for Leave form to her/his supervisor for approval.

Newly hired full-time employees will receive floating holidays based upon the quarter in which they are hired. The hours will be pro-rated according to the following schedule:

MONTH OF HIRE	HOURS
January - March	16 hours
April - June	12 hours
July - September	8 hours
October - December	4 hours

Employees shall be paid for any accrued but unused floating holiday hours at the time of separation of employment.

10.2 HOLIDAY BENEFITS FOR FULL-TIME EMPLOYEES

The City provides regular and probationary full-time and management employees with eight (8) hours of pay for the observed holidays listed in Section 10.1. If a full time employee is working an alternative schedule, including the 9/80 schedule, the employee must use vacation or compensatory time (one hour) to make up the difference. Alternatively, with supervisory permission, an employee may work the additional time necessary to make up the difference, with approval of her/his Department Director/Division Manager. Overtime will not be paid for this make-up time. In addition, holiday time does not count as time worked for the purpose of calculating overtime eligibility.

10.3 HOLIDAY BENEFITS FOR REGULAR PART-TIME EMPLOYEES

Regular and probationary part-time regular employees are entitled to receive time off with pay on a pro-rated basis for the holiday, unless scheduled to work at the direction of the City. Holiday pay for regular and probationary part-time employees shall be paid on a pro-rated formula, based on the number of hours per week budgeted for

their position during the fiscal year. For example, a regular part-time employee whose position is budgeted to work twenty (20) hours per week will receive one-half of the hours received by regular full-time employees or four (4) hours of paid holiday time (20 divided by 40 = .50 x 8 = 4).

Limited Term Part-Time and Limited Term Seasonal employees that are normally scheduled to work on an observed holiday are provided the day off without pay.

10.4 WORK PERFORMED ON HOLIDAY

Employees are expected to observe all City-designated holidays unless job demands require the employee to work.

A regular and probationary full-time employee scheduled to work on a holiday shall be paid at her/his straight time regular hourly pay for actual hours worked, and the eight (8) hours of holiday pay.

Part-time regular, Limited Term and Limited Term Seasonal employees scheduled to work on a holiday shall be paid at their straight time regular hourly pay for actual hours worked, and the actual hours worked of holiday pay.

10.5 HOLIDAY FALLING ON A WEEKEND OR SCHEDULED DAY OFF

Generally, if a holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the holiday falls on a Sunday, the City will observe the holiday on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, the holiday is observed on the next preceding or succeeding work day, as determined by the City.

If the holiday falls on an employee's regularly scheduled day off, the employee's day off is moved to the next closest work day within the same pay period or another

day within the same pay period, with supervisory approval. The employee will still be paid for the holiday.

10.6 RELIGIOUS OR OTHER OBSERVANCES

An employee who wishes to observe a holiday particular to the employee's ethnicity or religion may do so with approval of the City Manager. The time off shall be charged to vacation, floating holiday, or compensatory time off.

10.7 PAID VACATION LEAVE

Vacation accruals are calculated on a bi-weekly basis in accordance with the City's pay-period schedule and are reflected on the employee's paycheck.

The City recognizes its employees' loyalty and longevity of service by granting an increase in vacation hours at milestone anniversary dates. Regular full-time employee shall be entitled to accrue paid vacation for active completed service according to the following schedule:

YEARS OF SERVICE	VACATION HOURS ACCRUED PER YEAR
Year 0-3	80 hours per year
Year 4-7	120 hours per year
Year 8+	160 hours per year
Year 15+	200 hours per year

The increase in rate of paid vacation accrual is effective on the next pay period following the anniversary of the employee's hire date. For example, if an employee completes three full years of service on July 1st and the next full pay period begins on July 5th, the employee will begin accruing the 120 hours per year on July 5th.

Regular part-time and probationary employees earn vacation hours on a pro-rated basis.

Service anniversary dates shall be established as of the effective date of employment into a regular full-time position. For example, a 100% FTE employee works 2,080 hours per year (40 hours x 52 weeks = 2,080 hours per year), therefore, an employee would not be eligible to accrue 120 vacation hours until having completed 6,240 hours (2,080 hours x 3 years), which may or may not coincide with the calendar 3 year anniversary of the date of the employee's employment.

10.8 ELIGIBILITY FOR VACATION

There is no waiting period before an employee can request to take accrued vacation time. However vacation hours cannot be used in the pay period within which they are earned. Further, employees may not utilize vacation that has not yet been accrued.

Each employee requesting vacation time must submit a written/email request to her/his immediate supervisor for review and approval. The time at which an employee may use her/his accrued vacation leave and the amount taken at any one time shall be determined by her/his Department Director, with particular regard for the needs of the City.

10.9 INITIAL ACCRUALS - CITY MANAGER DISCRETION

The City Manager may grant up to two weeks of additional vacation leave and sick leave at the time of initial appointment without City Council approval to new employees who enter the City with prior local government experience as necessary to recruit and retain employees.

10.10 ELIGIBILITY TO EARN VACATION

At the discretion of the City Manager, a regular employee will accrue vacation leave while on paid leave, such as sick leave, vacation or non-industrial leave. An

employee may not accrue vacation while on any unpaid leave of absence or while on Family Medical Leave.

10.11 HOLIDAY DURING VACATION

An employee will not be charged vacation leave for a holiday occurring during the employee's scheduled vacation.

10.12 ILLNESS DURING VACATION

Vacation leave may be changed to sick leave if an employee submits a doctor's certificate stating that the employee was ill and unable to work during the employee's scheduled vacation.

10. 13 EARNING AND ACCUMULATING VACATION LEAVE

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of the annual accrual of the employee:

10.14 MAXIMUM AMOUNT OF ACCRUAL

Year 0-3	200 hours maximum
Year 4-7	300 hours maximum
Year 8+	400 hours maximum

Any hours accrued above this maximum as of December 1st of any given year will be paid to employee at the next full pay period following December 1st.

10.15 VACATION BUYBACK

Employees are eligible to exchange up to forty (40) hours of accrued vacation for a lump sum payment at the employee's current salary rate twice each fiscal year as follows:

1. The lump sum payments will occur in conjunction with the last pay period for March and for October of each year.
2. The employee must have reached his/her three-year (3) anniversary date in order to be eligible to exchange vacation pay.
3. The employee desiring to exchange vacation leave must have taken at least two weeks (the equivalent of ten 8-hour working days) of vacation, compensatory time off, or management leave during the previous twelve (12) months. . Use of sick leave or leave without pay does not satisfy this program requirement.
4. The employee, after the requested exchange of vacation leave, must still have at least one-hundred and twenty (120) hours of vacation leave remaining.

10.16 HARDSHIP REQUEST

In the event that an employee eligible for vacation accrual experiences a financial hardship due to circumstances beyond his/her control, he/she may submit a request to the Human Resources Division to receive cash payment of accrued vacation at any time during the year. The Hardship Request form is available in the Human Resources Division. Examples of qualifying hardship requests include unexpected legal expenses, unbudgeted medical expenses not covered by other means, or any unforeseen situation that would necessitate a hardship request.

In order to keep hardship requests and the circumstances surrounding such a request as confidential as possible, all hardship requests will be reviewed in the following manner:

1. The employee submits a completed Hardship Request form to Human Resources.

2. The Human Resources Division will obtain an updated copy of the employee's absence schedule from payroll to verify the number of vacation hours available. The employee must still have at least one-hundred and twenty (120) hours of vacation leave remaining to be eligible for a Hardship Request.
3. If clarification of the request is necessary, Human Resources will contact the requesting employee to obtain additional information.
4. A request that meets the qualifications described above will be reviewed by Human Resources and then presented to the City Manager with a recommendation for denial or final approval.
5. The employee will receive a response regarding the status of their request within five (5) working days from the date it is received by Human Resources.
6. The approved request will be delivered to payroll. A check will be prepared within three (3) business days.

10.17 REGULAR PART-TIME EMPLOYEE VACATION LEAVE BENEFIT

Consistent with Section 10.7, Regular Part-time employees, who are eligible for benefits, accrue vacation leave on a pro-rata basis, depending on the average expected hours of work per week. See the table below that sets forth the rate of accrual for an employee who has 0-3 years of service:

20-22 Average Hours	1.53 per pay period (.50 FTE)
23-25 Average Hours	1.92 per pay period (.625 FTE)
26-30 Average Hours	2.30 per pay period (.75 FTE)

10.18 LIMITED TERM AND SEASONAL EMPLOYEES

Limited Term Part-Time and Limited Term Seasonal employees do not accrue vacation leave.

10.19 PAID MANAGEMENT LEAVE

In addition to paid vacation leave, full-time FLSA exempt management employees receive 80 hours of paid Management Leave as outlined in Section 8.13 of this Manual. The City Manager may grant up to sixteen (16) hours of additional management leave for exempt employees working the modified 9/80 schedule.

10.20 SICK LEAVE

Sick Leave is to be used if an employee or his/her family member becomes ill. Sick leave shall be used only as permitted in this Manual. Abuse of the sick leave benefit, as described in this Manual, is grounds for disciplinary action, up to and including termination.

10.20.1 Sick Leave Notice

An employee must notify her/his immediate supervisor prior to the beginning of any working shift, which the employee will not report for work and for which she/he desires to use sick leave.

An employee is to request prior authorization for any absence due to attendance at any medical appointment. For the purpose of this section, “request prior authorization” shall mean that the employee has notified her/his supervisor with at least one (1) workday’s advance notice.

10.20.2 Eligibility

All regular and probationary full-time and part-time employees shall be eligible to accrue sick leave benefits. Employees working in a Limited Term Part-Time or Limited Term Seasonal capacity who work 30 or more days within a year from commencement

of employment will accrue sick leave consistent with the Healthy Workplaces, Healthy Families Act of 2014. Limited Term Part-Time and Limited Term Seasonal employees can begin to use accrued paid sick leave upon reaching their 90th day of employment. For regular, full-time and part-time employees there is no waiting period to utilize sick leave; however, sick leave hours cannot be used within the pay period which they were earned. Further, employees may not utilize unaccrued sick leave.

10.20.3 Accrual

Regular full-time employees earn 3.69 hours per pay period. All part-time regular employees accrue sick leave on a pro-rata basis depending on the average expected hours of work per week (.50 FTE, .625 FTE or .75 FTE). In no case does the number of sick leave hours accrued each pay period exceed 3.69 hours. Limited Term Part-Time and Limited Term Seasonal employees will accrue sick leave at the rate of .034 for every hour worked.

Sick leave is earned during any paid leave of absence, but it is not earned during any unpaid leave of absence, or during Family Medical Leave. Employees that are off of work due to illness or injury shall not accrue sick leave once they begin to receive disability benefits or are no longer receiving wages through payroll, beginning with the first full pay period that they are off payroll, unless otherwise required by law.

10.20.4 Earning and Accumulating Sick Leave

Regular and probationary full-time and part-time employees may accrue a maximum of seven hundred and twenty (720) hours of sick leave. For Limited Term Part-Time and Limited Term Seasonal employees accrued sick leave is capped at 48 hours, or 6 days. Once the accrual maximum is reached, the employee can earn no other paid sick leave until the accrual balance is reduced.

10.20.5 Sick Leave at Separation

Sick leave is forfeited and not cashed out upon separation from employment, unless an employee has completed five (5) years or more with the City at the date of separation. For such employees, fifty percent (50%) of the value of an employee's accrued sick leave will be paid to the employee at separation. For Limited Term Part-Time and Limited Term Seasonal employees, accrued sick leave not used will carry over to the following year of employment, but is capped at 48 hours, or 6 days. If an employee is retiring at separation, the cash payment for sick leave may be disbursed to the retiring employee through a lump sum cash payment that is deposited into the employee's deferred compensation account (as allowed under terms and conditions of the plan and Internal Revenue Service regulations), used as a payment to CalPERS to buy service time (I eligible), placed in a retiree health savings account, or a combination of these options, at the election of the employee.

10.20.6 Use of Sick Leave

Sick leave shall be requested only in cases of actual personal sickness or qualifying instances. The employee requesting sick leave shall notify his/her supervisor or Department Head prior to the start of the employee's regular work shift that he/she will be absent and will utilize sick leave. Sick leave with pay shall not be allowed unless the employee has met and complied with the provisions of these Rules and Regulations and his/her Department Head has approved such payment. Failure to reasonably provide notice of the need for leave, or otherwise comply with the sick leave benefit provisions of this Manual, may be grounds for denial of such sick leave with pay.

Sick leave can be used for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members:

child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or

2. For an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his/her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety. An employee shall have her/his accumulated sick leave balance reduced by an amount equal to the number of hours of sick leave for which pay is received.

10.20.7 Abuse of Sick leave

The City of Oakley provides a generous amount of sick leave hours and encourages employees to use these hours wisely and maintain a comfortable number of hours available for unforeseen situations. The City considers the abuse of sick leave as a serious offense and evidence substantiating use of sick leave for willful injury, gross negligence, intemperance, or any instances of misrepresentation will result in disciplinary action, up to and including termination from employment.

Other examples of abuse of sick leave include the following:

1. Failure to notify supervisor of medical absence
2. Failure to provide physician's verification when required
3. Fraudulent physician verification
4. Use of sick leave for that which it was not intended or provided
5. Continued pattern of maintaining zero or near zero leave balances or seeking approval of leave without pay because sick leave accrual has been exhausted
6. Pattern of abuse, for example, the routine use before, and/or after holidays;

before, and/or after weekends or regular days off; after pay days; of any one specific day; following overtime worked; frequent use of half days; and/or any routine use of any combination of the above.

The City of Oakley maintains minimum staffing levels, and excessive absenteeism creates a negative impact on the workplace by disrupting work schedules, increasing overtime costs, leaving projects incomplete, decreasing organizational efficiency, moving additional work upon others, and creating an overall negative morale within the organization.

10.20.8 Proof of Illness/Injury

The City Manager, or designee, may request, in his/her discretion, that the employee produce a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted.

Additionally, an employee may be required to provide a health care provider's statement verifying the employee's absence from work in the following instances:

1. When an employee returns to work after three (3) days of absence on sick leave
2. Frequent use of sick leave
3. When a pattern of sick leave use has been identified
4. When a supervisor has reason to believe that sick leave is being abused
5. Release to Return to Work

The employee may be required by her/his Department Director or the Human Resources Division to submit a statement/certificate from the attending physician or dentist stating that the employee is or was incapacitated and unable to perform her/his duties, and attest to the employee's ability to resume work. In the event that the employee is not released to full duty, a written statement is required that specifically defines the

employee's limitations. The City has the right to determine whether or not it has meaningful modified work for the employee to conduct based on her/his work restrictions and the duration that such work, if any, is available.

If the employee has a disability covered under the Americans with Disabilities Act (ADA), the City will enter into an interactive discussion with the employee in an attempt to comply with any reasonable accommodation requested or reasonable alternative accommodation that does not create an undue hardship for the City. The City reserves the right to get a second medical opinion, at the City's expense, regarding the employee's ability to return to work and/or any reasonable accommodation requested.

10.20.9 Sick Leave Donation Program for Catastrophic Circumstances

With the City Manager's written approval an employee may be eligible to receive donations of up to four-hundred eighty (480) hours of paid sick leave. The employee must have suffered a catastrophic illness or injury which prevents her/him from being able to work, and only if the employee is in good standing (defined as not in the process of a disciplinary separation from employment). The donated hours will be added to an employee's sick leave "bank", if exhausted.

A catastrophic illness or injury is defined as a medically certified illness, injury impairment, or physical condition that prevents an eligible employee from returning to work for a period of 60 or more calendar days.

10.20.10 Rules of Sick Leave Donation Program

An employee is not eligible to receive sick leave donations if she/he is currently receiving workers' compensation, short-term or long-term disability benefits.

An employee using donated sick leave accrues no sick leave or other leave accruals while utilizing donated leave; however, other benefits, such as insurance and

participation in the CalPERS defined benefit plan, will continue to be provided to the employee while utilizing donated sick leave.

Donated leave will be counted as sick leave, but shall never be converted into a cash benefit.

10.20.11 Donation Guidelines

An Employee may donate sick leave if the donating employee:

1. Voluntarily elects to donate sick leave and does so with the understanding that donated leave will only be returned if not used by the affected employee within ninety (90) days of the donation;
2. Donates a minimum of eight hours;
3. Retains a combined leave balance (vacation and sick) of at least one-hundred sixty (160) hours;
4. Donates time in one (1) hour increments. For every one (1) hour of sick leave time donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction

10.20.12 Donations are Voluntary

The City Manager shall respect an employee's right to privacy, however, she/he may, with the permission of the employee who is in need of leave, inform employees of their co-worker's critical need for sick leave hours. The City Manager or any other employee shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

10.21 MEDICAL TERMINATION

If during an employee's leave of absence, it is medically determined that the employee's condition is permanent and that the employee will not be able to perform the essential functions of her/his job with or without reasonable accommodation (including

transfer to an alternate available position within the City for which the employee qualifies and where a position is available, or a leave of absence), the City and/or the employee may choose to process an application for non-industrial disability retirement and the employee will separate from employment with the City.

10.22 FAMILY MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT

It is the policy of the City of Oakley to provide family care and medical leave to eligible employees in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1994 (CFRA). If you are eligible, and the leave you have requested pursuant to the City's policy qualifies as family care and medical leave, all eligible employees shall be entitled to take up to twelve (12) weeks of unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons .If the employee has accrued paid leave available, then the employee shall use paid leave first and if insufficient to cover the entire FMLA/CFRA absence in full, the balance of the leave shall be in an unpaid status. This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA"). Unless otherwise stated in this Policy, "leave" means leave pursuant to the FMLA and CFRA. Unless otherwise provided by law, the City will run each employee's FMLA and CFRA leaves concurrently.

Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use FMLA or CFRA leave are not protected by the law's provisions for job restoration or maintenance of health benefit provisions.

10.23 DEFINITIONS

1. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

2. “Single 12 Month Period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.
3. “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.
4. “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
5. “Spouse” means one or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.
6. Domestic Partner" is another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297. A legal union formed in another state that is substantially equivalent to the California domestic partnership is also sufficient.

7. "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves:
    a. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
    b. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
        i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and
        ii. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:
            - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
            - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the

supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

c. Any period of incapacity due to pregnancy or for prenatal care. Note that pregnancy is a "serious health condition" only under the FMLA. Under California law, an employee disabled by pregnancy is entitled to pregnancy leave.

d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

   i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

   ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

   iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or

family member must be under the continuing supervision of, but need not be receiving active treatment by health care provider.

f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

8. Health Care Provider" means:

a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;

b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;

c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

d. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

9. "Covered active duty" means: 1) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or 2) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

10. "Covered Servicemember" means: 1) 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; or 2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

11. "Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

12. "Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver leave under the FMLA.
13. "Serious Injury or Illness" means: 1) in the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or 2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

10.23.1 Covered Reasons for Leave

The following are the reasons for which leave may be taken:

1. The birth of a child or placement of a child for adoption or foster care;

2. To care for an immediate family member (spouse, domestic partner, child, or parent) with a serious health condition;
3. To take medical leave when the employee is unable to work because of a serious health condition.
4. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (29 C.F.R. §825.126 - This is a FMLA leave and not a CFRA leave); or
5. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness either: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period. (29 C.F.R. §825.127 - This is an FMLA leave and not a CFRA leave.)

Disabilities due to pregnancy or pregnancy-related conditions are covered under FMLA, but not the CFRA. In California, pregnancy and pregnancy-related disabilities are covered under the Pregnancy Disability Leave Act (PDL). For additional information, please see Section 10.22 Pregnancy Disability Leave Act (PDL).

10.23.2 Employee Eligibility

An employee shall be entitled to family leave if:

1. The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive. (If the employee was on

the payroll for part of a week, the City will count the entire week. The City considers fifty-two (52) weeks to be equal to twelve (12) months.)

2. The employee has worked for the City for at least one-thousand two hundred fifty (1,250) hours over the twelve (12) months immediately preceding the commencement of the leave
3. The City directly employees at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. The workweeks do not have to be consecutive. The phrase "current or preceding calendar year" refers to the calendar year in which the employee requests the leave or the calendar year preceding the request.

10.23.3 Parents Both Employed by the City

When both spouses are employed by the City, they are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. If both parents of a covered servicemember are employed by the City and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under the City's Family Medical Leave Policy.

10.23.4 Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during any 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first. The City

will use a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, the employee could take an additional seven (7) weeks under this policy.

10.23.5 FMLA Coordination with CFRA and Other Leaves

Leave granted under the FMLA runs concurrently with CFRA, California Pregnancy Disability Leave, Workers' Compensation and other leaves in accordance with law. Although family and medical care leave is unpaid, an employee may elect and the City will require an employee to concurrently use all paid accrued leaves during family and medical care leave as described below:

1. An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, spouse, domestic partner or child.
2. Employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:
    a. Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on

leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and

b. An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

3. If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the City will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers who are on paid industrial injury leave.

In unusual circumstances, leave beyond the 12 work weeks granted under FMLA and CFRA may be available in accordance with the City's leave policies and other state and federal laws.

10.23.6 City Designated FMLA/CFRA Leave

Even when an employee does not specifically request family and medical leave under FMLA or CFRA, the City may designate time away from work as FMLA and CFRA after three days of absenteeism if the leave meets the requirements outlined in this policy as outlined by state and federal law.

10.23.7 Cities and Employee's Rights if Employee Requests Accrued Leave Without Mentioning FMLA/CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the City may require the employee to exhaust accrued leave as described above.

10.23.8 Maintenance of Benefits

An employee shall be entitled to maintain City group health, dental, and vision insurance benefits (if any) on the same basis as if she/he had continued to work for the City. To maintain uninterrupted coverage, the employee will have to continue to pay her/his share of insurance premium payments, if any. This payment shall be made either in person or by mail to the Finance Department by the fifteenth (15th) day of each month. The coverage will be dropped by the City if the employee's payment is more than 30 days overdue. Employee contribution rates are subject to any changes in rates that occur while the employee is on leave.

If the employee informs the City that she/he does not intend to return to work at the end of the leave period the City's obligation to provide health, dental and vision insurance benefits (if any) ends. If the employee chooses not to return to work, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health, dental, and vision insurance benefits (if any) during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the City will require that the employee continue to make those payments. If the employee does not continue these payments, the City will recover the payments at the end of the leave period, in a manner consistent with the law.

No sick leave, vacation, floating holiday, or administrative leave shall accrue to the employee during any time in which the employee is on FMLA/CFRA leave that is unpaid. Holidays, as identified in Section 10.1 of this Manual, shall be paid and no other leave will be required to be used for holidays that occur while an employee is on

FMLA/CFRA leave; however, holidays do count in the calculation of the twelve (12) weeks of FMLA/CFRA leave.

10.23.9 Job Restoration and Return to Work

Under federal law (FMLA) and state law (CFRA) you must be reinstated to the same position you had prior to taking the leave, or to an equivalent position provided that you return to work immediately following the conclusion of family and medical leave. If your position is unavailable (for example, due to a temporary or indefinite layoff), you have no greater right to reinstatement than had you been continually employed during the FMLA leave period. You are not entitled to reinstatement if your appointment end date occurs before your scheduled return date from family care and medical leave.

As a condition of returning to work, an employee must provide a certification from her/his health care provider verifying her/his ability to return to work, including any work restrictions. Failure to return to work on the date the employee indicated on the FMLA/CFRA request form (if not extended) may result in disciplinary action up to and including termination. Failure to return to work after the exhaustion of all twelve (12) weeks of FMLA/CFRA leave may result in immediate termination, at the discretion of the City Manager.

The City may choose to exempt certain highly compensated, “key” employees from the job restoration requirement and not return them to the same or similar position at the completion of FMLA/CFRA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA/CFRA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

10.23.10 Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent (a few days or hours at a time) use of the twelve weeks of FMLA/CFRA or a reduced workweek may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced workweek for birth or adoption purposes will need to request and gain approval for such use from the employee's Department Director and the City Manager.

Employees may also use FMLA/CFRA intermittently, or as a part of a reduced workweek whenever it is medically necessary. "Medically necessary" means that there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider. In some cases, the City may temporarily transfer an employee using intermittent or a reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

10.23.11 Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.

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

However, compliance with the notice and medical certification provisions in this Policy is required.

10.23.12 Procedure for Requesting Leave

All employees requesting leave under this policy must complete the Family Medical Leave form available from the Human Resources Division. When an employee plans to take leave under this policy and the leave is foreseeable, the employee must give the City 30 days' notice. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. If it is not possible to give 30 days' notice, the employee must give as much notice as is possible. If the situation was unforeseen, the employee must submit a leave request form within the first three (3) days of missed work. While on leave, employees are requested to report on a monthly basis to the City regarding the status of the medical condition and her/his intent to return to work.

For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

10.23.13 Procedure for Notice & Certification of Serious Health Condition

When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the City within the time frame requested by the City (which must allow at least 15 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.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrist, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under State law.

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

1. Employee's Own Serious Health Condition: Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his/her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.
2. Family Member Serious Health Condition: Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment

or supervision of the child, parent or spouse. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

3. Servicemember Serious Injury or Illness: Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The City will verify the certification as permitted by the FMLA regulations.
4. Qualifying Exigency: The first time an employee requests FMLA leave because of a qualifying exigency, an employee may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of the new active duty orders or similar documentation shall be provided to the City if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The City will verify the certification as permitted by the FMLA regulations. If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established

in this Policy, the City may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

10.23.14 Deficiencies in Certification

The employee must provide a certification for his/her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the City Manager will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the City Manager may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The City Manager may not ask for additional information beyond that required on the certification form.

10.23.15 Second and Third Medical Opinions

If the City has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the

City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion is considered final. The City must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon request of the employee.

10.25. 16 Return to Work

Except as provided by law, the employee will return to the same position she occupied when the leave commenced or, if the position is no longer available, the employee will return to a comparable position (equivalent pay and benefits),. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

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

As a condition of returning to work, an employee must provide a certification from her health care provider verifying her ability to return to work, including any work restrictions. Failure to provide this certification will result in a denial of reinstatement. If the employee fails to return to work within three (3) days after the approved leave expires, the employee will be considered to have voluntarily resigned employment.

10.26 PREGNANCY DISABILITY LEAVE

10.26.1 Eligibility and Leave Purposes

An employee who is disabled due to pregnancy, childbirth, or related medical condition may request an unpaid pregnancy disability leave. There is no length of City

service requirement before an employee disabled by pregnancy is entitled to a pregnancy disability leave. An employee is "disabled" if, in the opinion of her health care provider, she is unable due to pregnancy to work at all, or is unable to perform any one or more of the essential functions of her job, or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons. An employee is also considered to be "disabled" if she is suffering from severe morning sickness or needs to take time off for prenatal care.

10.26.2 Duration of Leave

Subject to the conditions of this policy, eligible employees may take pregnancy disability leave as defined by law up to a maximum of the number of hours the employee would normally work within four (4) calendar months (one-third of a year or 17 1/3 weeks. For an employee who works 40 hours per week, "four (4) months" means 693 hours of leave entitlement, based on 40 hours per week times 17 1/3 weeks). An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

Leave granted under the PDL runs concurrently with FMLA and other leaves as appropriate and sanctioned by law. While pregnancy disability leave counts against the amount of leave required to be provided under the FMLA, it does not count under the California Family Rights Act (CFRA). As a result, the employee still may be eligible for an additional twelve (12) weeks of leave under the CFRA for "bonding" leave. Leave may be taken intermittently or on a reduced work schedule if the employee's health care provider determines that it is medically advisable for the employee to take such leave. Intermittent leave may also be taken for prenatal care appointment and for morning sickness.

10.26.3 Requirements Regarding the Use of Paid Leave

Pregnancy disability leaves are without pay. However, the employee must use accrued sick leave (if any) during a pregnancy disability leave for any portion of the leave that is otherwise unpaid. After the employee's sick leave is exhausted, she may elect to use accrued vacation time, compensatory time and administrative leave (if any) in order to continue to receive pay during the leave.

10.26. 4 Notification Requirements

An employee requesting pregnancy disability leave must provide proper notification to the Human Resources Division. If the leave is foreseeable, the employee must provide written notice at least 30 days before the leave is needed. If 30 days advance notice is not practicable or the need for the leave is not foreseeable (i.e., a lack of knowledge of when leave will be required, a change in circumstances, or a medical emergency), notice must be given as soon as practicable. All leaves must be confirmed in writing and have agreed-upon specific date of return.

A failure to comply with these notification requirements may result in a denial or postponement of the requested leave until the employee complies with these provisions. However, if the need for pregnancy disability leave results from an emergency or is otherwise unforeseeable, the leave will not be denied for failure to provide advance notice.

10.26.5 Certification by Health Care Provider

Employees must provide the Human Resources Division with a written certification issued by the employee's health care provider verifying that the employee is disabled from working by the pregnancy, or related medical conditions, , the date on which the employee became disabled by pregnancy, child birth or a related medical condition; and the expected duration of the leave.

10.26.6 Benefits, Transfers, Job Restoration and Return to Work while taking Pregnancy Disability Leave

An employee on pregnancy disability leave may continue to receive any group health insurance coverage that was provided before her leave, beginning on the date the pregnancy disability leave begins and continuing for up to four months in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The City may recover premiums it paid to maintain health coverage if an employee does not return to work following pregnancy disability leave, unless the reason for the failure to return is a circumstance beyond her control or the use of the separate right to 12 weeks of bonding leave under the California Family and Medical Leave Act.

Matters of other benefits, transfers, job restoration, and return to work shall be under the same terms and conditions as the City's Family Medical Leave policy found in this Manual.

10.27 DOMESTIC VIOLENCE LEAVE

Employees may take domestic violence leave pursuant to California Labor Code 230.1 An employee must provide reasonable advance notice to the Human Resources Division of the employee's intention to take time off for domestic violence leave, unless the advance notice is not possible.

If the appointment is unscheduled, or the leave is taken to respond to an emergency or crisis, the employee will be required to provide the Human Resources Division with written documentation of her/his status as a domestic violence victim within a reasonable time after the absence from work. The written documentation will be kept confidential, and can be any of the following:

A police report indicating that the employee is a domestic violence survivor;

A court order protecting or separating the employee from the batterer, or other documentation from the court or the prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse caused by domestic violence.

The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or personal leave, or compensatory time off.

This Domestic Violence Leave Policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the City's Family Medical Leave Act Policy.

10.28 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO OBTAIN RESTRAINING ORDERS OR INJUNCTIVE RELIEF

Any employee who is a victim of domestic violence, sexual assault, or stalking, may take leave from work to obtain or attempt to obtain any relief, including, but not limited to: a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child, if the employee provides advance notice of the need for leave. If advance notice is not feasible, the employee must provide any of the following certifications within a reasonable time after the leave: a police report indicating that the employee was a victim; a court order protecting the employee from the perpetrator; evidence from the district attorney or court that the employee has appeared in court; or documentation from a health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or paid leave, or compensatory time off.

10.29 CRIME VICTIM/FAMILY MEMBER VICTIMS' RIGHTS PROCEEDINGS LEAVE

Any employee who is a victim of a crime listed in Labor Code section 230.5(a)(2)(A), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the City, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2)(A). An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met. The leave is unpaid unless the employee elects to use accrued vacation or paid leave, or compensatory time off.

10.30 BEREAVEMENT LEAVE

A regular, full-time or management employee is allowed a leave of absence with pay not to exceed three (3) working days per calendar year in the case of the death of a member of the employee's immediate family. Immediate family is defined as spouse, domestic partner, child, child of a domestic partner, stepchild, brother, stepbrother, sister, stepsister, parent, step-parent, mother-in-law, father-in-law, or any other person serving as a parent, grandmother, grandfather, or any other person living in the same household as the employee or an immediate family member of the employee's spouse. (The definition of "immediate family member" for purposes of bereavement leave is different from the definition located elsewhere in this Manual.) Any additional days of absence must be approved by the City Manager and may be charged to sick leave, vacation time or compensatory time.

10.31 COURT APPERANCES

10.31.1 Jury Duty

Employees who are summoned for jury duty shall be granted leave for this purpose upon presentation of the jury notice to the supervisor or City Manager. Employees are to notify their supervisors of the jury duty notice as soon as possible in order to minimize any disruption of work.

Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their supervisor as soon as possible and report to work, if feasible.

An employee who is summoned for jury duty is entitled to receive full pay if she/he remits to the City all compensation received for jury duty. Compensation for mileage is not considered compensation for jury duty.

10.31.2 Personal Court Appearances/Depositions

If an employee is required to appear in court or at depositions for personal or non-work related reasons, he/she must notify her/his supervisor immediately and present any relevant documentation, such as a subpoena. Employees are expected to return to work as soon their court appearance is completed. Vacation or compensatory time off must be used for this purpose. If the employee does not have accrued vacation or compensatory time off, the time will be unpaid.

10.31.3 Job-Related Court Appearances

If an employee is required to appear in court or at depositions for work-related cases, she/he will be compensated for her/his time spent for this purpose. The employee should give his/her supervisor as much advance notice as possible of any subpoena received for this purpose. The City will determine whether the matter is work-related (i.e., involves a matter regarding an event or transaction that occurred in the scope of

the employee's City job duties). Any witness fees received by the employee must be remitted to the City.

10.32 PARENTAL PARTICIPATION LEAVE

Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades one (1) through twelve (12), or who are in a licensed child care facility, shall be allowed up to forty (40) hours each school year to:

1. participate in activities of their child's school or licensed child care facility (time for this purpose cannot exceed eight (8) hours per month);
2. find, enroll, or reenroll a child in a school or with a licensed child care provider (time for this purpose cannot exceed eight (8) hours per month); or
3. to pick up a child due to a child care provider or school emergency.

The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation, personal leave or compensatory time off. If both parents, guardians or grandparents having custody work for the City at the same City work site, only the first parent requesting will be entitled to leave under this provision. The Department Director may require the employee to provide documentation from the school or day-care facility that the employee participated in a school activity on a specified date and a specified time.

Employees wishing to take leave for a child's school activity and who have exhausted their vacation or other accrued leave must request leave without pay and gain the approval from the City Manager or designee for the planned absence.

10.33 CHILD SUSPENSION LEAVE

Any employee who is the parent or guardian of a child in grades 1 through 12 may take time off to go to the child's school in response to a request from the child's school, if the employee gives advance notice to his/her supervisor. A school has the authority to request that the parent attend the child's school if the child has: committed any obscene act; habitually used profanity or vulgarity; disrupted school activities; or otherwise willfully defied the valid authority of school personnel.

10.34 INDUSTRIAL LEAVE

Employees, other than those covered by Labor Code section 4850, who are absent from work by reason of an injury or illness covered by Workers' Compensation, shall continue in pay status under the following provisions.

10.34.1 Coordination of Benefits

When the employee authorizes, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular pay will be deducted from the employee's accumulated sick leave, vacation, personal holidays, and compensatory time, if any. The employee will continue in pay status and receive his/her pay until his/her accumulated sick leave, and authorized compensatory time, personal holidays and vacation days, have been depleted to the nearest hour.

10.34.2 Accrual of Sick and Vacation Leave Continues While on Paid Leave

During the time the employee is in fully paid status while absent from work by reason of injury or illness covered by Workers' Compensation, he or she shall continue to accrue sick leave and vacation benefits as though he or she were not on leave of absence.

10.34.3 Unpaid Leave and Continuation of Health Care Benefits

Any employee subject to this Policy who depletes his/her accumulated sick leave, compensatory time, personal holiday time and vacation days while absent from work by reason of an injury or illness covered by Workers' Compensation may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

10.35 INDUSTRIAL LEAVE: EMPLOYEES COVERED BY LABOR CODE SECTION 4850

Sworn Police and Fire employees covered by Labor Code Section 4850 et seq. will be allowed up to one year leave of absence for an industrial injury or illness without loss of salary in lieu of disability payments, consistent with state law. The employee will continue to accrue sick leave and vacation benefits while in paid status.

10.35.1 Coordination of Benefits

Whenever the injury or illness continues beyond the one-year 4850 leave period, and when the employee authorizes, the difference between the amount granted pursuant to such Workers' Compensation and the employee's pay may be deducted from the employee's accumulated sick and vacation leave, personal holidays, and compensatory time, if any. Thereafter, the employee may receive an unpaid leave of absence and continuation of health care benefits consistent with state and/or federal law.

10.36 PAID ADMINISTRATIVE LEAVE

The City has the right to place an employee on leave with full-pay for non-disciplinary reasons at any time when the City Manager, or designee, has determined that the employee's and/or City's best interests warrant the leave. The employee does not have the right to appeal the decision to be placed on administrative leave with pay.

10.37 FITNESS FOR DUTY

10.37.1 General Policy

If, in the opinion of the Department Director, an employee is unable to perform the duties of her/his position for physical or psychological reasons, the Department Director shall refer that employee to the City Manager. The Department Director/Division Manager, in consultation with Human Resources, may direct an employee to attend a physical examination, at City expense, to ascertain whether the employee is fit to perform the duties of his/her position if there is significant evidence that:

1. The employee's ability to perform one or more essential functions of his/her job has declined; or
2. Could cause a reasonable person to question whether an employee is still capable of performing one or more of his/her essential job duties, or is still capable of performing those duties in a manner that does not harm him/herself or others.

The fitness-for-duty examination is a medical assessment the results of which determine an employee's ability to perform the duties of the position. Specific reasons for the fitness-for-duty request must be stated by the requesting official.

10.37.2 Role of Health Care Provider

The City may request the applicant's or employee's health care provider to conduct a fitness for duty exam on the applicant or employee, or may request a City-selected health care provider to do so at the City's expense. The City will allow an employee paid time off to attend the exam. The City will provide the heath care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of his/her position and any work restrictions and/or functional limitations that apply to the applicant or employee. The

health care provider will examine the employee and provide the City with non-confidential information regarding whether:

1. the applicant or employee has a disability within the meaning of the California Fair Employment and Housing Act;
2. the applicant or employee is fit to perform essential job functions;
3. workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
4. there are any reasonable accommodations that would enable the employee to perform essential job functions; and
5. the employee's continued employment poses a threat to the health and safety of him or herself or others.

Should the health care provider exceed the scope of the City's request and provide confidential health information, without valid consent of the applicant or employee, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

10.37.3 Results of the Fitness-for-Duty Exam

If the results of the fitness-for-duty exam indicate that the employee has a disability which impacts his/her ability to perform the essential functions of his/her position, the City will engage in the interactive process with the employee to determine whether the City can provide a reasonable accommodation to the employee that would allow the employee to perform his/her duties. This may include a leave of absence, paid or unpaid. If the fitness-for-duty exam results state that the employee is cleared to return to work with no restrictions, the employee shall be returned to his/her duties.

10.37.4 Confidentiality of Medical Information

During the course of a fitness for duty examination, the City will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without an employee's written authorization. All fitness-for-duty examination results are strictly confidential.

10.38 VOTING

The City encourages each of its employees to perform her/his civic duty and vote. An employee may request up to two hours of paid leave either at the beginning or end of scheduled working hours if he/she does not have sufficient time outside of working hours to vote. An employee who needs time off from work in order to vote should notify her/his supervisor or the City Manager with at least three (3) working days' notice in order to make the necessary arrangements to allow the employee to take time off to vote. Employees are encouraged to vote by mail/absentee ballot.

10.39 MILITARY LEAVE OF ABSENCE

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of State and Federal laws. An employee granted military leave shall give the City Manager a copy of the orders calling him/her to military duty, which will be filed in the employee's personnel file. The military leave of absence will be unpaid and computed as part of the employee's service with the City, except that an employee who takes a military leave of absence before the completion of her/his probationary period shall be required to complete the remaining probationary period upon return to employment. As outlined by law, upon return, the employee shall be reinstated to a position in the same classification or a classification with equivalent status, pay, benefits and other employment terms, if she/he returns to work following the military leave of absence. Under USERRA, employees and their dependents may elect to

continue coverage for up to 24 months, or if earlier, up to the day after the date that they fail to apply for, or return to work within the time required by USERRA. Employee rights to continued health coverage under USERRA are similar to an employee's rights under COBRA. Any election that employees make pursuant to USERRA will also be an election under COBRA (and vice versa), and COBRA and USERRA will both apply with respect to the continuation coverage elected. The U.S. Armed forces may also provide coverage.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protect the job rights of individuals who voluntarily or involuntarily leave employment to undertake military service or certain types of service in the National Disaster Medical System. USERRA prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. The USERRA provides for reemployment rights, the right to be free from discrimination and retaliation, and health insurance protection.

Except in cases of emergency, employees must provide notice to their supervisor or the Department Director prior to utilizing leave under this policy. Please contact Human Resources for additional information regarding your USERRA rights.

10.40 LEAVE WITHOUT PAY

Any leave without pay must be approved by the City Manager based on the operational needs and the best interests of the City. Such leave is not a right, but a privilege. Employee must make a written request stating the date of leave, the reason for the leave and the estimated duration of the leave. (Leaves of absence as accommodation for disability are not covered by this policy.)

Requests for use of leave without pay will not be approved if an employee has applicable leave hours available to cover the absence.

Benefits such as vacation or sick leave will not accrue during any leave without pay. Except for as provided elsewhere in this Manual, benefits such as health, dental, vision insurance and retirement contributions may not accrue during leave without pay, at the City Manager's discretion.

10.41 UNAUTHORIZED ABSENCE FROM WORK

Whenever an employee is absent from work during her/his regular shift without permission or without advance notification to her/his supervisor, or without sufficient accrued leave to cover the absence, it shall be reported as an unauthorized leave of absence. Such unauthorized absence shall be considered as unpaid time off and the amount equal to the time the employee was absent without pay will be deducted from the employee's pay to the extent provided for by law. Without extenuating circumstances, an unauthorized leave of absence is grounds termination of employment.

Non-permanent employees (e.g., external interims, intermittent, student help, and college interns) are ineligible for any benefits, including but not limited to leave benefits. All non-permanent employees must notify and receive approval from their supervisor or Department Director in advance for all absences from work. Any non-permanent employee who is absent without proper authorization of leave without pay may be subject to discipline, up to and including termination.

An employee is considered to be on an unauthorized leave of absence if he or she fails to return to work after authorized leave of absence within the time specified. Failure of an employee to return to work upon the termination of an authorized leave of absence is cause for termination.

Section 11. Employee Conduct

11.1 EMPLOYEE CONDUCT

The City's goal is to provide responsive and high quality public services in partnership with our citizens celebrating our community's rich history, cultural diversity, and pride in its prosperous future. This requires employees to take pride in their work and to ensure personally that all members of the public, as well as co-workers, receive timely, efficient and courteous responses to their needs. Accordingly, the highest standards of professional conduct are considered essential for all employees. City employees are committed to be POLITE, PROFESSIONAL and PROGRESSIVE.

11.2 PERSONAL APPEARANCE

The City strives to be a quality and well-respected organization that serves the needs of its community in a professional manner. City employees have the opportunity to reinforce this expectation by their appearance, by their actions, and by their accomplishments. The City believes in the intelligence, pride, and good taste of its employees and, as such, chooses not to impose a strict dress code. Employees are expected to demonstrate a demeanor and appearance that is professional, businesslike, neat, and clean as determined by the requirements of the area in which the employee works. Provocative, suggestive, or other inappropriate and/or offensive attire, as determined by the City Manager, is not acceptable. If employees have questions about whether particular attire is appropriate, they should immediately inquire with their supervisor for consideration and determination.

11.2.1 Casual Friday

To recognize the hard work and dedication of City employees, the City has established Fridays and the Thursdays prior to Regular Days Off (RDOs) as "Casual Dress Days." Employees should exercise good judgment and common sense when

dressing casually and take into consideration any meetings that might require more professional dress. The City Manager may at her/his sole discretion, start, stop, or otherwise regulate "Casual Friday."

11.3 SERVICE OF PROCESS

No employee, except those specifically designated, should accept service on behalf of the City of any legal documents pertaining to work-related cases. Any such documents received should be immediately turned over to the City Clerk.

11.4 OFF-DUTY SOCIAL AND RECREATIONAL ACTIVITIES

The City may sponsor social or recreational activities for its employees. Employee attendance at these social activities is voluntary and is not work-related. Neither the City nor its insurer will be liable for the payment of worker's 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.

11.5 PUBLIC EMPLOYEES AS DISASTER SERVICE WORKERS

Government Code Section 3100 et seq. declares public employees as disaster service workers and requires employees to report to work (and if not possible, then to the next closest public employer) following the effects of natural, manmade, or war-caused emergencies. The City shall establish and maintain a method, or methods, of informing employees of their disaster service worker status. Employees who fail, without good cause, to honor their obligations as disaster service workers shall be subject to disciplinary action up to and including termination.

11.6 SMOKING

Smoking is not permitted in any City facility, and only in designated areas outside of a City facility. Smoking and the use of any tobacco products while in or operating

any City-owned or City-leased vehicle is not permitted in accordance with California State Labor Code 6404.5.

11.6.1 AB 846 Statewide Smoke-Free Entryway Law

Employees are prohibited from smoking within 20-feet of main entrances, exits and operable windows of all City buildings.

Section 12. Employee Relations

12.1 EMPLOYEE RELATIONS PHILOSOPHY

The City is dedicated to positive employer/employee relations. The City will strive to maintain good working conditions, competitive wages and benefits, open communication, and employee involvement. The City encourages all employees to report any problems, concerns, ideas or suggestions for improvement to her/his supervisor or to the City Manager. The City is very receptive to employee concerns and is always looking for ways to make the City a better place to work.

12.2 EMPLOYEE CONCERNS

The City strives to promote open discussions regarding any problems or concerns that employees may have with their jobs or their working environment.

Employees are required to follow the "chain of command" and any employee who has a concern is to discuss the concern first with her/his supervisor and Department Director/Division Manager. If the supervisor and/or Department Director are unable to resolve the problem to the employee's satisfaction, the employee should direct her/his concerns to the City Manager, either in person or in writing. The City Manager shall make the final decision regarding all problems and concerns raised by employees.

12.2.1 Procedure

In almost every circumstance an employee should follow the "chain of command" as outlined in Section 12.2 of this Manual; however, if for good cause an employee feels uncomfortable about reporting a matter of concern to his/her immediate supervisor, Department Director, the Human Resources Division, or City Manager, then the employee should report directly to a member of the City's "Collective Risk Management Team." If for good cause the individual feels uncomfortable about reporting the matter to the City's "Collective Risk Management Team," then the individual should report through the

"Employee Reporting Line." This number is currently 1-800-576-5262 and will be posted in the Employee Break Room. The names of the members of the CRMT will also be posted.

12.3 COLLECTIVE RISK MANAGEMENT TEAM (CRMT)

A team of at least three employees will be appointed by the City Manager to be available to review, investigate, and evaluate any workplace liability risk or wrongdoing, such as employee safety, theft, harassment, discrimination, etc. The CRMT will recommend to the City Manager appropriate corrective courses of action.

12.3.1 CRMT Activities

The CRMT receives any reports of alleged workplace wrongdoing, and categorizes the complaint into the type or types of wrongdoing, appropriately assigns the complaint to either an internal or external individual for investigation, and receives notification from the investigator that an investigation has been completed and that the investigator has notified the appropriate individuals (typically expected to be the Human Resources Department and the Department Director) as to the results of the investigation. The CRMT is to maintain confidentiality of the allegation(s) of wrongdoing, investigation(s) and investigative report(s). Discussions are to occur with and among only those individuals who have a legitimate business need to know.

The CMRT will follow City procedures for investigations of disciplinary actions, as set forth in this Manual.

12.4 EMPLOYEE GRIEVANCE

A grievance is an alleged violation of a specific provision of this Manual that adversely affects the employee and that contains all of the information required by Informal Resolution Procedure and Formal Grievance Procedure, below. The following procedure applies to all City employees, unless: the employee is covered by a grievance

procedure in a memorandum of understanding; another dispute resolution procedure applies to the dispute; or a discipline policy and procedure applies. The following procedure also does not apply to employee evaluations.

Concerns regarding Management Rights as defined herein are not subject to the grievance procedure. Similarly, the grievance resolution procedures do not apply to performance evaluations, performance-based salary determinations, or disciplinary matters.

12.4.1 Reporting Time Limitation

An employee who wishes to initiate the grievance process must bring the grievance to the attention of her/his Department Director within ten (10) calendar days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will waive the employee's right to pursue the grievance.

12.4.2 Informal Resolution Procedure

To initiate informal discussion of a grievance, the employee shall provide the Department Director with a written description of the circumstances causing the grievance within the timeframe set forth in Section 12.4.1 and must indicate that in the written description that the matter is being pursued as a grievance as outlined in this Manual. Within ten (10) calendar days after the receipt of the grievance, the Department Director and the employee shall discuss the grievance and attempt to identify a resolution of the perceived problem. Within ten (10) calendar days after the meeting, the supervisor shall provide the grievant with a written memorandum of the meeting, stating the resolution identified, if any. Employees must complete the informal resolution process prior to submitting a formal grievance.

12.4.3 Formal Grievance Procedure

If the employee and supervisor are unable to resolve the grievance by the informal resolution procedure, the employee may request formal resolution of the grievance.

12.4.4 Written Grievance

A written grievance shall be submitted within ten (10) calendar days of the completion of the informal resolution process to the Human Resources Division, with a copy to the employee's Department Director. The grievance shall contain the following information:

1. A description of the specific grounds of the grievance, including names, dates and places necessary for a complete understanding of the grievance;
2. A listing of the provisions of City Rules, ordinances, policies and/or procedures which are alleged to have been violated;
3. A list of all persons who are witnesses or who are involved;
4. A listing of the reasons why the immediate supervisor's proposed resolution of the problem is unacceptable; and
5. A listing of specific actions requested of the City, which will remedy the grievance.

12.4.5 Grievance Meeting

The City Manager's designee shall meet within ten (10) calendar days with the employee and the Department Director, separately or together, at the discretion of the City Manager's designee, to resolve the subject of the grievance. The City Manager's designee shall issue a written decision concerning the grievance within ten (10) calendar days from the date of the last meeting with either the employee, Department Director, or both.

12.4.6 Appeal Process

The employee may submit a written appeal to the City Manager if the City Manager's designee decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) calendar days after receipt of the formal grievance decision. The appeal shall include the subject of the grievance and all supporting documents. If the City Manager is the supervisor involved in the informal grievance resolution procedure, she/he shall designate an uninvolved Department Director, or the City Attorney to hear the appeal. If no appeal has been submitted within ten (10) calendar days from the date of receiving the formal decision, the City Manager's designee formal decision shall be considered as final.

12.4.7 Timelines

Failure of the City to comply with the time limits of the grievance procedures allows the grievant to appeal to the next level of review. Failure of the grievant to comply with the time limits of the grievance procedure constitutes a settlement and resolution of the grievance on the basis of the last disposition. The parties may extend time limits by mutual written agreement in advance of a deadline.

12.4.8 City Manager Decision

Upon receipt of an appeal of a formal grievance, the City Manager, or designee, shall discuss the grievance with the employee, the supervisor or Department Director, and any other involved parties, if any. The City Manager, or designee, shall render a formal decision in writing to the employee within ten (10) calendar days after receipt of the appeal. Such a decision shall be considered final.

12.4.9 Representation

The employee shall be entitled to one representative at the grievance meeting. The employee and the employee's representative may be allowed to use a reasonable

amount of work time (as determined by the Department Director) for the actual meetings involved in the grievance process (not preparation time).

12.4.10 Freedom from Reprisal

The employee shall be assured freedom from reprisal or retaliation for utilizing the grievance procedure.

Section 13. Employee Discipline

13.1 DISCIPLINARY ACTION

The City Manager has the authority to take disciplinary action against any employee in accordance with the disciplinary procedures set forth in this Manual. The City Manager also has the authority to delegate this responsibility to her/his designee. The City Manager has the authority to take disciplinary action against any Management employee or any other at-will employee, at any time, with or without cause, and without affording her/him a right to appeal.

13.2 CAUSES FOR DISCIPLINARY ACTION

Disciplinary action may be taken for any just cause. Cause for disciplinary action shall include, but is in no means limited to, any of the following:

Absence without leave

Abuse of sick leave privileges, including, but not limited to use of leave from work in a manner not authorized or provided for under City policies.

Acceptance of any bribe or kickback, when it appears it was given in the hope or expectation of receiving preferential treatment

Any action that brings discredit to the City or is a direct hindrance to the effective performance of City functions

Any violation of the policies and procedures outlined in this Manual, departmental rules and policies, or any other written policies that may be prescribed by the City

Being under the influence of an intoxicating beverage or non-prescription narcotic or drug while on duty or Failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance

Breach of confidentiality

Bringing a gun or any other dangerous weapon onto City property, unless such item is specifically required as part of the employee's job duties

Claim of leave under false pretense, or misuse of leave

Conduct unbecoming of an employee of the City

Conviction of any felony or misdemeanor in State or federal court of which is reasonably-related to the individual's position with the City

Discourteous or non-cooperative treatment of the public, City elected officials or employees, City volunteers

Dishonesty or immorality on the job, including making any false representation or statement, or making any omission of a material fact;

Endangering self or others, or failure to follow adopted safety practices, or failure to properly use required personal protective gear or equipment.

Engaging in outside employment without authorization

Engaging in unlawful discrimination or unlawful sexual harassment in violation of the City's policy and/or state and federal law

Excessive absenteeism

Excessive tardiness

Failure to cooperate in an official inquiry or investigation into an alleged violation of these Personnel Rules

Failure to immediately report a vehicle accident

Failure to obtain and maintain a current license or certificate as a condition of employment

Failure to remain on duty or return to duty after a requested leave of absence has been disapproved, revoked or canceled

Failure to report to work as scheduled or failure to notify supervisor, in accordance with department standards, of one's inability to report to work

Favoritism

Fraud of any kind; falsification of any City application, medical history record, invoice, paperwork, time sheet, investigative questionnaire or any other City document, report or record or misstatement or untruths or omissions of any material fact in the application process or in securing appointment or promotion; or falsification or untruths concerning records, fellow employees, or work performed

Improper or unauthorized use or misuse of City equipment or supplies, or damage to, or negligence in the care and handling of City property

Improper political activity as defined by State law

Inattention, inefficiency, incompetence, carelessness or inexcusable negligence in the performance of duties

Incompetence or inefficiency in the performance of required duties

Inducing or attempting to induce a City employee to commit an unlawful act in violation of any lawful department or official regulation or order

Insubordination or failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor

Less than satisfactory job performance

Misconduct, willful disobedience, or failure to obey any proper direction made and given by a superior officer or supervisor

Misuse or misappropriation of City property or funds; carelessness or negligence with the monies or other property of the City; appropriating to the employee's own use any property of the City, or loaning, selling or giving away such property without legal authorization

Neglect of job duties

Offensive or obscene language in public, or towards the public, City elected officials, City employees

Abusive conduct, including malicious verbal, visual or physical actions, or the gratuitous sabotage or undermining of a person's work performance.

Outside work that creates a conflict of interest with City work, or that detracts from the efficiency of the employee in the employee's City work

Reporting for duty or being on duty under the influence of any intoxicant or absenting oneself from duty or rendering oneself unfit to perform fully one's duties for reasons attributable to or produced by intoxicants

Taking for personal use, from any person, a fee, gift or other valuable thing in connection with official work when such fee, gift or other valuable thing is given in the expectation of receiving favored treatment

Theft

Conversations in the workplace which are disruptive because of their negativity

Working overtime without supervisory authorization

Violation of the City's or a department's confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity.

Misuse of unauthorized use of any City property, including but not limited to: physical property, electronic resources, supplies, tools, equipment, communication systems, vehicles, or intellectual property.

Any violation of the City's personnel rules on regulations, including those found in this Manual

Any other conduct equal to the reasons enumerated above as determined by the City Manager

This list is not to be considered all-inclusive and there may be other circumstances which employees may be disciplined for, up to and including termination.

13.3 TYPES OF DISCIPLINARY ACTION

The purpose of disciplinary action is to correct deficiencies in employee performance, to assure improvement to meet appropriate standards, to correct violations of City policies and procedures and, if necessary, to terminate employees whose misconduct is egregious or whose inadequate performance is not corrected. The types of disciplinary action that may be implemented include, but are not limited to:

13.3.1 Counseling

Counseling can include any informal discussion with the employee, which is designed to assist the employee to develop or improve her/his skills, abilities, or conduct. The supervisor is usually the individual who counsels the employee. The purpose of counseling may be to clarify agency rules, solve a problem, or discuss particular weaknesses. Ideally, counseling will achieve the goal of remedying problems quickly before they require more severe discipline. Counseling is not subject to the disciplinary appeals process. A memo, confirming the counseling provided, will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary.

13.3.2 Oral Reprimand

The oral reprimand is simply a verbal (i.e., spoken) notification to the employee that her/his performance or behavior must be improved. Oral reprimands are usually given when counseling has failed or when the employee's conduct warrants action that is more serious. The reprimand identifies the areas in which the employee must improve, establishes goals for improving and informs the employee that failure to the oral reprimand. Oral reprimands are not subject to the disciplinary appeals process. A memo, confirming

the oral reprimand, will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary.

13.3.3 Written Reprimand

Written reprimands are not subject to the disciplinary appeals process. A written reprimand is written direction from a supervisor to discontinue inappropriate conduct or correct a performance issue. The following procedure applies to written reprimands:

1. The supervisor shall provide a copy of the written reprimand to the employee and review the violation and the reason for the written reprimand
2. The employee must be instructed both verbally and in writing that failure to correct the identified deficiencies and improve performance to meet the City's standards as outlined in this Manual, may result in further discipline up to and including termination
3. The employee will sign the file copy (or refusal to sign will be noted on the copy);
4. The written reprimand is placed in the employee's personnel file
5. The employee has the right to respond in writing to the written reprimand; a copy of any response will be attached to the written reprimand in the employee's personnel file. The written reprimand shall contain notice of the employee's right to respond in writing.

13.3.4 Reduction-In-Pay

A reduction-in-pay is the placement of the employee in a lower salary within the employee's current pay range. As a disciplinary action, the City may reduce an employee's pay to a lower rate within the pay range, or may withdraw increments that were granted for merit. Documents related to the reduction-in-pay shall become part of

the employee's personnel file when the reduction-in-pay is final, and documented in the performance evaluation. Reduction-in-pay is subject to the disciplinary appeals procedures described below.

13.3.5 Disciplinary Demotion

Demotion is the involuntary reduction of an employee to a lower-paying classification. The City may demote an employee when she/he has demonstrated that she/he does not have the competence or other qualifications to perform at the higher skill level. The City may also demote an employee when she/he has demonstrated a chronic inability to perform properly his/her assigned job tasks. Documents related to the disciplinary demotion shall become part of the employee's personnel file when the reduction-in-pay is final, and documented in the performance evaluation. Disciplinary demotion is subject to the disciplinary appeals procedures described below.

13.3.6 Suspension

The City Manager may suspend an employee for cause without pay, for up to 30 calendar days per disciplinary occurrence. Suspension is considered unpaid leave; therefore, an employee will not accrue sick leave; vacation leave; insurance benefits; or CalPERS retirement contributions. Documents related to the suspension shall become part of the employee's personnel file when the suspension is final, and documented in the performance evaluation. Suspension is subject to the disciplinary appeals procedures described below. Employees who are exempt from Fair Labor Standards Act (FLSA) overtime will only be suspended as authorized by the FLSA.

13.3.7 Termination

Regular employees shall be terminated for cause after appropriate disciplinary proceedings have been followed, in accordance with state law. If necessary, the employee may be removed from service immediately and placed on paid leave pending the

completion of an investigation and/or disciplinary determination. The City Manager may terminate the employment of any management employee or any other at-will employee, at any time, with or without cause and without affording the employee a right to appeal. At-will employees are not subject to the disciplinary procedures as outlined in this Manual.

13.4 PROCEDURES FOR TAKING DISCIPLINARY ACTION

The courts have established minimum procedural protections (due process) which public employers must provide to public employees who are subject to significant disciplinary action. These procedural protections apply to any public employee, who through the state or local agency laws, has acquired a right to be disciplined or terminated only for "good" or "just" cause. The City of Oakley will follow applicable legal requirements when taking disciplinary action.

These procedures apply to regular merit employees who are subject to termination, suspension, disciplinary demotion, or reduction in pay for disciplinary purposes. They do not apply to management employees, probationary, limited term, seasonal or other at-will employees. These employees may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below.

13.4.1 Investigation

If appropriate, the Department Director of the employee, or another impartial third party, shall conduct an investigation into the misconduct and shall prepare a report of the findings and submit the report to the Human Resources Division. The City Attorney shall be advised of any investigation and shall provide direction to the person who is conducting the investigation.

13.4.2 Notice of Proposed Disciplinary Action

Written notice of the proposed Disciplinary Action to be imposed shall be served on a regular employee personally or sent to his/her address of record by Certified Mail

not less than seven (7) working days prior to the date of the proposed action. If served by Certified Mail, such notice shall be effective and constitute receipt by the employee upon deposit in the United States Post Office.

Such formal notice shall include:

1. A statement of the nature of the Disciplinary Action to be taken;
2. A statement of the causes therefore;
3. A statement of the act(s) or omission(s) upon which the causes are based;
4. A copy of the materials upon which the Disciplinary Action is based; and
5. A statement informing the employee of his/her right to respond to the intended discipline within seven (7) days from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both.
6. A statement informing the employee of his right to have a representative of his/her choice present at all meetings related to the discipline, including the *Skelly* conference.
7. Notice to the employee that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

13.4.3 Right to Respond - "Skelly" Process

Any regular employee shall have the right to respond, either orally or in writing, to the authority (most likely the Department Director) imposing Disciplinary Action and have the response considered prior to any final decision being made with respect to the proposed discipline.

Such a response must be made within seven (7) working days after receipt of the written notice of the proposed Disciplinary Action. Failure to respond within such

period constitutes a waiver of the right to respond. However, failure to respond shall not affect the employee's right to appeal the Disciplinary Action as provided in this Manual.

After reviewing the employee's response, if any, the Department Director imposing discipline shall formally notify within seven (7) working days the employee in writing of his/her decision to dismiss, modify or impose the proposed discipline. If the Department Director determines to impose discipline, a final "Notice of Discipline" shall be served on the employee. The final notice of discipline shall contain the following:

1. The level of discipline, if any, to be imposed and the effective date of the discipline;
2. The specific charges upon which the discipline is based;
3. A summary of the facts that show that the elements of each charge at issue in the intended discipline are met;
4. A copy of all materials upon which discipline is based; and
5. A reference to the employee's appeal right and deadline to appeal.

The specified discipline, if any, may be imposed when the "Notice of Discipline" is received by the employee. The final notice must be sent by a mail method that verifies delivery to the last known address of the employee, or delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the City or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery

13.4.4 Right of Appeal

Any regular employee shall have the right of appeal for any disciplinary action, except for counseling, oral, and written reprimands. Reclassifications, layoffs, demotions as a substitute for layoffs, changes in status due to employee's loss of a required

license or certificate, pay increases or denial of pay increases are “non-disciplinary” actions, and, as such, are not subject to appeal, but may be addressed through the City’s grievance procedure as outlined in this Manual.

An appeal must be filed in writing with the Human Resources Division within seven (7) working days of the date of service of the “Notice of Discipline”. Failure to file an appeal within such period constitutes a waiver of the right of appeal, and notice that the employee has accepted the recommended discipline. Filing a notice of appeal shall not stay the imposition of discipline.

13.5 APPEAL HEARING

Due process requires that a permanent, for cause employee receive a post-disciplinary evidentiary appeal hearing before a nonbiased hearing officer or body. The City Manager will designate the hearing officer. The City will follow applicable legal requirements when an appeal hearing is requested.

13.6 SCHEDULING THE HEARING

If the employee files a notice of appeal, an evidentiary hearing shall be arranged for by the Human Resources Division and in consultation with the City Attorney. Typically, the hearing officer shall be the Assistant City Manager or a non-affected Department Director. The hearing shall be scheduled on a mutually agreeable date , taking into account the availability of the parties and witnesses. The hearing will commence as expeditiously as it can be arranged, but no later than sixty (60) working days after receipt of the request for appeal.. The parties can mutually agree to waive this timeline.

13.6.1 Conduct of Hearing

The hearing officer shall, in the hearing officer’s good judgment, determine the procedures under which the hearing will be conducted. Such procedures shall provide “due process” and comply with the provisions of this Manual. Both the City and the

employee may call witnesses and present evidence that they deem necessary and appropriate. The hearing shall be closed to the public.

13.6.2 Failure of Employee to Appear at the Hearing

Failure of the employee to appear at the hearing shall be deemed a withdrawal of her/his appeal and a waiver of the right to appeal.

13.6.3 Representation

The employee may represent herself/himself at the hearing, or be represented by counsel or another representative of his/her choice.

13.6.4 Advisory Findings of the Hearing Officer

The findings of the hearing officer shall be rendered within twenty (20) working days of the hearing, or within a reasonable time thereafter, and shall be advisory only to the City Manager. Nothing in these procedures shall be construed as to bind the City or the City Manager to any findings of the hearing officer.

13.6.5 Decision by the City Manager

The City Manager may hold an additional meeting with the employee to discuss the advisory findings, or may proceed on the record from the hearing. The City Manager shall render a written decision within twenty (20) working days after receiving the advisory findings of the hearing officer. The City Manager's decision shall be final, conclusive, and binding on all parties. A copy of such decision shall be forwarded to the appellant.

13.6.6 No Retaliation

Retaliation or penalty against an employee requesting and participating in the appeal process will not be allowed nor will it be tolerated.

13.6.7 Reimbursement

If disciplinary action is subsequently revoked or modified by the City Manager, the employee is entitled to reimbursement for loss of pay, if applicable. Reimbursement is

limited to the period between the date of initial action and the date of final decision after appeal. No reimbursement will be made for any period during which the employee was not ready and able to perform the duties of her/his position

Section 14. Resignation, Layoff, or Separation from City Service

14.1 TYPES OF SEPARATION

All separations of employees from City employment are designated as one of the following types:

1. Probationary Release;
2. Release of Limited Term Part-Time and Limited Term Seasonal Employees;
3. Resignation;
4. Retirement;
5. Job Abandonment;
6. Layoff;
7. Non-Disciplinary Separation;
8. Disciplinary Separation.

Probationary Release, Release of Limited Part-Time and Limited Term Seasonal Employees; Job Abandonment; and Disciplinary Separation are addressed elsewhere in this Manual.

14.2 RESIGNATION FROM CITY SERVICE

Resignation is a voluntary separation from the City with either verbal or written notice on the part of the employee. Employees are expected to provide at least two weeks' notice \ of resignation, and provide the effective date of the resignation . Written resignations shall be promptly forwarded to the Human Resources Division. Written resignations shall become effective upon receipt by the City, without the necessity of any acceptance, unless the employee is notified otherwise. If an employee gives verbal notice of resignation, the supervisor or the City Manager will acknowledge and accept the resignation in writing. Employees who have filed a notice of resignation are expected to be physically present and actively at work up through the effective date of resignation.

Notice of resignation is final and irrevocable when given and may not be rescinded without the approval of the City Manager.

14.2.1 Failure to Notify

The failure to provide such reasonable notice shall be noted in the personnel file and may be cause for denying future employment by the City. The Department Director will confirm in writing any verbal resignation that the employee is not willing to confirm in writing.

14.2.2 Use of Accrued Leaves

No use of vacation, sick leave, administrative leave, compensatory time off, holidays, or any other paid time off in lieu of hours worked, may be used to extend an employee's resignation date beyond the employee's last day worked. The City Manager is authorized to waive this rule.

14.3 RETIREMENT FROM CITY SERVICE

Retirement from City service shall be subject to the terms and conditions of the City's contract with the California Public Employees' Retirement System (CalPERS), and consistent with state and federal law.

An employee planning to retire from the City shall provide a written notice to the Department Director, which will be forwarded to the Human Resources Division for processing. Such notice should be provided, whenever possible, at least 60 calendar days prior to the effective date of retirement. Such notice is final and irrevocable when given and may not be rescinded absent approval of the City Manager.

14.4 TERMINATION - DISCIPLINARY

An employee may be terminated based on disciplinary action pursuant to this Manual.

14.5 RELEASE OF PROBATIONARY AND LIMITED TERM PART-TIME AND LIMITED TERM SEASONAL EMPLOYEES

Probationary employees and Limited Term Part-Time and Limited Term Seasonal employees will be released pursuant to provisions of this Manual.

14.6 SEPARATION - NON-DISCIPLINARY

Any employee separated because of an inability to accommodate after the reasonable accommodation and interactive process is concluded, will be given a written pre-separation notice of the reasons for the separation, the evidence supporting the decision to separate for non-disciplinary reasons, and an opportunity to respond before the separation takes effect. Any for cause employee has the opportunity for a post-separation appeal as described the Disciplinary Procedures in this Manual.

14.7 LAYOFF - REDUCTION IN FORCE

An employee may be terminated via layoff by the City Manager, consistent with state and federal law, for any of the following reasons: a shortage of work; lack of funds; material change in duties or organization; in the interest of economy; to reduce the staff of any City function or the return of another City employee occupying the same position from a leave of absence.

The City Manager in consultation with the Department Director shall make reasonable efforts to give primary consideration to business necessity, not seniority, whenever reductions in force are necessary. However, Limited Term Part-Time, Limited Term Seasonal, probationary, and regular part-time employees shall be laid off before regular full-time employees. Employees shall normally be given at least thirty (30) calendar days' notice of a proposed reduction in force, except where necessary to protect the public and carry out the City's mission. The decision to lay off an employee(s) is not subject to any right of appeal or right to submit a grievance.

14.8 RETURN OF CITY PROPERTY

A separating employee shall return all City-issued property to the appropriate department. City-issued property may include, but is not limited to: cell phones, credit cards, equipment, gas cards, identification cards, keys, key fobs, passwords (computer, voicemail) and any other City-owned property. All city-owned property must be returned prior to departure from employment. Failure to return the City's property may delay payment of the employee's final paycheck.

A separating employee must also complete a Form 700 "Leaving Office" form within 30 days of separation.

Section 15. Workplace Safety and Workplace Violence Prevention Policies

15.1 WORKPLACE HEALTH AND SAFETY

It is the City's policy to promote safety on the job. The health and well-being of its employees is foremost among the City's priorities. The City strives to attain the highest possible level of safety and respect for persons in all activities and operations. Safety is a state of mind and requires constant vigilance and common sense. Safety is everyone's responsibility. For this reason, all employees are required to follow common sense safety practices and correct or report any unsafe condition to their supervisor or Department Director.

15.2 EMPLOYEE RESPONSIBILITIES

Each employee is expected to assist in maintaining safe working conditions. To this end, the City must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees should be conscientious about workplace safety, including proper operating methods and known dangerous conditions or hazards. Employees must report any unsafe conditions or potential hazards to a supervisor or their Department Director immediately, even if the employee believes the problem has been corrected. If an employee suspects a concealed danger is present on City premises, in a product, facility, piece of equipment, process, or business practice for which the City is responsible, the employee must be immediately bring the matter to the attention of a supervisor or Department Director.

15.3 SUPERVISOR/MANAGER RESPONSIBILITIES

Supervisors must arrange for the correction of any unsafe condition or concealed danger immediately and should contact the Department Director as soon as possible after

notification of an unsafe condition or concealed danger. Supervisors must report all unsafe conditions or safety issues to the City Manager, even if they have been corrected.

15.4 RULES AND GUIDELINES

Periodically, the City may issue rules and guidelines governing workplace safety and health. All employees should familiarize themselves with these rules and guidelines since strict compliance will be expected. Failure to comply with the rules and guidelines regarding health and safety, or negligent work performance that endangers an employee's or another employee's health and safety will not be tolerated and will subject an employee to disciplinary action, up to and including termination.

15.5 MANDATORY REPORTING OF ACCIDENTS AND INJURIES

Any workplace injury, accident, or illness must be reported to a supervisor, Department Director or the City Manager as soon as possible, regardless of the severity of the injury or accident.

15.6 REPORTING REQUIREMENTS

If immediate medical attention is required, the supervisor will assist the employee(s) in obtaining medical care by referring the employee to the City's designated occupational facility, unless the employee has designated a personal doctor.

If the injury is not a medical emergency, the supervisor will have the employee call the RN First Call service for on-the-job injuries before seeking treatment. The telephone number is 1-877-740-5017. The supervisor shall also provide the employee with the State of California Worker's Compensation Form (DWC-1).

The supervisor must complete the Accident Investigation Report and the State of California's Employers Report of Occupational Injury or Illness (Form 5020).

The required accident reporting forms can be found in Appendix D.

15.6.1 Reporting of Job-Related Injury

An employee injured in the course of employment must report the accident **IMMEDIATELY** to her/his direct supervisor or to the City Manager. The supervisor is responsible for promptly submitting a statement signed by the employee and providing all details of the accident or injury using the City's authorized form, which is attached in Appendix F.

15.7 JOB-RELATED INDUSTRIAL INJURY OR DISABILITY (WORKERS' COMPENSATION)

City employees may be eligible to receive Workers' Compensation benefits pursuant to State law if the employee is injured or disabled in the course of employment. To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job. Employees must report worker's compensation injuries immediately, as set forth above. (Leaves related to job-related injuries are addressed in the leaves section of this Manual.)

15.8 WORKPLACE VIOLENCE PREVENTION POLICY

The City is committed to a workplace free from violence and the threat of violence. Any violent or threatening conduct of any kind, whether it is directed against a coworker, manager or outside party, will not be tolerated. The prohibition against threats and acts of violence applies to all persons involved in City operations, including, but not limited to, City personnel, contract workers, temporary employees, and anyone else in the workplace. The "workplace" includes any location where City business is conducted, including vehicles and parking lots. Violations of this policy, by any individual are considered very serious and will result in disciplinary action up to and including termination. Such violations may also lead to criminal prosecution or other legal action, as appropriate.

This policy is intended to bring the City into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

15.9 PROHIBITED ACTS

Acts or threats of physical violence, including intimidation, violence, threats, harassment, and/or coercion, that involve or affect the City, or that occur on City property, or during the conduct of City business off of City property, will not be tolerated. Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for her/his personal safety or the safety of her/his family, friends, and/or property such that employment conditions are altered, hostile, abusive, or an intimidating work environment is created for one or several City employees. Workplace violence may involve any threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the City or that may lead to an incident of violence on City premises. The City has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Threats or acts of violence occurring off of City premises that involve employees, agents, or individuals acting as a representative of the City, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of prohibited conduct that may constitute threats or acts of violence under this policy taking into account the tone of voice, body language and other behavior of the employee when the threat was made, include, but are not limited to, the following:

1. Threats or acts of physical or aggressive contact directed toward another individual

2. Direct threats or acts of physical harm directed toward an individual or her/his family, friends, associates, or property.
3. The intentional destruction or threat of destruction of City property or another employee's property, or the property of a customer or citizen.
4. Surveillance, stalking, harassing or threatening phone calls.
5. Veiled threats of physical harm or similar intimidation
6. Striking, punching, slapping or assaulting another person.
7. Fighting or challenging another person to a fight.
8. Grabbing, pinching or touching another person in an unwanted way (whether sexually or otherwise).
9. Engaging in dangerous, threatening or unwanted horseplay
10. Possessing a weapon during work hours or at the worksite (as defined above), including parking lots or other exterior premises, unless the City issues the weapon(s) for performance of the job. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.
11. Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the City's legitimate business interests

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

15.10 ENFORCEMENT

15.10.1 Notification by Employees

No employee should have to tolerate violence or the threat of violence on the job. Anyone who is the victim of any violent, threatening or harassing conduct, or who observes such conduct taking place *(whether or not the perpetrator is a City employee),* shall immediately report the conduct to her/his supervisor, Department Director, or to the City Manager. All complaints will be handled confidentially and will be thoroughly investigated. The supervisor or Department Director will immediately report to the City Manager.

15.10.2 Investigation

The City Manager or designee, will document the incident, including the employee name(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information. The City Manager or designee will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the City. In making this determination, The City may undertake a case-by-case analysis and evaluation in order to ascertain whether there is a reasonable basis to believe that workplace violence, or the threat of violence, has occurred or might occur.

15.10.3 Steps to Provide Security

The City Manager will take additional steps to provide security such as:

1. Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
2. Asking any threatening or violent person to leave the site; or
3. Immediately contacting an appropriate law enforcement agency.

Under this policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. No existing policy or procedure of the City should be interpreted in a manner that prevents the making of these necessary decisions.

15.10.4 City Response to Violation of Workplace Violence Policy

Once a threat has been substantiated, it is the City's policy to put the threat-maker on notice that she/he will be held accountable for her/his actions. The Department Director will then implement a decisive and appropriate response. A judgment will be made by the City as to what actions are appropriate, including possible medical evaluation and/or disciplinary actions, up to and including termination. Where appropriate, the City may seek criminal prosecution or cooperate with law enforcement officials.

15.10.5 Prevention

Each Department Director has the authority to enforce this Policy by:

1. Training supervisors and subordinates about their responsibilities under this Policy;
2. Assuring that reports of workplace violence are accurately and timely documented and addressed;
3. Notifying the City Manager and/or law enforcement of any incidents;
4. Making all reasonable efforts to maintain a safe and secure workplace; and
5. Maintaining records and follow up actions as to reports of workplace violence.

Section 16. Harassment and Discrimination Prevention Policies

The City of Oakley strives to provide a professional work environment where all employees can work together comfortably and productively, free from harassment, discrimination, and retaliation on the basis of one's membership in a protected class. The City is committed to providing a workplace free of sexual harassment. While the legal standards and consequences of harassment, discrimination, and retaliation are still evolving, the City's policy has been and remains more all-encompassing than the law requires. The City's policy rests on the fundamental precept that each individual treat all others with respect, dignity, and professionalism. Deviation from that fundamental precept will not be tolerated. Whether or not the individual means to offend or believed her/his comments or conduct was welcome is not significant. The City's workplace is not limited to the City's facilities, but may also include client and vendor facilities, as well as anywhere a City business-related function is taking place.

The City is responsible for taking all reasonable steps to prevent harassment, discrimination and retaliation. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and/or retaliation in violation of this Policy. Any retaliation against a person for filing a complaint or participating in the complaint investigation or resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action.

Investigation guidelines for the informal and formal process for resolving sexual harassment/discrimination complaints are located in Appendix G of this Manual.

The good faith actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands, and other supervisory actions intended to promote positive performance do not constitute harassment.

16.1 COVERED INDIVIDUALS AND SCOPE OF POLICY

This Policy protects employees regardless of rank or title, elected or appointed officials, applicants, volunteers, and interns (including unpaid interns). Supervisors, co-workers and third-parties are prohibited from engaging in harassment, retaliation, or any other behavior which violates this Policy. Employees have an obligation to comply with this Harassment and Discrimination policy. Failure to do so may result in disciplinary action up to and including termination.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including but not limited to selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

16.2 DEFINITIONS

16.2.1 Protected Classification

This Policy prohibits harassment and discrimination based on an individual's protected classification. "Protected classification" includes: race/color, national origin/ancestry, sex (including gender, gender identity, and gender expression), religious creed (including all aspects of religious belief, observance, and practice, including religious dress and grooming), age, mental or physical disability, veteran status, medical condition, marital status or status as a registered domestic partner, sexual orientation, citizenship status (including a driver's license issued to undocumented persons), pregnancy (including, medical conditions related to pregnancy or childbirth, and breastfeeding, or medical conditions related to breastfeeding), and any other consideration made unlawful by federal, state, or local law.

16.2.2 Discrimination

This Policy prohibits treating covered individuals differently because of the individual's protected classification, actual or perceived; because the individual associates

with a person who is a member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

Harassment Prohibited harassment includes, but is not limited to, unwelcome conduct undertaken because of a covered individual's actual or perceived protected classification, such as:

Verbal harassment - epithets, derogatory comments, or slurs.

Examples: *Speech such as name calling, belittling, epithts, derogatory comments or slurs, sexually explicit or degrading words to describe an individual, race, ethnicity or sexually-oriented jokes and stories, comments about an employee's anatomy and/or dress, including physical features, gender identification, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.*

Physical harassment - assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

Examples: *Assault, touching, pinching, patting, grabbing, brushing against, or poking another employee's body, hazing, or initiation that involves a sexual component, requiring an employee to wear sexually suggestive clothing, or making explicit or mplied job threats or promises in return for submission to physical acts.*

Visual harassment - derogatory posters, cartoons, or drawings.

Examples: *Displaying derogatory pictures, writings, cartoons, emails, drawings, or objects related to a protected classificaitons, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, unwanted love letters or notes.*

Sexual favors - unwanted sexual advances which condition of an employment benefit upon an exchange of sexual favors.

Examples: *Continued requests for dates, any threat of demotion, termination, etc. If requested, sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.*

While it is impossible to define every action or all words that could be interpreted as harassment, the examples listed above, along with the state definition of harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute harassment. Harassment on the basis of sex need not be motivated by sexual desire in order to constitute unlawful harassment.

16.2.3 Quid Pro Quo Harassment

Under state and federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's appointment
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

16.2.4 Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant

or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

16.3 GUIDELINES FOR IDENTIFYING HARASSMENT

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

1. It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
2. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
3. Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
4. Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

16.4 COMPLAINT PROCEDURE

16.4.1 Report and Investigation of Complaint

If an individual believes that any City employee, vendor, client or other business contact has harassed her/him, then the individual should IMMEDIATELY report the incident to her/his supervisor or Department Director, orally or in writing. If the immediate supervisor or Department Director is involved in the reported conduct or, for some other reason, the individual feels uncomfortable about reporting to that supervisor or Department Director, the individual should then report directly to the City Manager. If the individual feels uncomfortable about reporting to the City Manager, then the individual should report directly to the Human Resources Division. If the individual feels uncomfortable about reporting to the Human Resources Division then the individual should report directly to City Attorney.

Any employee, who sees or learns of conduct that may constitute harassment under this policy, shall immediately advise her/his Department Director of the incident and actions taken. The Department Director shall immediately report the incident and actions taken to the City Manager.

Upon receiving notification of a harassment complaint, the City Manager will complete and/or delegate the following steps. If the City Manager is accused, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the following steps.

1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with: 1) the complainant; 2) the accused; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
2. Review the factual information gathered through the investigation to determine

whether the alleged conduct violates the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

3. Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.
4. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
5. Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

16.4.2 Proactive Approach

The City takes a proactive approach to potential violations of this Policy and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

16.4.3 No Retaliation

The City will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment in the workplace. The City will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining and dismissing from employment any individual who is found to have violated these prohibitions against harassment and/or retaliation. All employees and supervisors have a duty to cooperate in the City's investigation of alleged harassment and/or alleged retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination.

16.4.4 Option to Report to Outside Administrative Agencies

An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed on the Internet, in the government section of the telephone book or employees can check posters that are located on City bulletin boards for office locations and telephone numbers.

16.4.5 Confidentiality

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

16.4.6 Responsibilities

Each non-manager or non-supervisor is responsible for:

1. Treating all individuals in the workplace or on worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic training.
4. Cooperating with the City's investigations by responding fully and truthfully to all questions posed during the investigation.

5. Taking no actions to influence any potential witness while the investigation is ongoing.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department head, or City Manager.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

1. Informing employees of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
3. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
4. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
5. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
6. Assisting, advising, or consulting with employees and the City Manager regarding this Policy.
7. Assisting in the investigation of complaints involving employee(s) in their departments and, when appropriate, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with these Policies, up to and including termination.
8. Implementing appropriate disciplinary and remedial actions.

9. Reporting potential violations of this Policy of which he or she becomes aware to the City Manager, regardless of whether a complaint has been submitted.
10. Participating in periodic training and scheduling employees for training.

Section 17. Alcohol and Drug Policy

Alcohol and drug abuse ranks as one of the major health problems in the United States. Continuing research and practical experience have proven that even limited quantities of narcotics, abused prescription drugs or alcohol can impair one's reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic results.

Each City employee has a responsibility to deliver services in a safe and conscientious manner. The City will not jeopardize the safety of other City employees, the public, and/or City operations due to an employee's use of alcohol or drugs. For these reasons, The City has adopted a policy that includes the provisions of the federal Drug-Free Workplace Act of 1998 and the California Drug-Free Workplace Act of 1990. The City's Drug-Free Workplace policy can be found in Appendix I of this manual.

The City requires its employees to report to work completely free from the influence of alcohol, drugs, or other controlled substances.

The City's drug free workplace policy is that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance, and that such acts are prohibited in the workplace. If any violation of the policy occurs, the employee will be subject to disciplinary action up to and including termination, as provided for in this Manual.

17.1 .1 Prohibited Acts

Since the use of alcohol, illegal drugs, intoxicants, and controlled substances, on or off duty, impairs an employee's ability to work safely and efficiently, the City prohibits the use of these substances at any time to the extent that they affect, or have the potential to affect, the workplace. Accordingly, the City prohibits the following:

1. Possession, use, or being under the influence of alcohol or an illegal drug, intoxicant, or controlled substance during working hours, including breaks and lunchtime.

2. Operating a vehicle, either City-owned or employee-owned, during work hours or while on City business while under the influence of alcohol or an illegal drug, intoxicant, or controlled substance.
3. Distribution, sale, manufacture or purchase or the attempted distribution, sale, manufacture or purchase of an illegal drug, intoxicant, or controlled substance during working hours or while on premises owned or occupied by the City, including in City parking lots and in City-owned vehicles.
4. Misuse or abuse of prescription medication to the extent that it causes a negative impact on the employee's ability of the employee to safely perform her/his job.

17.1.2 Violations of Policy

Employees who violate this policy will be removed from the workplace immediately, and placed on paid administrative leave pending disciplinary procedures. The City may also bring the matter to the attention of appropriate law enforcement authorities. Any conviction for criminal conduct involving illegal drugs, intoxicants, or controlled substances, whether on or off duty, or any violation of this policy, including a positive drug-test result, will lead to disciplinary action, up to and including termination.

17.1.3 Notification of Impairment

Any employee who is using prescription or over-the-counter drugs that may impair her/his ability to safely perform their job or may affect the safety or well-being of others should immediately inform her/his Supervisor of his/her limitations on the ability to safely perform his/her job. The employee is not required to inform his/her Supervisor of his/her medical condition, the name or type of drug being taken or any other private, confidential medical information. The employee need only notify the Supervisor that he/she has limitations on his/her ability to safely perform his/her job duties.

The City will make a reasonable attempt to find a temporary, modified duty assignment for the employee, if needed, to insure that job safety will not be compromised. A physician's statement verifying the needed accommodation may be required and will be kept confidential The City will follow its Reasonable Accommodation Policy, located in this Manual, where applicable to address this issue for a qualified individual with a disability. Nothing contained in this policy is intended to interfere or violate an individual's rights under federal and state laws which protect the rights of disabled individuals and/or protect the confidentiality of medical information obtained by the City.

17.1.4 Reporting By Employees

It shall be the responsibility of each employee who observes, or has knowledge of, another employee who is in a condition that impairs the employee's ability to perform her/his job duties, or who presents a hazard to the safety and welfare of others, or is otherwise in violation of this policy, to promptly report their observation to their immediate supervisor.

17.1.5 Reasonable Accommodation

The City expects employees who believe that they may have an alcohol or drug problem to seek treatment; however, it is the responsibility of the employee to seek and accept assistance before drug and alcohol problems lead to disciplinary action, including termination. The City will follow its Reasonable Accommodation Policy, located in this Manual, for any employee whose condition constitutes a disability under the law.

The City will also attempt to provide a referral to an appropriate professional organization; however, the City's support for treatment and rehabilitation does not obligate the City to retain any person who violates the City's drug and alcohol abuse policy or other City rule, or whose job performance is impaired because of substance abuse.

Confidentiality of records and information will be maintained in accordance with all local, State, and federal laws.

17.2 ALCOHOL AND DRUG TESTING

The City shall conduct alcohol and drug tests in the following circumstances:

17.2.1 Drug and Alcohol Testing for Applicants for Employment

Those external applicants who apply for certain jobs where a need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but are not limited to:

1. Safety-sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, protecting national security, and enforcing drug laws;
2. Jobs that involve the direct influence over children.

Drug and alcohol tests will be required only after the City has made a conditional offer of employment to an applicant that is contingent upon passing a medical exam. Applicants who test positive for drugs will not be hired.

17.2.2 Reasonable Suspicion Testing of Current Employees

The City may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

1. “Reasonable suspicion” to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job,

a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, an accident involving agency property or equipment, or other evidence of recent drug or alcohol use.

2. Document and Analysis: In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the City Manager. Any reasonable suspicion testing must be pre-approved by the City Manager.
3. Testing Protocol: If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the City Manager has approved, the employee will be relieved from duty, transported to the testing facility and to his/her home after the test. The employee will be placed on sick or other paid leave until the test results are received.

17.2.3 Positive Test Result

Positive test results will be confirmed by a licensed laboratory. Any employee who tests positive for drugs or alcohol will be subject to discipline up to and including termination for violating this policy. Continued employment with the City following a positive drug/alcohol test by an employee is completely up to the discretion of the City Manager and will only be allowed if the employee is willing to undergo treatment and periodic testing upon return to work.

17.2.4 Testing Employees who have a Commercial Drivers License

Employees that are required to have a commercial driver's license as part of her/his essential duties shall participate in the City's drug testing program in accordance with Department of Transportation regulations.

17.3 INVESTIGATIONS, SEARCHES, NO EXPECTATION OF PRIVACY ON CITY PROPERTY

Where a manager or supervisor has reasonable suspicion that an employee has violated the drug abuse policy, the supervisor, or designee, may inspect all City property including, but not limited to vehicles, lockers, work areas, desks, computers and other City locations or property without prior notice, in order to ensure a drug free work environment. The employee is hereby notified that locked areas or containers belonging to the City do not prevent a search and understand that there is no expectation of privacy on City premises, City property, and equipment.

Section 18. City Records, Communication Systems, and Requests for Information

18.1 CITY RECORDS AND REQUESTS FOR INFORMATION

All official City records and files are considered the property of the City. Some records are considered confidential and will not be released. A request for information that is not part of an employee's routine job responsibilities or duties should be referred to the employee's supervisor or Department Director.

18.2 PUBLIC RECORDS ACT REQUESTS

It is City policy to comply with State laws regarding access to, and disclosure of, public records. All requests for documents under the California Public Records Act should be referred to the City Clerk's Office. Almost all City public records are now accessible on the City's website.

18.3 MEDIA REQUESTS

Employees receiving requests for information by the news media should refer the requests to the City Manager or his/her designee, specifically authorized by the City Manager to handle public information.

18.4 LEGAL SERVICE AND REQUESTS FOR INFORMATION

Employees shall not respond to any subpoenas, requests for deposition or other legal requests for information regarding official City business. All such requests must be reported immediately to the employee's Department Director, or to the City Manager, who will consult with the City Attorney or other City legal representatives. The City Clerk will coordinate all requests for public records and will consult with the City Manager and City Attorney, as needed.

18.5 OUTSIDE INQUIRIES CONCERNING EMPLOYEES

All inquiries concerning information about employees from outside sources should be directed to the City Manager, or the Human Resources Division. No employee is authorized to provide a job reference for a current or former employee.

18.6 PERSONNEL RECORDS

The Human Resources Division maintains personnel records for all employees. The Human Resources Division shall maintain the records and reports necessary for the proper administration of the personnel system.

18.6.1 Personnel Files

The Personnel file includes records and documents pertinent to each employee's employment status and history. Personnel files are the property of the City and confidential information in a personnel file will not be revealed to outside sources except as required by law or with the consent of the employee and the City Manager. Personnel files are kept for at least six years after separation of employment. The following information is a matter of public record and will be disclosed to anyone who requests it: employee's name, classification title and department, status, salary range, salary, benefits, date of hire and/or separation date from employment. An employee, or representative with written consent from the employee, may inspect the employee's personnel file during normal working hours. Upon request, an employee may receive a copy of any materials in her/his own personnel file.

18.6.2 Confidential Medical Records

The Human Resources Division shall maintain any medical records and reports for each employee in a separate locked file that will not be accessible to any other employee except on an as-needed basis. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for

City business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

18.6.3 Employee Access to Personnel Files

A current employee may inspect his/her own personnel file, at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect his/her personnel records one time per year. A current or former employee and/or his/her representative, who wishes to review his/her personnel file should make a written request to the Human Resources Division. The inspection must occur in the presence of the City Manager or designee and: (1) at a location where the employee works and at a time other than the employee's work time; or (2) at another agreed upon location without loss of compensation to the employee.

A current or former employee is entitled to receive a copy of his/her personnel records within 30 days after the employer receives a written request. (A current or former employee who wishes to receive such a copy should contact the Human Resources Division in writing. The City may charge a fee for the actual cost of copying.)

Representative's Inspection: If the current or former employee wishes to have another person/representative inspect his/her personnel file, he or she must provide the person/representative with written authorization. The Human Resources Division will notify the employee and/or representative of the date, time and place of the inspection in writing.

No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

Prior to making a copy of personnel records or allowing inspection, the City may redact the names of nonsupervisory employees. Under no circumstances will the City provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

18.7 NOTIFICATION OF CHANGES BY EMPLOYEES

Employees must notify the Human Resources Division promptly of any change of name, address, phone number, number of dependents, or other applicable personal information.

18.8 CITY EQUIPMENT AND RESOURCES

18.8.1 Policy and Applicability

All files and records stored on City computers are the property of the City. City equipment and resources, including computers and telephones, are for City business, not for personal use, except for *de minimis* use as described below. As a result, City equipment and resources are non-public forums.

18.8.2 Agency Equipment or Resources

City equipment or resources is defined as any City-owned or supplied item or resource including, but not limited to: intellectual property (e.g., photographs, plans, drawings, formulas, customer lists, designs, formulas), vehicles, telephones, cell phones, pagers, tools, machines, supplies, copy machines, facsimile machines, desks, office equipment, computers (including hardware and software), file cabinets, lockers, Wi-Fi, internet, intranet, City network, data systems, routers, voice mail, servers, and email or voice mail communications stored in or transmitted through City electronic resources or equipment.

18.8.3 De Minimis Use

De minimis (brief and infrequent) personal use of City equipment and resources is allowed during an employee's own time, including breaks and lunchtime. Any personal use beyond that which is deemed *de minimis* by the employee's Department Director shall be on employee's own time and ***only with prior approval*** of the employee's department director. Such use shall not interfere with or conflict with City operations or the work performance of any City employees. Such use shall not be abuseive, illegal, inappropriate, or prohibited by this Manual or the City-owned Electronic Media Acceptable Use Policy (see Appendix E).

Making personal copies or printouts at work is discouraged, but for *de minimis* use employees shall pay $.25 per page for any personal printouts or copies.

18.8.4 No Expectation of Privacy

As outlined in the City-owned Electronic Media Acceptable Use Policy (see Appendix E), electronic mail and voice mail messages are for City business and are considered City property. The City maintains the right to access computer files, e-mail, Internet usage, telephones and voice mail at any time without prior notice, and employees should not assume that such usage, including communications and content contained in or transmitted through City networks or electronic resources are either personal or private. The existence of passwords or delete functions does not restrict the City's access. Employees have no expectation of privacy their use of any equipment or resources.

18.8.5 Appropriate Use

Appropriate use of the City's electronic resources are set forth in City-owned Electronic Media Acceptable Use Policy (see Appendix E). However, the following guidelines for appropriate use of all City equipment must be followed.

1. Employees are expected to keep telephone and computer passwords confidential.

2. The City prohibits the display, transmission or downloading of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, email, or Internet communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability. Voice mail, email, or Internet systems may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
3. Employees, other than personnel designated by the City Manager, are not authorized to load any software programs onto City-owned computer equipment without express approval from Information Technology (IT) personnel. Should an employee load a program without first obtaining permission and damage and/or economic harm results, the employee is liable for the cost of repair and/or restoration of any damages to the computer system.

18.8.6 Employee Cell Phone Usage

Employees are encouraged to utilize their personal cell phones when making or receiving personal phone calls and no personal long-distance calls may be made from the City's telephone system. Personal phone calls should be on the employee's own time, or be of a *de minimis* nature, as described above.

When it is determined that an employee's responsibilities require the use of a cell phone and the City provides either a phone or a stipend to be used for the employee's business use, the employee must pay for any personal use that causes charges beyond what the service plan or stipend covers. It shall be the employees' responsibility to

review monthly bills to ensure such costs for personal calls are reimbursed to the City in a timely manner.

Employees misusing the City's computers, Internet, e-mail, telephones and voice mail will be subject to disciplinary action, up to and including termination.

18.8.7 Off Duty Use of Non-City Owned Technology Policy

While the City respects employee rights of free expression, employees are urged to use good judgment when accessing and using blogs, online journals, social networking sites, or other forms of Internet communications through non-city owned technology while off-duty. The Internet is a public place and your Internet activity is neither personal nor private. As such, all employees should be cognizant of how their use of the Internet may affect their personal reputation and, in turn, their commitment to public service. The City encourages employees who maintain profiles on social networking websites (e.g. Facebook, Twitter etc.) or other such Internet publications to take all steps necessary to restrict others from accessing your profile. Employees shall not post messages on social media which purport to be on behalf of the City or made in their official capacity of City employees, unless they have received written permission to do so from the City Manager. Employee usage of social media that has a nexus to the employee's City employment and which brings discredit upon the City may be subject to discipline pursuant to the Discipline Policy in this Manual. This provision is not intended to prohibit employees from engaging in concerted activity permitted by state or federal law. In all circumstances, employees are not permitted to engage in illegal activity, on or off-duty, which adversely affects the City

18.9 ELECTRONIC PUBLIC RECORDS

Email is a business tool that shall be used in a professional manner for business purposes only, except *de minimis* use as described above. The email system will be

used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City communications. When the City becomes the target of litigation, all records maintained by the City are subject to subpoena and review by the other party, including email. Therefore, email is neither personal nor private. Marking a message as "private" or "confidential" does not exempt information from being disclosed. As such, email addressed to, generated by, or received on City computers or servers is the property of the City. Further, employees must send all City communications that are sent via email to and from their official City email address. Employees are prohibited from using their private email address (such as Gmail, Yahoo, MSN/Hotmail, etc.) when communicating City business via email. Should an email related to City business be sent to an employee's personal email account, the email should immediately be forwarded to the employee's City email account and responded to accordingly.

As with voice mail, although employees and elected officials have passwords that restrict access to their computers, the City may access any files or email messages stored on or deleted from the computer system. The City reserves the right to access such information for any purpose at any time. The City's Email Retention Policy can be found in Appendix J of this Manual.

Section 19. Employee Conflict of Interest

19.1 PURPOSE

The purpose of this policy is to establish guidelines for ethical standards of conduct, which shall govern City employees in the performance of City business and the duties of their respective jobs. This policy is intended to provide positive direction to City employees in order to prevent potential conflicts of interest. This policy is not all encompassing in its definition of conflict of interest. The "prudent person" theory can and will be applied: action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry and may be grounds for disciplinary action. This policy is in addition to the City's Conflict of Interest Code (Title 2, Chapter 9 of the Oakley Municipal Code) and Government Code Sections 87300 et seq.

19.2 CONFLICTS OF INTEREST AND GIFTS

No City employee shall engage in any act, which is in conflict, or creates an appearance of unfairness or conflict with the performance of his/her official duties. This includes, but is not limited to, any conflicts of interest as defined in Government Code section 1090 et seq. and the Political Reform Act, Government Code sections 87100 et seq. and Title 2, California Code of Regulations, sections 18700 et seq.

The City Manager or designee is permitted to accept a gift, gratuity, or favor on behalf of the City and may distribute such gift, gratuity, and favor as she/he deems appropriate to City employees and elected officials in accordance with Fair Political Practices Commission regulations (i.e., holiday gifts and goodies, sporting events tickets, cultural events tickets)

19.2.1 Conflicts of Interest Under Government Code Section 1090

City Councilmembers, employees, or City consultants shall not be financially interested in any contract made by the City. This includes the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids related to the contract. If a Councilmember or employee has such a financial interest, the City is barred from entering into the contract.

A Councilmember or employee is not deemed financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when Councilmember's members spouse/registered domestic partner has been a City employee for at least one year prior to the Board member's election or appointment.

A Councilmember or employee shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

19.2.2 Conflicts of Interest Under the Political Reform Act (Government Code section 87100 et seq.)

All City officials and employees must comply with the Political Reform Act.

A Councilmember or certain designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Councilmember or designated employee's "economic interests," unless the effect is indistinguishable from

the effect on the public generally or the Board member's or designated employee's participation is legally required.

A Councilmember or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contractual agreement on behalf of the City.

A Councilmember who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Council shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Councilmember with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue.

A “designated employee” is one whose position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.

19.2.2 Gifts and Gratuities

Councilmembers and designated employees may accept gifts only under the conditions and limitations specified in Government Code section 89503. Examples of acceptable courtesies include a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample promotional gift of nominal value (less than fifty dollars ($50).

Except for courtesies as provided above, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation; gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

19.2.3 Statement of Economic Interest

Designated employees must file a Statement of Economic Interest/Form 700 in accordance with particular disclosure categories. (Government Code §§ 87302, 87500.)

19.2.4 Incompatible Activities

No employee may engage in, accepts employment from, or renders services for private interest for any compensation or consideration having monetary value when such employment or service is incompatible with the employee's official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above. An employee should not make a unilateral decision, if there is any doubt about her/his private employment. He/she should consult with the City Manager.

19.3 USE OF PUBLIC PROPERTY

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for personal or private use, or as part of secondary employment. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

19.4 POLITICAL ACTIVITIES

No employee may use City time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election. Further, no City employee or official shall participate in political activities of any kind while in City uniform or other City-issued clothing.

No employee shall be eligible for appointment or election to any public office (including appointment to a Board, Commission or Committee in the City of Oakley or in a city or unincorporated community within 5 miles of Oakley) when the holding of

such office or position would be incompatible or would substantially interfere with the employee's official duties, at the discretion of the City Manager.

19.5 OUTSIDE BUSINESS OR EMPLOYMENT

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with his/her City duties, functions, responsibilities, or that of the department in which he or she is employed at the City. All employees holding or considering second jobs must obtain advance approval from her/his Department Director and the City Manager no later than ten (10) working days prior to beginning the employment. Advance approval is required to ensure that the job will not create a conflict of interest or interfere with the proper performance of the any employees' duties. The City Manager will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the City.

The request for approval for outside employment is initiated by the employee submitting the Request for Outside Employment Form, attached in Appendix F. If the City Manger denies an employee's outside employment request, the employee may submit a written notice of appeal to the City Manager within ten (10) days after the date of the denial. The decision on appeal will be in writing, provided within ten (10) days after receipt of the appeal, and shall be final.

19.5.1 Annual Approval Required

An employee must submit a request for employment or outside business (Appendix F) on an annual basis.

19.5.2 Changes in Outside Employment Status

The employee must promptly report in writing to the City Manager any of the following changes that may occur during the year of authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

19.5.3 Revocation/Suspension of Outside Employment Authorization

Any outside employment authorization may be revoked or suspended during the year it is granted under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this policy:

1. The employee's work performance declines; or
2. An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the City.

19.5.4 Violations Subject to Discipline

Unapproved outside employment is grounds for discipline, up to and including termination. Approved outside employment are also grounds for discipline up to termination if any of the following occur:

1. Outside employment involves the employee's use for private gain or advantage the City's owned/controlled facilities, equipment, information, records, supplies, and/or uniforms;
2. Outside employment involves the employee's use of work time compensated for by the City;
3. Outside employment involves the employee's receipt of money, or other consideration for performance of work which the employee would normally be required to perform in their regular course of work for the City;
4. Outside employment requires the employee to do work which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by any other employee or officer of that same department;
5. Outside employment would require such demands on the employee's time that their ability to perform their City work is adversely impacted;
6. Any employee who engages in outside employment while on sick leave.

Section 20. Miscellaneous

20.1 POLICY REGARDING VEHICLE USE

20.1.1 Use of City Vehicles

The following requirements must be met prior to authorization for official City travel in a vehicle owned, leased, of hired by the City of Oakley:

1. Each employee or volunteer of the City of Oakley who in the course and scope of employment uses a vehicle owned, leased, or hired by the City of Oakley shall have in effect a current, valid California Driver License.
2. Each employee or volunteer shall provide his/her Department Director with a copy of their current, valid California Driver License.
3. Each Department Director shall keep a record and update it regularly to ensure that employees and volunteers who use vehicles owned, leased, or hired by the City in the course and scope of their employment maintain a current, valid California Driver License.
4. With permission from the City Manager, autos leased or hired for use by or on behalf of the City and used only for City business are provided coverage through the Municipal Pooling Authority, subject to the conditions and exclusions in the MPA Liability Memorandum of Coverage.
5. It is the responsibility of the employee or volunteer to immediately report any collision, theft, or damage to the Department Director and the City Manager's Office.

20.1.2 Use of Personal Vehicles

The following insurance coverage requirements must be met prior to authorization for official City travel in a personally owned vehicle:

1. Each employee or volunteer of the City of Oakley who in the course and scope of employment uses a personally owned vehicle for City business shall have in effect a personal automobile policy from a commercial insurance company with liability limits no less than currently required by the California Compulsory Financial Responsibility Law (Vehicle Code §§1656.2, as amended from time to time by the State Legislature): $15,000 per occurrence, $30,000 per accident, and $5,000 property damage coverage.
2. Each employee or volunteer who in the course and scope of employment uses a personally owned vehicle for City business shall provide his/her Department Director with a copy of the employee's or volunteer's current, valid California Driver License and Proof of Auto insurance card.
3. Each Department Director shall keep record and update it regularly to ensure that employees and volunteers who use personal vehicles in the course and scope of their employment maintain current, valid driver licenses and auto insurance.
4. Employees or volunteers providing proof of auto insurance coverage are required to immediately notify their Department Head in the event of cancellation, nonrenewal, or change of insurance carrier.
5. The City of Oakley will not be responsible for the replacement of repair of any personal vehicle damaged or destroyed during the course of use. Should the employee not wish to use their personal vehicle, upon request a City car can be made available.
6. Any automobile liability coverage provided by the Municipal Pooling Authority shall be in excess of the employee's or volunteer's personal auto policy coverage.

20.2 UNIFORMS AND SAFETY SHOES

When required to be worn by employees, uniforms shall be provided to the employee at the expense of the City of Oakley and shall be required to be worn during working hours. Work uniforms shall be appropriate for the typical function performed and consistent with good safety practices. The department/division heads shall determine the color, style and lettering on the uniform to be worn by staff, subject in each case to the approval of the City Manager.

Employees are to report to work in uniforms that are neat, clean, stain-free, and in good repair. The employee shall be responsible for properly laundering and mending their work uniforms at their expense. Where appropriate, *(or more specifically: Employees whose duties routinely require interface with the public and do not involve in physical labor)* uniform shirts will be pressed.

Prior to March 1st of each year, department/division heads requiring uniforms shall present uniform needs to the Human Resources Division. Upon approval of the City Manager, uniforms will be provided to employees. Throughout the year, uniform items will be provided upon initial hire and annually on the employee's anniversary date. In the event an employee's uniform is damaged or worn out, the employee shall turn in said work uniform in to his/her Department Head and shall be issued replacement work uniforms.

The City shall retain the right to establish minimum safety and quality standards for safety equipment, clothing, and steel-toed safety shoes to be used while performing assigned tasks. If an employee is at work without the required clothing or safety equipment, that employee will not be allowed to work until she/he is at the worksite with the required clothing and safety equipment.

Employees required to wear safety shoes/boots will be reimbursed for the cost of the footwear on an annual basis up to an amount approved on an annual basis by the

City Manager (in 2015 the amount is $215). Limited Term/ Seasonal employees that are required to wear safety shoes/boots will be reimbursed for 50% of the total cost of the safety shoe/boot which shall not exceed $107.50. Limited Term/Seasonal employees will become eligible for this reimbursement after the employee completes 160 days of employment. The employee shall make the selection of an appropriate type of footwear, subject to the advance approval of the department/division head and provide a formal receipt of purchase. Employees receiving reimbursement under this provision shall be required to wear the approved footwear at all times while on duty.

Section 21. Reasonable Accommodation and Interactive Process

Absent undue hardship or direct threats to the health and safety of employee(s), the City provides employment-related reasonable accommodations to:

1. Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

21.1.1 Reasonable Medical Documentation of Disability

If the disability or the need for reasonable accommodation is not obvious, the City may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the City will: (1) explain the insufficiency; (2) allow the employee or applicant to supplement the documentation; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

21.1.2 Medical Certification Indicating the Need for Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the City will provide the employee with notice of the need for a medical certification within two (2) business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: a description of the requested accommodation or transfer; a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

12.1.3 When to Initiate the Interactive Process

The City Manager, or designee, will initiate the interactive process when:

1. An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s);
2. The City otherwise becomes aware of the need for accommodation through a third party (e.g., doctor's note requesting accommodation) or by observation of the employee's work;
3. The City becomes aware of the possible need for an accommodation because the employee with a disability has exhausted worker's compensation leave, FMLA/CFRA leave, or other rights, but the employee and/or the employee's health care provider indicate that further accommodation is still necessary for recuperative leave or other accommodation;
4. An employee disabled by pregnancy, childbirth, or related medical conditions requests a reasonable accommodation or transfer based on the advice of her health care provider;

5. An employee with a physical or mental disability, regardless of cause, fails to return to work following pregnancy disability leave;
6. An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for his/her safety at work;
7. An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement; or
8. An employer is aware of the need for reasonable accommodation for an employee's or applicant's religious beliefs, observance or practice.

21.1.4 Interactive Communication

After the occurrence of any of the circumstances requiring initiation of the interactive process, the City Manager or designee will promptly arrange for an interactive process meeting. The interactive process meeting will consist of a discussion or discussions, in person or via conference telephone call, with the applicant or employee and his/her designated representative (if any). The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations. The City Manager or designee will document these communications in writing.

21.1.5 Potential Accommodations for Applicants or Employees with Disabilities

Depending on the facts of each case, the interactive process analysis will generally begin with a review of possible reasonable accommodations that would enable the individual to retain his/her current job. The process will generally then move on to possible reasonable accommodations in other vacant jobs, for which the individual is qualified, if there is no reasonable accommodation in the current job that does not cause undue hardship, or that does not present a risk of harm to the individual or others. The City will consider accommodations that the applicant or employee suggests, but has the right to select and implement any reasonable accommodation that it deems effective. The range of potential reasonable accommodations includes, but is not limited to:

1. Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities, including: acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, and/or the provision of qualified readers or interpreters;
2. Job restructuring;
3. Part-time or modified work schedules;
4. Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
5. Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
6. Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
7. Reassignment to a temporary position, if the individual agrees.

21.1.6 Potential Accommodations for Applicants or Employees with Disabilities

Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee. Whether an accommodation is reasonable is a case-by-case analysis that takes into account several factors, including, but not limited to: the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices. The range of potential accommodations includes, but is not limited to:

1. Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
2. Change in or restructuring of work duties, such as modifying lifting requirements;
3. Providing more frequent breaks;
4. Providing seating;

5. Time off for medical appointments;
6. Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform in order to accommodate reduced work schedule or intermittent leave. (However, a reduction in work hours may be considered a form of pregnancy disability leave and deducted from the employee's four month pregnancy disability leave entitlement.)

21.1.7 Potential Accommodations for Employee-Victims of Domestic Violence, Sexual Assault, or Stalking

Depending on the facts of each individual case, the interactive process analysis will review all possible accommodations that would enhance the safety of the employee victim at work. In determining what accommodation is reasonable, the City will consider the exigent circumstance or danger facing the employee. The City will consider the preferences of the employee to be accommodated, but has the right to select and implement any accommodation that it deems effective. The range of potential safety measure accommodations includes, but is not limited to:

1. Transfer, reassignment, modified schedule;
2. Change in work telephone number;
3. Change in location of work station;
4. Installation of locks;
5. Assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace;
6. The implementation of a safety procedure(s);
7. Adjustment to job structure, workplace facility, or work requirement; and
8. referral to a victim assistance organization.

21.1.8 Potential Accommodations for Religious Creed, Religious Dress Practice, or Religious Grooming Practice

Depending on the facts of each case, the interactive process analysis will review all possible accommodations that would resolve the conflict between the religious belief or observance and any employment requirement. The City will consider the preference of the employee or applicant, but has the right to select and implement any accommodation that it deems effective. The range of potential accommodations includes, but is not limited to:

1. Job restructuring or job reassignment (but not segregation from other employees or the public);
2. Modification of work practices, including dress or grooming standards;
3. Allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked in order to avoid a conflict with his/her religious observances;
4. Allowing alternatives to union membership or payment of union dues.

21.1.9 Determination

After the interactive process communications, the City Manager will review the information received, and determine: whether all available information has been reviewed; whether all potential accommodations that the applicant or employee has suggested have been considered; whether additional discussions with the applicant or employee would be helpful; whether the applicant's or employee's preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without harming him or herself or others; and if the accommodations would pose an undue hardship on City finances or operations. The City Manager will inform the applicant or employee of his/her determination in writing.

The City Manager will use his/her discretion based upon the particular facts of each case.

Appendices

Appendix A	Performance Evaluation Form
Appendix B	Travel Policy
Appendix C	Compensation Policy
Appendix D	Accident Reporting Forms
Appendix E	City-owned Electronic Media Acceptable Use Policy
Appendix F	Request for Outside Employment
Appendix G	Sexual Harassment Discrimination Complaints
Appendix H	Family Medical Leave Act/CRFA
Appendix I	Drug Free Workplace
Appendix J	Email Retention Policy

OAKLEY
CALIFORNIA

PERFORMANCE EVALUATION FORM

(TO BE COMPLETED BY THE SUPERVISOR)

Employee's Name:	
Title:	
Department:	
Supervisor's Name:	
Date of Hire:	
Last Appraisal:	

EVALUATION CRITERIA: Please evaluate the employee's performance objectively and honestly, and in accordance with the following performance standards:

5 = *Outstanding Performance (EXCELLENT)*
Consistently performs above the expectations and the employee's contribution to the City is unique and of unusually high quality. Employees at this performance level demonstrate job mastery and achieve the highest standard of performance.

4 = *Exceeds Performance Standards (ABOVE AVERAGE)*
Consistently meets and frequently exceeds expected levels of performance. Individuals rated at this level make contributions above what is deemed "satisfactory" performance.

3 = *Meets Performance Standards (AVERAGE)*
Employee meets the minimum expectations. Performance is acceptable, but does not demonstrate performance beyond "satisfactory." This rating represents adequate, but not the hoped for results.

2 = *Does Not Meet Performance Standards (BELOW AVERAGE)*
Generally does not meet expectations. Employee's performance needs improvement to achieve a level of competency expected.

1 = *Significant and Immediate Improvement is Needed (POOR)*
Generally fails to meet expectations. Employee needs immediate improvement to maintain employment.

N/A= Not Applicable
Performance in this area is unknown, unobserved, or does not apply to job duties. This person may need the opportunity to demonstrate ability.

SECTION I: With input from the employee's self evaluation, please describe up to six projects/tasks (new or ongoing), specific duties, or accomplishments for the employee over the past year, including a detailed description of the work performed, output, and skills the employee used to complete the work and a subsequent rating of 1 to 5 for each item. Please be sure to refer back to and include those set in SECTION 3 of last year's Performance Evaluation.

OAKLEY
CALIFORNIA

PERFORMANCE EVALUATION FORM

(TO BE COMPLETED BY THE SUPERVISOR)

Goal/Project/Assignment	WORK PERFORMED	SCORE 1-5
1.		
2.		
3.		
4.		
5.		
6.		
Comments:		

SECTION 2: Please synthesize performance feedback from others, if applicable, the self-appraisal, and your own insights to rate the employee on his/her skills over the past year in the following areas:

- Customer Service
- Professional Standards/Technical Knowledge
- Problem Solving
- Productivity/Quality of Work
- Teamwork/Communication
- Leadership / Development (for supervisors only)

Additional sheets may be attached to elaborate on specific performance objectives. Supervisors are required to provide comments for all performance objectives with a rating of 3 or less.

PEFORMANCE OBJECTIVES

1=Poor Performance - 5= Excellent Performance

A. CUSTOMER SERVICE	Rating 1-5
1. How well does the employee serve the public in a polite, friendly, efficient, responsive manner?	1 2 3 4 5
2. How well does employee recognize, respect, and satisfy, internal customer needs in a prompt manner (i.e, co-workers)?	1 2 3 4 5
3. How do you rate the employee's commitment to community input and a proactive approach to solving community issues?	1 2 3 4 5

COMMENTS:	
B. PROFESSIONAL STANDARDS/TECHNICAL KNOWLEDGE	**Rating 1-5**
1. Does the employee apply technical, professional and business knowledge for his/her job tasks?	1 2 3 4 5
2. Does the employee keep current in their profession/area of work?	1 2 3 4 5
3. Does the employee keep commitments and perform well under pressure/deadlines?	1 2 3 4 5
4. Rate the employee's attendance, punctuality, and use of time-off?	1 2 3 4 5
5. Rate the employee's commitment to honesty and integrity.	1 2 3 4 5
6. Rate the employee's understanding of fiscal constraints and commitment to fiscal responsibility of public funds.	1 2 3 4 5
7. Does the employee embrace unanticipated, new and different projects?	1 2 3 4 5
8. Does the employee actively pursue learning and self-development to enhance professional growth?	1 2 3 4 5
9. Does the employee project professionalism through attitude and attire?	1 2 3 4 5
COMMENTS:	
C. PROBLEM SOLVING	**Rating 1-5**
1. Is the employee a self-starter? Does the employee perform new/assigned tasks in a self-directed manner?	1 2 3 4 5
2. Does the employee use reasonable, sound judgment when making a decision?	1 2 3 4 5
3. Does the employee find resourceful, innovative, and creative ways to accomplish a task?	1 2 3 4 5

COMMENTS:	
D. PRODUCTIVITY / QUALITY OF WORK / COMMUNICATION	**Rating 1-5**
1. Does the employee manage work and resources efficiently?	1 2 3 4 5
2. Rate the employee's ability to plan, prepare and/or deliver oral presentations which are clear, concise and understandable.	1 2 3 4 5
3. Rate the employee's ability to plan and prepare written communications which are clear, concise and understandable.	1 2 3 4 5
4. Rate the employee's speed and technical quality of output, time, utilization, and results.	1 2 3 4 5
COMMENTS:	
E. TEAMWORK	**Rating 1-5**
1. Does the employee demonstrate a sound team orientation by working cooperatively with fellow employees?	1 2 3 4 5
2. Does the employee effectively address conflict and deal directly with conflict/problem situations in a timely and tactful manner?	1 2 3 4 5
3. Does the employee effectively share information with you and other Team members, as appropriate?	1 2 3 4 5
4. Does the employee assist and support co-workers? Or seek help from others when this is the most effective solution?	1 2 3 4 5
5. Does the employee listen objectively to others and express his/her own ideas clearly and honestly?	1 2 3 4 5
6. How do you rate the employee's commitment to a positive and encouraging work environment?	1 2 3 4 5

COMMENTS:	
F. LEADERSHIP/DEVELOPMENT (if a supervisor)	**Rating 1-5**
1. Does the employee create and communicate the City's mission and vision?	1 2 3 4 5
2. Does the employee motivate fellow employees by example, involvement and high customer service standards?	1 2 3 4 5
3. Does the employee keep supervised staff involved and informed of City information?	1 2 3 4 5
4. Is the employee accessible and responsive to needs of supervised staff?	1 2 3 4 5
5. Does the employee delegate effectively and when appropriate?	1 2 3 4 5
6. Does the employee provide coaching, mentoring, and resources needed to develop supervised staff?	1 2 3 4 5
7. Does the employee proactively address supervised staff issues/concerns?	1 2 3 4 5
8. Does the employee provide frequent, honest, and specific feedback to supervised staff?	1 2 3 4 5
COMMENTS:	

TOTAL POINTS POSSIBLE: **SCORE:** **AVERAGE:**

SECTION 3: Based upon the employee's strengths and development needs identified through the performance objectives, identify at least three major goals, projects, and/or assignments that employee will work on over the next year.

Identify the specific goal, identify steps to achieve this goal and anticipated date of completion (if applicable). ***Remember: goals should be specific, measurable, realistic and include a deadline.***

OAKLEY
CALIFORNIA

PERFORMANCE EVALUATION FORM

(TO BE COMPLETED BY THE SUPERVISOR)

Goal/Project/Assignment	Steps to Achieve Goal	Anticipated Completion Date
1.		
2.		
3.		
4.		
5.		

SECTION 4: Additional Comments:

SECTION 5: Signatures:

CITY MANAGER'S SIGNATURE **DATE**

DIVISION/DEPARTMENT HEAD SIGNATURE **DATE**

EMPLOYEE SIGNATURE **DATE**

~ PLEASE ATTACH THE SALARY/WAGE ADJUSTMENT FORM ~

OAKLEY
CALIFORNIA

SELF-EVALUATION FORM

(TO BE COMPLETED BY EMPLOYEE)

Employee Name:	
Title:	
Department:	
Supervisor Name:	
Date of Hire:	
Last Appraisal:	

EVALUATION CRITERIA: Please evaluate your performance objectively and honestly, and in accordance with the following performance standards:

5 = *Outstanding Performance (EXCELLENT)*
Consistently performs above the expectations and the employee's contribution to the City is unique and of unusually high quality. Employees at this performance level demonstrate job mastery and achieve the highest standard of performance.

4 = *Exceeds Performance Standards (ABOVE AVERAGE)*
Consistently meets and frequently exceeds expected levels of performance. Individuals rated at this level make contributions above what is deemed "satisfactory" performance.

3 = *Meets Performance Standards (AVERAGE)*
Employee meets the minimum expectations. Performance is acceptable, but does not demonstrate performance beyond "satisfactory." This rating represents adequate, but not the hoped for results.

2 = *Does Not Meet Performance Standards (BELOW AVERAGE)*
Generally does not meet expectations. Employee's performance needs improvement to achieve a level of competency expected.

1 = *Significant and Immediate Improvement is Needed (POOR)*
Generally fails to meet expectations. Employee needs immediate improvement to maintain employment.

N/A= Not Applicable
Performance in this area is unknown, unobserved, or does not apply to job duties. This person may need the opportunity to demonstrate ability.

☐ In checking this box, I am indicating that I have chosen not to complete the Self-Evaluation

Signature: _____ Date: _____

OAKLEY
CALIFORNIA

SELF-EVALUATION FORM

(TO BE COMPLETED BY EMPLOYEE)

SECTION I: Describe up to six projects/tasks (new or ongoing), specific duties/tasks, or accomplishments of yours over the past year. Please be sure to refer back to and include those set in SECTION 3 of last year's Performance Evaluation. Include a short, but detailed description of the work performed, output, and skills you used to complete the work. Please provide a subsequent rating of 1-5 for each item (see rating guide on page 1). Please keep in mind that your performance is also rated according to the 'performance objectives' listed in Section 2.

Goal/Project/Assignment	WORK PERFORMED	SCORE 1-5
1.		
2.		
3.		
4.		
5.		
6.		
Comments:		

SECTION 2: Please review your skills and performance relative to the following performance objectives in the areas of:

- Customer Service
- Professional Standards/Technical Knowledge
- Problem Solving
- Productivity/Quality of Work/Communication
- Teamwork
- Leadership / Development (for supervisors only)

To complete this section, use the scale to the right to indicate your level of performance over the past year for each objective. Refer to the guide on Page 1. Use the comment box to elaborate on specific performance objectives, or share examples. Feel free to attach additional pages as necessary.

PEFORMANCE OBJECTIVES

1=Poor Performance - 5= Excellent Performance

A. CUSTOMER SERVICE	Rating 1-5
1. How well do you serve the public in a polite, friendly, efficient, responsive manner?	1 2 3 4 5
2. How well do you recognize, respect, and satisfy, internal customer needs in a	1 2 3 4 5

SELF-EVALUATION FORM

(TO BE COMPLETED BY EMPLOYEE)

prompt manner (i.e, co-workers)?	
3. How do you rate your commitment to community input and a proactive approach to solving community issues?	1 2 3 4 5
COMMENTS:	

B. PROFESSIONAL STANDARDS/TECHNICAL KNOWLEDGE	**Rating 1-5**
1. How well do you understand and apply technical, professional, and business knowledge to your job tasks?	1 2 3 4 5
2. How well do you keep current in your profession/area of work?	1 2 3 4 5
3. How would you rate your ability to keep commitments and perform well under pressure/deadlines?	1 2 3 4 5
4. Rate your attendance, punctuality, and use of time-off.	1 2 3 4 5
5. Rate your attendance commitment to honesty and integrity.	1 2 3 4 5
6. Rate your understanding of fiscal constraints and commitment to fiscal responsibility of public funds.	1 2 3 4 5
7. How would you rate your embrace of unanticipated, new and different projects?	1 2 3 4 5
8. Rate your pursuit of learning and self-development opportunities that enhance your professional growth.	1 2 3 4 5
9. How well do you project professionalism through attitude and attire?	1 2 3 4 5
COMMENTS:	

C. PROBLEM SOLVING	**Rating 1-5**
1. Do you consider yourself a self-starter? Do you perform new/assigned tasks in a self-directed manner?	1 2 3 4 5

SELF-EVALUATION FORM

(TO BE COMPLETED BY EMPLOYEE)

2. How well do you use reasonable, sound judgment when making a decision?	1 2 3 4 5
3. How would you rate your ability to find resourceful, innovative, and creative ways to accomplish a task?	1 2 3 4 5
COMMENTS:	

D. PRODUCTIVITY / QUALITY OF WORK / COMMUNICATION	**Rating 1-5**
1. How well do you manage work and resources efficiently?	1 2 3 4 5
2. Rate your ability to plan, prepare and/or deliver oral presentations which are clear, concise and understandable.	1 2 3 4 5
3. Rate your ability to plan and prepare written communications which are clear, concise and understandable.	1 2 3 4 5
4. Rate the speed and technical quality of your outputs, time, utilization, and results.	1 2 3 4 5
COMMENTS:	

E. TEAMWORK	**Rating 1-5**
1. Do you demonstrate a sound team orientation by working cooperatively with fellow employees?	1 2 3 4 5
2. How well do you effectively address conflict and deal directly with conflict/problem situations in a timely and tactful manner?	1 2 3 4 5
3. How well do you effectively share information with co-workers, as appropriate?	1 2 3 4 5
4. How well do you assist and support co-workers? Or seek help from others when this is the most effective solution?	1 2 3 4 5
5. Rate your ability to listen objectively to others and express your own	1 2 3 4 5

ideas clearly and honestly.	
6. How do you rate your commitment to a positive and encouraging work environment?	1 2 3 4 5
COMMENTS:	

F. LEADERSHIP/DEVELOPMENT (supervisor only)	**Rating 1-5**
1. As a supervisor, do you create and communicate the City's mission and vision?	1 2 3 4 5
2. As a supervisor, do you motivate fellow employees by example, involvement and high customer service standards?	1 2 3 4 5
3. As a supervisor, do you keep supervised staff involved and informed of City information?	1 2 3 4 5
4. As a supervisor, are you accessible and responsive to needs of supervised staff?	1 2 3 4 5
5. As a supervisor, do you delegate effectively and when appropriate?	1 2 3 4 5
6. As a supervisor, do you provide coaching, mentoring, and resources needed to develop supervised staff?	1 2 3 4 5
7. As a supervisor, do you proactively address supervised staff issues/concerns?	1 2 3 4 5
8. As a supervisor, do you provide frequent, honest, and specific feedback to supervised staff?	1 2 3 4 5
COMMENTS:	

SECTION 3: Based on your strengths and development needs identified through the performance objectives, identify at least three major goals, projects, and/or assignments that you want to work on over the next year.

OAKLEY
CALIFORNIA

SELF-EVALUATION FORM

(TO BE COMPLETED BY EMPLOYEE)

Identify the specific goal, identify steps to achieve this goal and anticipated date of completion (if applicable). ***Remember: goals should be specific, measurable, realistic and include a deadline.***

Goal/Project/Assignment	Steps to Achieve Goal	Anticipated Completion Date
1.		
2.		
3.		
4.		
5.		

SECTION 4: Additional Comments:

SECTION 5:

_____ _____

EMPLOYEE SIGNATURE **DATE**

RESOLUTION NO. 65-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY

ESTABLISHING A POLICY REGARDING OFFICIAL TRAVEL AND OTHER BUSINESS AND REIMBURSEMENT OF EXPENSES ASSOCIATED THEREWITH

WHEREAS, members of the City's legislative bodies and city employees perform official duties that require travel; and

WHEREAS, the official duties that involve travel include trainings, conferences, meetings with legislators and regulators, and meetings with staff and officials of surrounding communities regarding matters of mutual importance; and

WHEREAS, the performance of such official duties facilitates the efficient and satisfactory completion of City business and promotes a good relationship between the City and surrounding communities, the state government, and the federal government; and

WHEREAS, members of legislative bodies and city employees incur expenses related to the performance of official duties, which may take place both within and outside of the City of Oakley; and

WHEREAS, the California Government Code permits the City to reimburse employees and members of the City Council for expenses incurred in the performance of official duties; and

WHEREAS, the City Council has adopted an ordinance authorizing reimbursement for the members of the Planning Commission and Youth Advisory Committee for expenses incurred in the performance of official duties; and

WHEREAS, Assembly Bill 1234 (2005) requires the City Council to, prior to providing reimbursement to members of City legislative bodes, adopt a policy regarding the reimbursement for expenses incurred by members of legislative bodies in the performance of official duties; and

WHEREAS, this Resolution is intended (a) to satisfy the pertinent requirements of AB 1234 relating to reimbursement of expenses of members of legislative bodies; (b) to set forth a reimbursement policy applicable to employees; and (c) to establish other requirements related to travel expenses paid by the City.

NOW, THEREFORE, The City Council of the City of Oakley does hereby RESOLVE as follows:

Purpose:. The purpose of this policy is to ensure that the reimbursement of members of legislative bodies and city employees for expenses incurred in the performance of official duties complies with the California Government Code, including the recently enacted Assembly Bill 1234, which adds Sections 53232.2 et seq. to the Government Code, to establish a reimbursement policy applicable to City officials and employees, and to establish other requirements related to travel expenses paid by the City.

1. ***Policy.*** Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties only as provided in this Policy pursuant to the provisions of this policy.

2. ***Definitions.*** The following definition shall apply to this Policy:

   a.) "Legislative body" means the City Council, Planning Commission, Youth Advisory Committee, or any other advisory body formally appointed by the City Council.

3. ***Types of Occurrences that Qualify for Reimbursement***. Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties pursuant to the provisions of this Policy, including: (a) attending conferences, (b) attending organized educational activities, (c) meeting with local, state, and federal legislators and officials regarding official City business, (d) meeting with staff and officials of surrounding communities regarding matters of mutual concern, (e) attending City events, (f) participating in regional, state, and national organizations whose activities affect the City's interests, and (g) implementing a City-approved strategy for attracting and retaining businesses to the City, which will typically involve at least one staff member.

4. ***Government Rates***. Airlines, hotels, and rental car companies often make special rates available to state, federal, and local governments. These rates are presumed to be the most economical and reasonable rates for the purposes of this Policy. Those booking travel should consult available resources, such as www.catravelsmart.com, to determine the applicable government rates.

5. ***Travel Authorization and Reconciliation:*** Members of the legislative body and all city employees must submit a travel authorization form at least 10 days prior to the proposed travel date(s). Within 10 working days of returning from travel a member of the legislative body and all city employees must complete a travel reconciliation form. If arrangements cannot be made due to lack of advance

warning or other extenuating circumstances as approved by the City Manager or his or her designee, the above timeframe may be reduced.

6. *Transportation.*

   a. **Cost Comparison to Determine Mode of Transportation.** When contemplating travel arrangements, members of a legislative body and city employees should choose the least expensive mode of travel. For example, in some cases, it may be less expensive for the city to reimburse members of a legislative body or an employee for mileage associated with vehicle transportation than to pay for air travel. Prior to making travel arrangements, the employee or member of the legislative body shall compare the cost of traveling by the various modes of travel available and determine the most cost-effective mode given the official or employee's scheduling needs. Members of legislative bodies and City employees shall also consider cost-saving strategies such as car-pooling in the cost comparison.

   b. **Air Travel.** When possible, members of a legislative body and city employees should arrange for air travel to be directly paid for by the City with a City credit card. The designated individual in each City Department responsible for making travel arrangements, pursuant to City of Oakley Administrative Policy, shall book the most economical and reasonable mode and class of transportation available that is consistent with the official or employee's scheduling needs.

      If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of a roundtrip airplane ticket, so long as the claimant obtained three quotations for airfare, including government and group rates when available, reasonable and practical, and the amount of reimbursement sought does not exceed the least expensive airfare that is consistent with the official or employee's scheduling needs.

   c. **Personal Vehicle Travel:** Members of a legislative body and city employees may be reimbursed expenses incurred in traveling by personal vehicle on official business at the Internal Revenue Service Mileage Rate as it may be amended from time to time. Members of a legislative body and city employees requesting such reimbursement shall file a Mileage Reimbursement Request form, which shall satisfy the documentation requirements of this Policy.

d. **Car Rental Reimbursement:** Prior to requesting a rental car, officials and employees traveling on business shall consider whether a rental car is the least expensive means of transportation at the destination. When possible, members of a legislative body and city employees should arrange for car rentals paid for in advance by City credit card and by the designated individual in each Department responsible for travel arrangements. The City will book the most economical and reasonable rental rate that is available.

   If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of car rental, so long as claimant obtained three quotations for car rental rates, including government and group rates when available, and the amount of reimbursement sought does not exceed the least expensive car rental rate that is available.

7. *Meals*: Compensation for meals consumed by members of the legislative body and city employees in conjunction with travel on official business consistent with Section 3 of this policy will be based on "per diem" rates published annually by the U.S. General Services Administration (USGSA) for the location(s) of travel. When a member of the legislative body or city employee submits a travel authorization form identifying the location and purpose of travel, the "per diem" meal rate pursuant to the USGSA published rates will be determined and provided to the member of the legislative body or city employee traveling. If a member of the legislative body or city employee is concerned that the published USGSA "per diem" rate will not be sufficient, the City Manager may increase the "per diem" rate for a specific travel occurrence.

   If a meal is provided by a conference or organized educational activity, or otherwise included in the registration fee, members of legislative bodies and city employees may not be reimbursed for a meal purchased in lieu of, or in addition to, the provided meal. If a member of a legislative body or a city employee is not traveling for the entire day, the per diem allowance will be prorated for the meals actually required.

   a. **Reimbursement for Other Meals**. Where authorized by Section 4 of this Policy, members of a legislative body and city employees may be reimbursed for their meals associated with the performance of duties at rates not to exceed the amounts set forth in this Policy. Meals for spouses, members, and other third parties shall not be reimbursed.

8. *Lodging*.

a. The City will pay for or reimburse for lodging expenses when travel on official city business reasonably requires an overnight stay.

b. When possible, members of a legislative body and city employees should arrange for lodging expenses to be paid by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. The designated individual in each Department responsible for making travel arrangements, shall book lodging at the most economical and reasonable rates for lodging that is in a location that is reasonable and convenient in relation to the official or employee's scheduling and official business needs. For lodging in connection with a conference or organized educational activity, such lodging costs shall generally not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body or city employee at the time of booking.

c. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, a member of the legislative body or city employee may be reimbursed for lodging expenses, so long as the amount of the reimbursement does not exceed the government or group rates offered by a provider of lodging in a location that is reasonable and convenient in relation to the official or employee's official business needs or the maximum group rate published by the event or activity sponsor, whichever is higher.

9. ***Miscellaneous Expense Reimbursement***. Members of a legislative body and city employees may be reimbursed for actual and necessary incidental expenses incurred in connection with a conference, organized educational activity, or other performance of official duties. Incidental expenses include reasonable gratuities for hotel and airline employees (but not for meals), parking fees, cab fares, public transportation costs, tolls, telephone calls relating to the performance of official duties, and other business-related, miscellaneous expenses.

10. ***Conference Registration Fee Reimbursement.*** When possible, members of a legislative body and city employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as determined by the City Manager or his or her designee, members of a legislative body and City employees may be reimbursed for the expense of a conference or organized educational activity registration fee.

11. ***Expenses to Accommodate Disabilities.*** This policy shall not be construed to limit the City's ability to reimburse members of a legislative body and city employees for necessary expenses in excess of that which is otherwise permitted under this policy where such additional expenses are necessary to accommodate for a disability.

12. ***Other Expenses.*** All other reasonable expenses incurred in the performance of official duties that are not described in this Reimbursement Policy shall not be reimbursed unless approved before the expense is incurred by the City Manager.

13. ***Prohibited Expense Reimbursements.*** Members of a City legislative body and City employees shall not be reimbursed for expenses such as alcoholic beverages, spouse or family meals, entertainment expenses such as movie rental fees, theater tickets or sporting event fees, and fines for parking citations.

14. ***Brief Report to Legislative Body.*** Members of City legislative bodies shall provide brief written reports on meetings attended at the expense of the City at the next regular meeting of the legislative body immediately following the event for which reimbursement is sought. If more than one member of a legislative body attends the event, a report from one of the members that mentions the other's presence is sufficient.

15. ***Effect of Violation.*** A violation of this Reimbursement Policy may result in the following penalties, including, but not limited to: 1) loss of reimbursement privileges; 2) restitution to the City; 3) civil penalties for the misuse of public resources pursuant to Section 424 of the California Penal Code; 4) prosecution for misuse of public resources pursuant to Section 424 of the California Penal Code; 5) for City employees, disciplinary action, up to and including termination.

    b. ***Development of and periodic revisions to City Credit Card Policy.*** The City Manager will develop an Administrative Policy on City Credit Card Usage and will periodically update the policy conform to the limits on expenditures for transportation, lodging, meals, and other expenses set forth in this Policy.

    c. ***Effective Date.*** This Resolution shall take effect immediately.

    d. ***Severability Clause.*** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

PASSED, APPROVED, AND ADOPTED this 24th day of April, 2006, by the following vote:

AYES:	Connelley, Nix, Rios, Romick
NOES:	None
ABSENT:	Anderson
ABSTENTIONS:	None

APPROVED:

MAYOR

ATTEST:

CITY CLERK

OAKLEY
CALIFORNIA

COMPENSATION POLICY

A compensation policy states the City Council's policy regarding compensation of City employees and provides consistent guidelines in the setting of salary ranges and the movement of employees through the salary ranges.

COMPENSATION POLICY

Compensation for City employees is based upon a philosophy of recruiting a small, highly qualified staff, providing competitive compensation, and expecting a high level of work performance.

It is the intent of the City Council to establish a compensation policy, which will support and recognize innovation and exceptional performance. It is the City Council's policy that compensation is based on performance, therefore, individual compensation adjustments are not "automatic", step-oriented, or solely based on cost-of-living adjustments.

It is the City's goal to establish and maintain a compensation program reflective of its mission, vision, and values. The total compensation program offered includes wage/salary, incentive pay opportunities as applicable, and a wide range of benefits.

The City of Oakley Salary structure and ranges will be reviewed as necessary and will be based on the following criteria: (1) an evaluation of the City's ability to pay; (2) competitive market place survey data; (3) the relative value of each position; (4) individual performance; and (5) qualifications and experience.

The compensation program is designed to enable the City of Oakley to successfully attract, develop, retain, and reward employees for their knowledge and contributions.

The City also wishes to foster a team concept within the organization, recognizing the importance of a satisfied, productive, and cohesive workforce. In implementing this program, the following guidelines will be considered based upon the financial resources of the City.

1. Considerations in Establishing Compensation Package

A. Competitive Position – Establishment of Ranges

Employment classifications will be grouped into salary ranges. The salary ranges will include management and non-management employees. New or any modifications to salary ranges will be recommended by the City Manager and adopted by the City Council.

For each individual classification, the City will establish a salary range with a minimum and maximum salary. It is the City's objective to establish ranges that closely match the salary ranges of surveyed classifications at the mean (average) of the survey agencies. After reaching the maximum point, an employee has the opportunity to earn a lump sum merit award based on exceptional performance, but may not be considered for base salary increases unless his or her salary range is adjusted. Salary ranges for part-time employees will be set by the City Manager.

The City will analyze each individual classification as it best matches the classifications of the survey agencies. The salary ranges for classifications that are not closely matched will be set based on internal relationships or a relationship to a similarly surveyed classification.

B. Labor Market – Comparative Cities

The City has established the following comparative cities for salary setting purposes:

- Antioch
- Brentwood
- Hercules
- Pittsburg
- Benecia
- Pleasant Hill

C. Measurement of Competitive Position

In considering the City's competitive position, total cash compensation will be considered which includes base salary and any cash related add-ons to base salary. Benefits will be considered, but will not be a part of the direct compensation comparison.

D. Frequency of Salary Survey

At least every two years, the City's individual job classifications will be surveyed to assess the City's position relative to the comparative cities as described above. Benchmark classifications will be included in the survey along with other positions that may be common among the survey agencies. Salary ranges will be adjusted at the discretion of the City Council, if necessary to maintain the City's competitive position in the market, taking into consideration the City's financial situation.

2. Individual Employee Compensation

A. Employee Salary Adjustments

Individual compensation adjustments within the salary ranges will not be "automatic," step-oriented or based solely on cost-of-living adjustments, but will be based on 1) fiscal prudence, 2) objectives achieved, and 3) exceptional individual performance.

The City Manager sets the actual salaries for each employee to be hired within each City-Council approved salary range between the minimum point and the maximum point. On rare occasion, the City Manager may set a salary above the salary range maximum point. The City Manager has the ability to administratively move an individual within the salary range. (The City Council sets the actual salary of the City Manager). Periodically, the City Council will adopt revised salary ranges that take into consideration the competitive market place and the cost of living. When the City Council approves a new or adjusted salary range, the City Manager shall consider said adjustment as each affected employee is evaluated for a merit increase.

NOTE: The approved adjustment to a salary range does NOT automatically move the employee within the range, but grants the authority to the City Manager to consider such an increase based on merit, cost of living, and

competitiveness along with any other merit increase range approved by the City Council.

At the time employees are evaluated, the level of performance for each employee will be determined. The range for the percentage of any merit increase (x % - x %) will be determined by the City Council before July 1st of each year depending upon the City's competitive position in the market and taking into consideration the City's financial situation. Performance evaluations for all employees will then be conducted and any merit increase considered by the City Manager to be effective the first full pay period of August. (The City Manager will consider, when determining any merit increase, if an employee began employment near the first full pay period of August).

B. Recognition of On-going Innovation and Exceptional Performance (Annual Merit Award)

Employees who exhibit innovation and exceptional performance during the previous year may be eligible to receive a lump sum merit award as deemed appropriate by the City Manager. The award will not exceed 10%. Any award above this amount requires approval of the City Council.

3. Non-Salary Benefits

At least every two years, the City will review the benefits and related costs provided by the City's survey agencies, to assure the City remains competitive on the basis of total compensation and benefits. Any change in benefits will be approved by the City Council with consideration of the City's competitive position in the market and taking into consideration the City's financial situation.

Approved June 24, 2008

Employee's Name: **Incident Date:**

INSTRUCTIONS TO THE SUPERVISOR – INVESTIGATION PROCEDURE

- ⇨ **Complete this report with full detail. Fax a completed copy to MPA at (925) 946-4183.**
- ⇨ Return the original completed report to your Human Resources Department within 72 Hours of the day you first became aware of the injury or illness.
- ⇨ Conduct a walk through of the accident location as needed to gain an understanding of how the incident occurred.
- ⇨ Interview and get signed statements from the injured employee and witnesses at the scene, if appropriate. Use the attached EMPLOYEE/WITNESS ACCOUNT OF ACCIDENT form.
- ⇨ Take photographs or make a sketch of the accident scene as needed, and attach to report.
- ⇨ Ensure hazardous conditions are corrected immediately. Isolate and restrict access to accident-related equipment, areas, etc, as needed.
- ⇨ **Develop appropriate corrective measures to prevent this incident from recurring, and list on this report.**

SUPERVISOR TO COMPLETE:

1. **Employee's usual shift: to (use 24 hour format, i.e. 6:00pm = 18:00)**

2. **Time employee started work on day of injury:**

3. **Time of accident/injury:**

4. **Extended shift/overtime on day of injury?** ☐ Yes ☐ No

5. **ROOT CAUSE ANALYSIS: Which of the following may have caused or were underlying factors that resulted in the incident? (Check all that apply)**

PEOPLE Factors					
☐	Employee Training / Instruction	☐	Operating without authority	☐	Correct tool not used
☐	Distraction, inattention	☐	Operating at unsafe speeds	☐	Improper Motivation
☐	Fatigue / Condition of Individuals	☐	Incorrect lifting, carrying	☐	Bypassing safety devices
☐	PPE not utilized	☐	Taking unsafe position / posture	☐	Combative Person / Actions of Others
☐	Staffing shortage	☐	Tool used improperly	☐	Other (list)

EQUIPMENT, MATERIALS or ENVIRONMENT					
☐	Lighting too much / too little	☐	Proper tool not available	☐	HVAC / ventilation maintenance
☐	Guard / safety device missing	☐	Tools / equipment malfunction	☐	Motor Vehicle maintenance
☐	Unstable load/ Storage/ Congestion	☐	Inadequate work space	☐	Walking surface unsafe
☐	PPE unavailable	☐	Chemical Used (attach MSDS)	☐	Other (list)

PROCESSES & PROCEDURES					
☐	No warning system	☐	S.O.P. not followed	☐	Inadequate Traffic Control
☐	No warning provided / posted	☐	S.O.P. contributed	☐	Operational tactics
☐	Spills, debris, housekeeping inadequate	☐	No procedure in place	☐	Other (list)

6. Do you agree with the Triage Description and Employee/Witness statements? ☐ **Yes** ☐ **No**

⇨ **If not, please describe your understanding of the events that resulted in injury or occupational illness, including tasks assigned**.

7. Were other employees also injured? ☐ **Yes** ☐ **No**

⇨ **If YES, list names**:

Corrective Action

What action will be taken to prevent recurrences of this incident? (Check as many as necessary):

☐	Request ergonomic evaluation	☐	Install, replace, adjust guards	☐	Provide/monitor protective equip
☐	Train Staff	☐	Modify, replace tools, equipment	☐	Repair (explain below)
☐	Improve emergency system	☐	Provide inspections, observations	☐	Revise equipment, layout
☐	Improve housekeeping	☐	Personal Safety Coaching	☐	Review at roll call / staff mtg.
☐	Improve job orientation	☐	Develop, revise operating procedure	☐	**No action taken/Other (explain below)**

Follow Up on Corrective Action

1. **Specific Action taken:**

   a. **Work or Purchase Order to correct condition?** ☐ **Yes – Order #:** ☐ **No**

   b. **Operating procedure change?** ☐ **Yes** ☐ **No**

   ⇨ **If YES, description:**

2. **Other Comments – explain:**

3. **PHOTOGRAPHS OR SKETCH ATTACHED?** ☐ **Yes** ☐ **No**

4. **Employee/Witness statement(s) attached?** ☐ **Yes** ☐ **No**

5. **<u>No Action Taken</u> – explain:**

Supervisor's Name:

Supervisor's Signature: **Date:**

Management Review – I have reviewed this report and its findings.

Division / Department Head: **Date:**

<u>Fax a copy of the completed report to Municipal Pooling Authority 925-946-4183.</u>

EMPLOYEE/WITNESS ACCOUNT OF ACCIDENT

Note: PRINT this form, have completed and forward along with the Accident Investigation Report.

Use one form per person – CHECK below as noted:

☐ **Injured Employee** ☐ **Witness (City/Town Employee?** ☐ **Yes** ☐ **No**

Name: _____ **Department:** _____

Today's Date: _____ **Date/Time of Accident:** _____/_____

Location of Accident: _____

Accident Description (explain in detail what you were doing immediately prior to the accident and then how you believe the accident happened):

_____
Signature

Name(s) of Other Witness(s) to Accident:

1. _____

2. _____

3. _____

ATTACH TO THE ACCIDENT INVESTIGATION REPORT

Fax a copy of the completed report to Municipal Pooling Authority 925-946-4183.

Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
Formulario de Reclamo de Compensación de Trabajadores (DWC 1) y Notificación de Posible Elegibilidad

If you are injured or become ill, either physically or mentally, because of your job, including injuries resulting from a workplace crime, you may be entitled to workers' compensation benefits. Attached is the form for filing a workers' compensation claim with your employer. **You should read all of the information below.** Keep this sheet and all other papers for your records. You may be eligible for some or all of the benefits listed depending on the nature of your claim. If required you will be notified by the claims administrator, who is responsible for handling your claim, about your eligibility for benefits.

To file a claim, complete the "Employee" section of the form, keep one copy and give the rest to your employer. Your employer will then complete the "Employer" section, give you a dated copy, keep one copy and send one to the claims administrator. Benefits can't start until the claims administrator knows of the injury, so complete the form as soon as possible.

Medical Care: Your claims administrator will pay all reasonable and necessary medical care for your work injury or illness. Medical benefits may include treatment by a doctor, hospital services, physical therapy, lab tests, x-rays, and medicines. Your claims administrator will pay the costs directly so you should never see a bill. There is a limit on some medical services.

The Primary Treating Physician (PTP) is the doctor with the overall responsibility for treatment of your injury or illness. Generally your employer selects the PTP you will see for the first 30 days, however, in specified conditions, you may be treated by your predesignated doctor or medical group. If a doctor says you still need treatment after 30 days, you may be able to switch to the doctor of your choice. Different rules apply if your employer is using a Health Care Organization (HCO) or a Medical Provider Network (MPN). A MPN is a selected network of health care providers to provide treatment to workers injured on the job. You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information. If your employer has not put up a poster describing your rights to workers' compensation, you may choose your own doctor immediately.

Within one working day after you file a claim form, your employer shall authorize the provision of all treatment, consistent with the applicable treating guidelines, for the alleged injury and shall continue to be liable for up to $10,000 in treatment until the claim is accepted or rejected.

Disclosure of Medical Records: After you make a claim for workers' compensation benefits, your medical records will not have the same level of privacy that you usually expect. If you don't agree to voluntarily release medical records, a workers' compensation judge may decide what records will be released. If you request privacy, the judge may "seal" (keep private) certain medical records.

Payment for Temporary Disability (Lost Wages): If you can't work while you are recovering from a job injury or illness, for most injuries you will receive temporary disability payments for a limited period of time. These payments may change or stop when your doctor says you are able to return to work. These benefits are tax-free. Temporary disability payments are two-thirds of your average weekly pay, within minimums and maximums set by state law. Payments are not made for the first three days you are off the job unless you are hospitalized overnight or cannot work for more than 14 days.

Return to Work: To help you to return to work as soon as possible, you should actively communicate with your treating doctor, claims administrator, and employer about the kinds of work you can do while recovering. They may coordinate efforts to return you to modified duty or other work that is medically appropriate. This modified or other duty may

Si Ud. se lesiona o se enferma, ya sea físicamente o mentalmente, debido a su trabajo, incluyendo lesiones que resulten de un crimen en el lugar de trabajo, es posible que Ud. tenga derecho a beneficios de compensación de trabajadores. Se adjunta el formulario para presentar un reclamo de compensación de trabajadores con su empleador. **Ud. debe leer toda la información a continuación.** Guarde esta hoja y todos los demás documentos para sus archivos. Es posible que usted reúna los requisitos para todos los beneficios, o parte de éstos, que se enumeran, dependiendo de la índole de su reclamo. Si se requiere, el administrador de reclamos, quien es responsable por el manejo de su reclamo, le notificará sobre su elegibilidad para beneficios.

Para presentar un reclamo, llene la sección del formulario designada para el "Empleado," guarde una copia, y déle el resto a su empleador. Entonces, su empleador completará la sección designada para el "Empleador," le dará a Ud. una copia fechada, guardará una copia, y enviará una al administrador de reclamos. Los beneficios no pueden comenzar hasta, que el administrador de reclamos se entere de la lesión, así que complete el formulario lo antes posible.

Atención Médica: Su administrador de reclamos pagará toda la atención médica razonable y necesaria, para su lesión o enfermedad relacionada con el trabajo. Es posible que los beneficios médicos incluyan el tratamiento por parte de un médico, los servicios de hospital, la terapia física, los análisis de laboratorio y las medicinas. Su administrador de reclamos pagará directamente los costos, de manera que usted nunca verá un cobro. Hay un límite para ciertos servicios médicos.

El Médico Primario que le Atiende-*Primary Treating Physician PTP* es el médico con la responsabilidad total para tratar su lesión o enfermedad. Generalmente, su empleador selecciona al *PTP* que Ud. verá durante los primeros 30 días. Sin embargo, en condiciones específicas, es posible que usted pueda ser tratado por su médico o grupo médico previamente designado. Si el doctor dice que usted aún necesita tratamiento después de 30 días, es posible que Ud. pueda cambiar al médico de su preferencia. Hay reglas differentes que se aplican cuando su empleador usa una Organización de Cuidado Médico (HCO) o una Red de Proveedores Médicos (MPN). Una MPN es una red de proveedores de asistencia médica seleccionados para dar tratamiento a los trabajadores lesionados en el trabajo. Usted debe recibir información de su empleador si su tratamiento es cubierto por una HCO o una MPN. Hable con su empleador para más información. Si su empleador no ha colocado un cartel describiendo sus derechos para la compensación de trabajadores, Ud. puede seleccionar a su propio médico inmediatamente.

Dentro de un día después de que Ud. Presente un formulario de reclamo, su empleador autorizará todo tratamiento médico de acuerdo con las pautas de tratamiento aplicables a la presunta lesión y será responsable por $10,000 en tratamiento hasta que el reclamo sea aceptado o rechazado.

Divulgación de Expedientes Médicos: Después de que Ud. presente un reclamo para beneficios de compensación de trabajadores, sus expedientes médicos no tendrán el mismo nivel de privacidad que usted normalmente espera. Si Ud. no está de acuerdo en divulgar voluntariamente los expedientes médicos, un juez de compensación de trabajadores posiblemente decida qué expedientes se revelarán. Si Ud. solicita privacidad, es posible que el juez "selle" (mantenga privados) ciertos expedientes médicos.

Pago por Incapacidad Temporal (Sueldos Perdidos): Si Ud. no puede trabajar, mientras se está recuperando de una lesión o enfermedad relacionada con el trabajo, Ud. recibirá pagos por incapacidad temporal para la mayoría de las lesions por un period limitado. Es posible que estos pagos cambien o paren, cuando su médico diga que Ud. está en condiciones de regresar a trabajar. Estos beneficios son libres de impuestos. Los pagos

be temporary or may be extended depending on the nature of your injury or illness.

Payment for Permanent Disability: If a doctor says your injury or illness results in a permanent disability, you may receive additional payments. The amount will depend on the type of injury, your age, occupation, and date of injury.

Supplemental Job Displacement Benefit (SJDB): If you were injured after 1/1/04 and you have a permanent disability that prevents you from returning to work within 60 days after your temporary disability ends, and your employer does not offer modified or alternative work, you may qualify for a nontransferable voucher payable to a school for retraining and/or skill enhancement. If you qualify, the claims administrator will pay the costs up to the maximum set by state law based on your percentage of permanent disability.

Death Benefits: If the injury or illness causes death, payments may be made to relatives or household members who were financially dependent on the deceased worker.

It is illegal for your employer to punish or fire you for having a job injury or illness, for filing a claim, or testifying in another person's workers' compensation case (Labor Code 132a). If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

You have the right to disagree with decisions affecting your claim. If you have a disagreement, contact your claims administrator first to see if you can resolve it. If you are not receiving benefits, you may be able to get State Disability Insurance (SDI) benefits. Call State Employment Development Department at (800) 480-3287.

You can obtain free information from an information and assistance officer of the State Division of Workers' Compensation (DWC), or you can hear recorded information and a list of local offices by calling **(800) 736-7401**. You may also go to the DWC website at www.dwc.ca.gov.

You can consult with an attorney. Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fee will be taken out of some of your benefits. For names of workers' compensation attorneys, call the State Bar of California at (415) 538-2120 or go to their web site at **www.californiaspecialist.org**.

por incapacidad temporal son dos tercios de su pago semanal promedio, con cantidades mínimas y máximas establecidas por las leyes estatales. Los pagos no se hacen durante los primeros tres días en que Ud. no trabaje, a menos que Ud. sea hospitalizado una noche o no pueda trabajar durante más de 14 días.

Regreso al Trabajo: Para ayudarle a regresar a trabajar lo antes posible, Ud. debe comunicarse de manera activa con el médico que le atienda, el administrador de reclamos y el empleador, con respecto a las clases de trabajo que Ud. puede hacer mientras se recupera. Es posible que ellos coordinen esfuerzos para regresarle a un trabajo modificado, o a otro trabajo, que sea apropiado desde el punto de vista médico. Este trabajo modificado u otro trabajo podría ser temporal o podría extenderse dependiendo de la índole de su lesión o enfermedad.

Pago por Incapacidad Permanente: Si el doctor dice que su lesión o enfermedad resulta en una incapacidad permanente, es posible que Ud. reciba pagos adicionales. La cantidad dependerá de la clase de lesión, su edad, su ocupación y la fecha de la lesión.

Beneficio Suplementario por Desplazamiento de Trabajo: Si Ud. Se lesionó después del 1/1/04 y tiene una incapacidad permanente que le impide regresar al trabajo dentro de 60 días después de que los pagos por incapacidad temporal terminen, y su empleador no ofrece un trabajo modificado o alternativo, es posible que usted reúna los requisitos para recibir un vale no-transferible pagadero a una escuela para recibir un nuevo entrenamiento y/o mejorar su habilidad. Si Ud. reúne los requisitios, el administrador de reclamos pagará los gastos hasta un máximo establecido por las leyes estatales basado en su porcentaje de incapacidad permanente.

Beneficios por Muerte: Si la lesión o enfermedad causa la muerte, es posible que los pagos se hagan a los parientes o a las personas que viven en el hogar y que dependían económicamente del trabajador difunto.

Es ilegal que su empleador le castigue o despida, por sufrir una lesión o enfermedad en el trabajo, por presentar un reclamo o por testificar en el caso de compensación de trabajadores de otra persona. (El Codigo Laboral sección 132a.) De ser probado, usted puede recibir pagos por pérdida de sueldos, reposición del trabajo, aumento de beneficios y gastos hasta los límites establecidos por el estado.

Ud. tiene derecho a no estar de acuerdo con las decisiones que afecten su reclamo. Si Ud. tiene un desacuerdo, primero comuníquese con su administrador de reclamos para ver si usted puede resolverlo. Si usted no está recibiendo beneficios, es posible que Ud. pueda obtener beneficios del Seguro Estatal de Incapacidad (SDI). Llame al Departamento Estatal del Desarrollo del Empleo (EDD) al (800) 480-3287.

Ud. puede obtener información gratis, de un oficial de información y asistencia, de la División Estatal de Compensación de Trabajadores *(Division of Workers' Compensation – DWC)* o puede escuchar información grabada, así como una lista de oficinas locales llamando al **(800) 736-7401**. Ud. también puede consultar con la pagína Web de la DWC en www.dwc.ca.gov**.**

Ud. puede consultar con un abogado. La mayoría de los abogados ofrecen una consulta gratis. Si Ud. decide contratar a un abogado, los honorarios serán tomados de algunos de sus beneficios. Para obtener nombres de abogados de compensación de trabajadores, llame a la Asociación Estatal de Abogados de California *(State Bar)* al (415) 538-2120, ó consulte con la pagína Web en **www.californiaspecialist.org**.

State of California
Department of Industrial Relations
DIVISION OF WORKERS' COMPENSATION

Estado de California
Departamento de Relaciones Industriales
DIVISION DE COMPENSACIÓN AL TRABAJADOR

WORKERS' COMPENSATION CLAIM FORM (DWC 1)

PETITION DEL EMPLEADO PARA DE COMPENSACIÓN DEL TRABAJADOR (DWC 1)

Employee: Complete the **"Employee"** section and give the form to your employer. Keep a copy and mark it **"Employee's Temporary Receipt"** until you receive the signed and dated copy from your employer. You may call the Division of Workers' Compensation and hear recorded information at **(800) 736-7401**. An explanation of workers' compensation benefits is included as the cover sheet of this form.

You should also have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them.

Empleado: *Complete la sección* ***"Empleado"*** *y entregue la forma a su empleador. Quédese con la copia designada* ***"Recibo Temporal del Empleado"*** *hasta que Ud. reciba la copia firmada y fechada de su empleador. Ud. puede llamar a la Division de Compensación al Trabajador al* ***(800) 736-7401*** *para oir información gravada. En la hoja cubierta de esta forma esta la explicatión de los beneficios de compensación al trabajador.*

Ud. también debería haber recibido de su empleador un folleto describiendo los benficios de compensación al trabajador lesionado y los procedimientos para obtenerlos.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

Toda aquella persona que a propósito haga o cause que se produzca cualquier declaración o representación material falsa o fraudulenta con el fin de obtener o negar beneficios o pagos de compensación a trabajadores lesionados es culpable de un crimen mayor "felonia".

Employee—complete this section and see note above ***Empleado—complete esta sección y note la notación arriba.***

1. Name. *Nombre.* _____ Today's Date. *Fecha de Hoy.* _____
2. Home Address. *Dirección Residencial.* _____
3. City. *Ciudad.* _____ State. *Estado.* _____ Zip. *Código Postal.* _____
4. Date of Injury. *Fecha de la lesión (accidente).* _____ Time of Injury. *Hora en que ocurrió.* _____a.m. _____p.m.
5. Address and description of where injury happened. *Dirección/lugar dónde occurió el accidente.* _____
   _____
6. Describe injury and part of body affected. *Describa la lesión y parte del cuerpo afectada.* _____
   _____
7. Social Security Number. *Número de Seguro Social del Empleado.* _____
8. Signature of employee. *Firma del empleado.* _____

Employer—complete this section and see note below. ***Empleador—complete esta sección y note la notación abajo.***

9. Name of employer. *Nombre del empleador.* _____
10. Address. *Dirección.* _____
11. Date employer first knew of injury. *Fecha en que el empleador supo por primera vez de la lesión o accidente.* _____
12. Date claim form was provided to employee. *Fecha en que se le entregó al empleado la petición.* _____
13. Date employer received claim form. *Fecha en que el empleado devolvió la petición al empleador.* _____
14. Name and address of insurance carrier or adjusting agency. *Nombre y dirección de la compañía de seguros o agencia adminstradora de seguros.*
    _____
15. Insurance Policy Number. *El número de la póliza de Seguro.* _____
16. Signature of employer representative. *Firma del representante del empleador.* _____
17. Title. *Título.* _____ 18. Telephone. *Teléfono.* _____

Employer: You are required to date this form and provide copies to your insurer or claims administrator and to the employee, dependent or representative who filed the claim within **one working day** of receipt of the form from the employee.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

Empleador: *Se requiere que Ud. feche esta forma y que provéa copias a su compañía de seguros, administrador de reclamos, o dependiente/representante de reclamos y al empleado que hayan presentado esta petición dentro del plazo de* ***un día hábil*** *desde el momento de haber sido recibida la forma del empleado.*

EL FIRMAR ESTA FORMA NO SIGNIFICA ADMISION DE RESPONSABILIDAD

❑ Employer copy/*Copia del Empleador* ❑ Employee copy/ *Copia del Empleado* ❑ Claims Administrator/*Administrador de Reclamos* ❑ Temporary Receipt/*Recibo del Empleado*

6/10 Rev.

State of California
EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS

Please complete in triplicate (type if possible) Mail two copies to:

OSHA CASE NO.

FATALITY ☐

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.

California law requires employers to report within **five days** of knowledge every occupational injury or illness which results in lost time beyond the date of the incident **OR** requires medical treatment beyond first aid. If an employee subsequently dies as a result of a previously reported injury or illness, the employer must file within **five days** of knowledge an amended report indicating death. In addition, every serious injury, illness, or death must be **reported immediately** by telephone or telegraph to the nearest office of the California Division of Occupational Safety and Health.

EMPLOYER

1. FIRM NAME
1a. Policy Number
2. MAILING ADDRESS: (Number, Street, City, Zip)
2a. Phone Number
3. LOCATION if different from Mailing Address (Number, Street, City and Zip)
3a. Location Code
4. NATURE OF BUSINESS; e.g.. Painting contractor, wholesale grocer, sawmill, hotel, etc.
5. State unemployment insurance acct.no
6. TYPE OF EMPLOYER: ☐ Private ☐ State ☐ County ☐ City ☐ School District ☐ Other Gov't, Specify: _____

INJURY OR ILLNESS

7. DATE OF INJURY / ONSET OF ILLNESS (mm/dd/yy)
8. TIME INJURY/ILLNESS OCCURRED _____ AM _____ PM
9. TIME EMPLOYEE BEGAN WORK _____ AM _____ PM
10. IF EMPLOYEE DIED, DATE OF DEATH (mm/dd/yy)
11. UNABLE TO WORK FOR AT LEAST ONE FULL DAY AFTER DATE OF INJURY? ☐ Yes ☐ No
12. DATE LAST WORKED (mm/dd/yy)
13. DATE RETURNED TO WORK (mm/dd/yy)
14. IF STILL OFF WORK, CHECK THIS BOX: ☐
15. PAID FULL DAYS WAGES FOR DATE OF NJURY OR LAST DAY WORKED? ☐ Yes ☐ No
16. SALARY BEING CONTINUED? ☐ Yes ☐ No
17. DATE OF EMPLOYER'S KNOWLEDGE /NOTICE OF INJURY/ILLNESS (mm/dd/yy)
18. DATE EMPLOYEE WAS PROVIDED CLAIM FORM FORM (mm/dd/yy)
19. SPECIFIC INJURY/ILLNESS AND PART OF BODY AFFECTED, MEDICAL DIAGNOSIS if available, e.g.. Second degree burns on right arm, tendonitis on left elbow, lead poisoning
20. LOCATION WHERE EVENT OR EXPOSURE OCCURRED (Number, Street, City, Zip)
20a. COUNTY
21. ON EMPLOYER'S PREMISES? ☐ Yes ☐ No
22. DEPARTMENT WHERE EVENT OR EXPOSURE OCCURRED, e.g.. Shipping department, machine shop.
23. Other Workers injured or ill in this event? ☐ Yes ☐ No
24. EQUIPMENT, MATERIALS AND CHEMICALS THE EMPLOYEE WAS USING WHEN EVENT OR EXPOSURE OCCURRED, e.g.. Acetylene, welding torch, farm tractor, scaffold
25. SPECIFIC ACTIVITY THE EMPLOYEE WAS PERFORMING WHEN EVENT OR EXPOSURE OCCURRED, e.g.. Welding seams of metal forms, loading boxes onto truck.
26. HOW INJURY/ILLNESS OCCURRED. DESCRIBE SEQUENCE OF EVENTS. SPECIFY OBJECT OR EXPOSURE WHICH DIRECTLY PRODUCED THE INJURYIILLNESS, e.g.. Worker stepped back to inspect work and slipped on scrap material. As he fell, he brushed against fresh weld, and burned right hand. USE SEPARATE SHEET IF NECESSARY
27. Name and address of physician (number, street, city, zip)
27a. Phone Number
28. Hospitalized as an inpatient overnight? ☐ No ☐ Yes If yes then, name and address of hospital (number, street, city, zip)
28a. Phone Number
29. Employee treated in emergency room? ☐ Yes ☐ No

ATTENTION This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes. See CCR Title 8 14300.29 (b)(6)-(10) & 14300.35(b)(2)(E)2.

Note: Shaded boxes indicate confidential employee information as listed in CCR Title 8 14300.35(b)(2)(E)2*.

EMPLOYEE

30. EMPLOYEE NAME
31. SOCIAL SECURITY NUMBER
32. DATE OF BIRTH (mm/dd/yy)
33. HOME ADDRESS (Number, Street, City,Zip)
33a. PHONE NUMBER
34. SEX ☐ Male ☐ Female
35. OCCUPATION (Regular job title, NO initials, abbreviations or numbers)
36. DATE OF HIRE (mm/dd/yy)
37. EMPLOYEE USUALLY WORKS _____ hours per day, _____ days per week, _____ total weekly hours
37a. EMPLOYMENT STATUS ☐ regular, full-time ☐ part-time ☐ temporary ☐ seasonal
37b. UNDER WHAT CLASS CODE OF YOUR POLICY WHERE WAGES ASSIGNED
38. GROSS WAGES/SALARY $ _____ per _____
39. OTHER PAYMENTS NOT REPORTED AS WAGESISALARY (e.g. tips, meals, overtime, bonuses, etc.)? ☐ Yes ☐ No

Completed By (type or print)

Signature & Title

Date (mm/dd/yy)

Please do not use this column

CASE NUMBER

OWNERSHIP

INDUSTRY

OCCUPATION

SEX

AGE

DAILY HOURS

DAYS PER WEEK

WEEKLY HOURS

WEEKLY WAGE

COUNTY

NATURE OF INJURY

PART OF BODY

SOURCE

EVENT

SECONDARY SOURCE

EXTENT OF INJURY

• Confidential information may be disclosed only to the employee, former employee, or their personal representative (CCR Title 8 14300.35), to others for the purpose of processing a workers' compensation or other insurance claim; and under certain circumstances to a public health or law enforcement agency or to a consultant hired by the employer (CCR Title 8 14300.30). CCR Title 8 14300.40 requires provision upon request to certain sta federal workplace safety agencies.

FILING OF THIS FORM IS NOT AN ADMISSION OF LIABILITY

Appendix E. City-Owned Electronic Media Acceptable Use Policy

Computers, software, computer files, electronic handheld devices, telephone systems, Internet services and other technological resources furnished to employees by the City is intended for use by employees in connection with the performance of their job duties. All of the foregoing is the exclusive property of the City. The City has an interest in ensuring that City Technology is used in an appropriate, responsible, and productive manner. As a result, employees should not have the expectation of privacy in connection with their access or use of City Technology. To ensure compliance with this policy the City may monitor employee use of City Technology, including City owned computers used at an employee's home. Additionally, the City may monitor an employee's personal computers used during work hours or connected to the City's network on an ongoing or intermittent basis.

The following guidelines have been established to help ensure appropriate, responsible and productive use of City Technology, as well as employee owned computers or other electronic devices used during work hours or on City property (collectively "Electronic Media"):

- The use of Electronic Media must conform to the policies, rules and regulations already established by the City's employment handbook and related City policies
- Electronic Media shall not be used to compose, transmit, access, or receive content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.

Unacceptable content includes, but is not limited to sexual comments or, or any other comments or images that could reasonably offend someone on the basis or race, age, sex, religion, national origin, disability, sexual orientation, or any other characteristic protected by law.

- The use of Electronic Media to engage in gambling is strictly prohibited.
- Employees shall not use Electronic Media to engage in unauthorized solicitation, including but not limited to, the solicitation of personal business ventures.
- Electronic Media shall not be used in violation of copyright and trademark laws, including but not limited to, the unauthorized copying, pirating, or downloading of software or files.
- Confidential employee information shall be transmitted via Electronic Media without appropriate consent.

These guidelines are neither exclusive nor exhaustive. Other use of Electronic Media that threatens or impedes security, personal safety, employee welfare, the City's process or the City's operations is also prohibited.

Employees who observe or have knowledge of another's violation of this policy are responsible for reporting such facts to their immediate supervisor.

OFF DUTY USE OF NON-CITY OWNED TECHNOLOGY POLICY

While the City respects employee rights of free expression, employees are urged to use good judgment when accessing and using blogs, online journals, social networking sites or other forms of Internet communications through non-city owned technology while off-duty. The Internet is a public place and your Internet activity may be seen by coworkers and the public. As such, all employees should be cognizant of how their

use of the Internet may effect their professional reputation and, in turn your commitment to public service. Thus, the City encourages employees who maintain profiles on social networking websites ***(e.g., Facebook, Twitter, Linkedin, etc.)*** or other such Internet publications to take all steps necessary to restrict access to your profiles.

In all circumstances, employees are not permitted to engage in illegal activity, on or off duty, which adversely affects the City.

Appendix F. Request for Outside Employment

Employee Name: _____

Title: _____

Department: _____

Proposed Outside Employment: _____

Name of Company or Business: _____

Address: _____

Telephone Number(s): _____

Website Address: _____

Nature of Business: _____

Proposed Work Days: _____

Proposed Work Hours: _____

Responsibilities: _____

Workers Compensation and Liability Insurance Carrier(s): _____

Policy Number(s): _____

I understand and agree that the proposed outside employment does not and will not:

- Interfere with the efficient performance of my duties with the City and will not occur during regular or assigned work hours, unless I receive pre-approved annual or compensatory leave to cover the absence.
- Be with any business, organization or agency that is subject to the regulation of, or is doing business with the City, except as may be expressly permitted by State law.

- Require me to disclose or use information gained by my City position unless the information is available to the general public.
- Be with another government entity unless approved by the City Manager.
- Involve the performance of any work which should be performed as of my regular duties with the City or be for personal gain while on duty with the City.
- Be obtained through personal solicitation during my work hours with the City.
- Use the City name, logo or trademark or any portion thereof, in order to solicit customers.
- Reflect unfavorably to the City.
- Cause a conflict of interest under City Code or Policy and any State law

I will notify the City of changes in my outside employment or when my outside employment has discontinued. The City shall have the right to rescind the approval of this request for outside employment, at any time, upon written notice. If I violate any of the above provisions, including the City of Oakley's Personnel Manual regarding outside employment, I will be subject to disciplinary action, up to and including termination of employment.

I DECLARE THAT THE ABOVE STATED INFORMATION IS TRUE AND CORRECT.

Signed: **Date:**

Department Director Review: **Approved** **Disapproved**

Signed: Date:

City Manager Review: **Approved** **Disapproved**

Signed: Date:

Appendix G. Investigation Guidelines for Sexual Harassment and Discrimination Complaints

Investigation Procedure: Any investigation of sexual harassment or discrimination allegations shall be conducted in accordance with the City of Oakley's Sexual Harassment/ Discrimination Prevention Policy.

Treat All Complaints Seriously/Act Promptly: Even if a complaining employee insists that he/she wants nothing done about the complaint, the City has an obligation to promptly and thoroughly investigate any allegation of sexual harassment or discrimination. All necessary steps must be taken to ensure that if the conduct has occurred, it does not continue. For example: Separate the employees by changing shifts or assignments; order the accused to have no contact with the complaining party; and/or depending on the seriousness of the allegations, place the accused employee on paid administrative leave pending the outcome of the investigation.

Informal Process: In certain specific circumstances an Informal Process may be used to resolve the complaint, but only if it has been determined (in accordance with the City's Sexual Harassment/Discrimination Prevention Policy) that such a process will most likely eliminate the problem so that the conduct never occurs again. In such cases the Informal Process Guidelines should be used in conjunction with these Guidelines.

Neutral Investigator: All investigations need to be objective, fair and thorough. It is important that the individual chosen to do the investigation is unbiased when conducting the investigation.

Conduct of Investigator: All complaints of sexual harassment and discrimination will be treated seriously and promptly investigated. The investigator will assure the employee that the complaint is being taken very seriously.

Confidentiality Of Investigation: The complaining party should be told that the investigation will be handled as confidentially as possible. The complaining employee and all other individuals who are subsequently interviewed, including the accused employee, must be advised that they are not to discuss the matter with anyone else and that failure to maintain the confidentiality of the investigation may lead to disciplinary action. The complaining employee should also be advised that the accused party will be confronted and given an opportunity to respond, but will be warned that any acts of retaliation are strictly prohibited and may subject him/her to disciplinary action up to and including termination. The complaining employee should be instructed to immediately inform the investigator, his/her supervisor, or the Personnel Officer if any further acts of sexual harassment or discrimination continue.

Offer Employee Assistance: All persons who claim to be the subject of sexual harassment should be offered employee assistance counseling, regardless of whether the employee appears in need of counseling and regardless of any initial opinion(s) regarding the veracity of the allegations complained of by the employee.

Detailed Interview With Complainant: The first step in any investigation is an interview with the complaining employee. The complaining employee should be asked specific questions in order to obtain detailed information about the allegations. The employee should be asked to explain any vague or ambiguous statements. Very specific facts should be elicited and documented in writing by the investigator. The interview(s) should be documented in detail and/or tape-recorded.

Interview the Accused Employee: The investigator should interview the accused employee, all witnesses or names of individuals the accused person provides to disprove the allegation, and investigate and gather any additional evidence that the accused employee either raises or that comes to light as a result of the interview. All interviews should be documented in detail and/or tape-recorded.

Analysis of Investigation: In analyzing the evidence from the investigation, the investigator should keep in mind that the objective is to determine whether there has been a policy violation

When the Employee Denies the Allegations of Misconduct/Evidence of Misconduct is Inconclusive: If the accused employee denies the allegations of misconduct and there is no evidence to substantiate the complaint one way or the other, The City of Oakley should do the following:

Advise the accused employee that if the alleged conduct had occurred, it would be a violation of City policy and would subject him/her to serious discipline, up to and including termination.

Advise the accused employee that any retaliation against the complaining party is strictly prohibited and may result in disciplinary action, up to and including, termination.

Even if the charges cannot be sustained, the Department should take whatever action it can to reduce the chance of the alleged misconduct from occurring again (for example, changing shifts, assignments, supervisors, etc.)

Advise the complaining party that the Department was unable to conclusively determine that the allegations occurred, however, the Personnel Officer will keep a copy of the complaint and the disposition and management will be alert to the problem. The

complaining party should be told of any corrective action The City of Oakley will take to reduce the chance of the incident happening again. The employee should be told to immediately report any further incidents of sexual harassment or retaliation.

Advise both the complaining employee and the accused employee that the entire matter/investigation should be kept confidential and should not be discussed with other employees.

If Evidence of Harassment/Discrimination Is Found: If the accused employee admits to the misconduct, and/or if other evidence in the investigation reveals that the Sexual Harassment/ Discrimination Policy was violated, the City y should do the following:

If the accused employee admits to the misconduct, advise him or her that the conduct must stop immediately and take whatever corrective action is needed to ensure that it is discontinued.

Implement appropriate disciplinary action, taking into consideration that The City of Oakley's policy indicates that all forms of sexual harassment and prohibited discrimination are considered serious misconduct.

Inform the complaining employee of the results of the investigation and any corrective action. The employee should be informed that all steps are being taken to prevent any further incidences from occurring. However, any disciplinary action taken against the accused employee is confidential and cannot be revealed.

The complaining employee should be instructed to report any further incidences of sexual harassment, discrimination or retaliation immediately.

If the accused employee is not terminated, he/she needs to be informed that any further incidents or acts of retaliation will be grounds for termination

Documentation Of Sexual Harassment: Since personnel files can be purged, the Personnel Officer shall keep a separate file on all sexual harassment and discrimination complaints that are filed or raised by or against any individual. Such complaints would be available for purposes of corroboration or to find potential patterns of misconduct that would tend to verify the veracity of any future complaints.

Appendix H. Family Medical Leave Act/California Family Rights Act Forms

To be completed by employee requesting leave:

Employee Name Application Date	
Reason for leave:	
Birth/adoption of child Medical - immediate family Medical - self	
Expected date that leave begins:	
Probable duration of leave:	
Expected date that leave ends:	

Leave Will Be Intermittent:	Leave Will Be Continuous:
If requesting intermittent leave, please explain:	

During my leave, I can be reached at:

Address
City State Zip
Phone Number

I understand that any remaining sick and/or vacation leave will be used during the leave and that accrual of these leaves will stop during any unpaid portion of my absence.

I also understand that I am required to provide timely medical certification for my leave, and notify the City of Oakley and provide additional medical certification should it be necessary to extend the leave.

Please refer to the Family Leave Policy in the City of Oakley's Personnel Manual for more information.

Signed:	**Date:**
Human Resource Division Review:	
Signed:	**Date:**
Department Director Review:	
Signed:	**Date:**
City Manager Review:	
Signed:	**Date:**

Appendix I. Drug Free Workplace Policy

1. **Purpose:** The purpose of this policy is to furnish disciplinary and rehabilitative guidelines for handling first-time violators of the illegal drug prohibitions set forth in Section 2 of this policy.

2. **Coverage:** This policy covers only regular employees who are first-time violators of any one of the following prohibitions:

   a. Use, possession, offer for sale, or being under the influence of illegal drugs during working hours, including lunch and break periods.

   b. Use, possession, offer for sale, or being under the influence of illegal drugs on City of Oakley property at any time.

   For purposes of this policy, engaging in any of the activities above shall be considered as a violation of the City policy.

3. **Alternatives to Discharge:** The guidelines in the policy are alternatives to immediate discharge. The refusal of an employee covered by this policy to comply with the specified guidelines shall result in the immediate discharge of that employee.

4. **Rehabilitation:** An employee covered by this policy shall enroll in and complete an approved rehabilitation treatment program as determined by an outside treatment professional approved by the City. The employee shall bear the costs of the rehabilitation program and shall be entitled to utilize whatever available vacation, sick, and/or medical leave benefits necessary for program participation. An employee's refusal to enroll in and complete such rehabilitation program shall be grounds for discharge.

5. **After-care:** An employee covered by this policy shall enroll in and complete an approved after-care program as determined by an outside treatment professional approved by the City. The recommended after-care program must also be approved by the City. The employee shall bear the cost of the after-care program and shall be entitled to utilize whatever available vacation, sick, and/or medical

leave benefits are necessary for program participation. An employee's failure to complete the after-care program shall be grounds for discharge.

6. **Exemption from Rehabilitation and After-care:** At the discretion of the City, based upon the recommendation of an outside treatment professional, an employee covered by this policy may be exempt from the rehabilitation and after-care provisions of this policy. Such employee, however, may be required to enroll in a substance abuse education or similar program approved by the City.

7. **Outside Treatment Professionals:** The outside treatment professional referred to in Sections 4, 5, and 6 above shall be selected from an established list of treatment professionals maintained by the City.

Appendix H. City of Oakley Email Retention Policy

This policy governs retention of e-mail, or electronic communication, that is created, sent, received, forwarded, edited, stored, or otherwise used by means of City electronic information resources of any kind, including, but not limited to, computers, computer networks, software, telephones, voicemail, personal data assistants, and any other electronic data systems or equipment ("City E-mail"). This policy applies to City E-mail of City officials, officers, employees, volunteers and contractors. City E-mail may consist of correspondence and other documentation which may constitute City records subject to the requirements of the California Public Records Act ("CPRA"), the City's Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

City E-mail and City E-mail systems are intended to be a medium of communication. City E-mail and City E-mail systems are not intended to be and may not be used for the electronic storage or maintenance of permanent City records.

Persons subject to this policy are responsible for determining whether City E-mails created, received, or used by them should be retained as permanent City records. Typically, City E-mails that contain substantive information concerning City policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out City business should be retained as permanent City records in accordance with this policy. Such records must be retained in accordance with this policy and the City's Records Retention Schedule.

Persons subject to this policy are responsible for determining whether City E-mails that should be retained as permanent City records should be stored in hard copy or electronic form. Permanent City electronic records are subject to disclosure in electronic form in accordance with the CPRA. Typically, only City E-mails intended for later editing, incorporation in other documents or electronic transmission should be stored electronically. Such City E-Mails must be transferred to the permanent e-mail archive which will be downloaded to the Record's Management System and then deleted from the responsible party's e-mail. All other City E-mails that should be retained as permanent City records should be printed and filed in the appropriate City file and deleted. The City Clerk and City Attorney are available to assist persons subject to this policy in determining

which City E-mails should be retained as permanent City records and how, and to address other questions concerning the application of this policy.

Persons subject to this policy should generally determine whether City E-mails created, received or used by them should be retained as permanent City records within ten working days of creation, receipt or use of the City E-mail. Because City E-mails and e-mail systems may not be used for permanent storage of City records, City E-mails are generally deemed pursuant to this policy to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business. However, such e-mails are subject to disclosure to the public, prior to destruction because the public interest in withholding the e-mail does not clearly outweigh the public interest in disclosure, unless the e-mail is protected by at least one of the exemptions contained in the Public Records Act.

When the City receives a request for disclosure of City records that applies to City E-mail, the person responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any City E-mail covered by the request until it is determined whether the City E-mail is subject to retention and/or disclosure. The City Clerk and/or City Attorney must be contacted concerning any request for disclosure of City records that applies to City E-mail in the possession of persons subject to this policy.

Persons subject to this policy are responsible for managing City E-mail and City E-mail systems used by them in accordance with this policy. Persons subject to this policy should regularly review their mailboxes or folders that contain City E-mails and delete City E-mails that are not required to be kept by law or this policy, or that are unnecessary or inconvenient for the discharge of official City duties or the conduct of City business, or that are otherwise no longer needed in accordance with this policy.

Persons subject to this policy should bear in mind the following design features of the City electronic information systems that relate to City E-mails:

1. The systems administrator performs an electronic back up of the City E-mail system each evening. The back up is a “snap shot” of the data contained in the City E-mail server at the end of each business day. The back up is not a copy of all City E-mail activity that occurred on the City E-mail server that day.

2. The systems administrator maintains back ups for no longer than two weeks before they are overwritten. Back ups are not permanent City records. The sole purpose

of back ups is to provide a means of complete server recovery in case of a system failure.

3. The systems administrator has established a City E-mail management system that automatically removes City E-mails that are more than thirty days old and that are contained in Deleted Items or Sent Items folders.

OAKLEY
CALIFORNIA

STAFF REPORT

Date: February 28, 2023

To: City Council

Approved and Forwarded to the City Council

From: Joshua McMurray, City Manager

Subject: **Adopt a Resolution authorizing the creation of a Citywide Retail & Industrial Revitalization Grant Program**

Background and Analysis

This report presents recommendations for the launch of a dynamic, new grant program using $700,000 in American Rescue Plan Act (ARPA) funds, which the City Council previously allocated to help fund façade and building improvements.

Previously, in 2014, the City created a "Downtown Revitalization Loan Program" to "leverage public funds and private investment to enhance the downtown corridor." The program offered low-interest loans up to $75,000 to be used for: façade improvements, signage, lighting, landscaping, ADA compliance, building upgrades for new tenants, and demolition. The City also offered up to $2,000 per project in design assistance by the City's design consultant. The City allocated $275,000 for the program.

As shown in Table 1, three projects were awarded loans during the life of the program (see Table 1 below). For each project, the City's funding was split into two 10-year loans: one half of the City's funding was issued as a conventional loan with 2% interest; and the other half was issued as a forgivable loan, at 0% interest, to be forgiven gradually over the term of the loan.

Overall, the 2014 Loan Program was a success: it enabled the improvement of three prominent restaurants that are strategic to the Downtown. At the same time, the program had a complex loan structure that required significant documentation, which may have discouraged some local businesses from applying. For the past two years, the 2014 program has been inactive and no funds have been budgeted in Fiscal Year 22/23 as Staff anticipated this new program launching.

Meanwhile, there continue to be many commercial and industrial properties in Oakley that still need significant upgrades to their physical appearance, infrastructure, and/or tenant mix. By encouraging investment and improvement in these properties, the entire city would see benefits to its public image and economic vitality.

Table 1: Projects Approved Under the City's 2014 Program

Loan Recipient	Loan Award	Scope of Improvements	Status of Project
Oakley Bistro	$75,000	Exterior tiles, signage, lighting, outdoor patio furniture, etc.	- Improvements installed in 2015 - Recipient fell behind in loan payments during COVID. City deferred the missed payments and extended the term of the loan to mid-2031.
Oakley Tavern	$75,000	Glass, plumbing, fire protection, etc.	- Improvements installed in 2015 - Recipient fell behind in loan payments during COVID. City deferred the missed payments and extended the term of the loan to mid-2031.
Skipolini's Pizza	$75,000	Paint, awnings, doors, lighting, windows, patio rail & furniture, patio landscaping	- Improvements installed in 2021 - Recipient appears to be current on their payments and on track to conclude loan by mid-2031.

Proposal for New Retail & Light Industrial Improvement Program

The City has allocated $700,000 in ARPA funds for a successor program to the 2014 Downtown Revitalization Loan Program. Based on an analysis of Oakley's current business needs and economic objectives, as well as research on other cities,[1] staff has developed a proposed new program, which is presented in the section below for the Council's consideration. A resolution has been prepared that would allow the City to launch and implement the program (see Attachment 1).

The proposed program is called the City of Oakley Retail & Light Industrial Improvement Program. The program is intended to stimulate private investment, to improve both the physical appearance and the quality of tenants in retail and light industrial areas throughout the city. The program will offer reimbursement grants for exterior improvements and/or tenant improvements and would have the following program parameters:

1. Who can apply?

Attachment 2 includes a draft Application Form for the program. To be eligible to apply, the applicant must be either:

- Any existing retail or light industrial business located within Oakley city limits; or
- The owner of an existing retail or light industrial building in Oakley; or

[1] *Note: Cities surveyed include: Alameda, Antioch, Brentwood, Concord, Danville, Dublin, Emeryville, Hayward, Lafayette, Menlo Park, Oakland, Palm Springs, San Diego, San Leandro, Santa Cruz, Seaside, Alameda County*

- A business that intends to locate in Oakley (as documented with a fully-executed lease in an appropriately zoned property in Oakley) and that is one of the business classifications listed in Table 2 below.

To be eligible for funding, the project must be:

- A new project (projects that have already commenced do not qualify).
- Improvements to an existing building that is zoned for retail or light industrial.
- Improvements to any of the following:
  - Building Exterior – including: signage, windows, awnings, doors, exterior lighting, exterior wall repair/painting, architectural features, structural repairs, etc.
  - Public Interior – including: interior painting, display areas, lighting, counters, floor/ceiling improvements, or other tenant improvements of the public areas (excluding bathrooms, employee areas, stockrooms, or other back areas).
  - Permanent Outdoor Dining Areas – including: code-compliant raised platforms, permanent fencing or canopies, exterior lighting, landscaping or planter boxes integrated into the dining area, or other permanent fixtures (excluding furniture or removable features).
- Well-designed as determined by the City's design representative (either a designated City Planning staff or a design consultant retained by the City).

Reimbursable expenses would typically include design, construction, materials, labor, and City permit fees. In addition, the City (at its sole discretion) can consider a limited amount of funding for ADA or other code upgrades, installation of public art, anti-graffiti coatings, or other improvements as long as they support the program's overall goal to achieve the dramatic visual improvement of the City's retail and industrial buildings.

2. Grant Funding Offered

Under this program, the City would offer façade grants and tenant improvement grants with the following parameters and requirements:

- For both types of grants, the maximum grant award is $50,000. Larger grant amounts can be considered, but would require City Council approval.
- The grant would be paid as a reimbursement after:
  - All components of the approved project scope have been completed;
  - All final City/County inspections have been passed;
  - The awardee verifies they have paid their contractor(s); and
  - The City verifies there are no outstanding code violations against the property.
- Grants would be for up to 80% of total project costs, with the applicant responsible for contributing at least 20% of project costs.
- The same applicant could apply for up to two grants every three years. For example, the same business could apply for one façade grant and one tenant improvement grant at the same time; or a property owner could apply for up to two façade grants for their retail property; but a business that has already received two grants would not be able to apply for a third grant until at least three years has passed.

3. City Design Consultant

To help administer the program and ensure the projects have high-quality architectural design, the City may wish to retain a Design Consultant. A design consultant could work

with the applicant to refine their project scope, explore the most cost-effective ways to achieve the greatest visual improvement to their façade, recommend color palettes and designs elements that will achieve both their goals and the City's goals, and advise them on how avoid project components that could lead to delays or cost overruns. A design consultant can also assist in preparing professional plans or architectural renderings, which in turn can help the applicant to obtain more precise bids from contractors and help clarify to the City what the finished project will look like. In addition, a good design consultant can obviate the need for the City to produce detailed design guidelines. Figure 1 shows examples of the huge positive impact that a design consultant (in this case, SZFM Design Studio) can make by suggesting small but significant upgrades to a proposed design.

Figure 1: Examples of Adjustments by a Design Consultant that Dramatically Improved Façade Projects
(Source: SZFM Design Studio)



Pleasant Hill *Castro Valley* *San Jose* *Concord*

In addition, the City could encourage applicants to work with a small business support organization (such as the East Bay SBDC) to update and improve their interior sales area, including reception, display windows, merchandise aisles, interior lighting and color palette, and other design choices.

4. Application, Review & Approval Process

The application & review process will follow several steps as summarized below:

Step 1: Application Submittal

The program's application form would be available for download on the City's website or in printed format at City Hall. A sample, conceptual application form is included in Attachment A of this report. The applicant would complete the application form with all required attachments, including:

- Brief project description
- Photo of current building condition
- Architectural rendering *or* drawing that clearly shows the proposed work, color palette, and list of materials used
- Line-item budget (either formal bids or conceptual budget estimate)
- City business license
- Property owner approval

As discussed above, the City could potentially provide a limited amount of design assistance and consultation (up to $2,000 per project) using an outside design firm retained by the City.

Step 2: Application Screening & Review

City staff would receive applications on a rolling basis (i.e., as soon as they are submitted). The City would review the application for completeness, including confirming that the applicant, property, and proposed project meet the eligibility requirements. The City would issue an email acknowledging receipt of the application and either confirming completeness or listing any missing items.

The City would review the project, using either City staff and/or a design consultant. Recommendations for approval – including the amount of the grant and any modifications to the architectural design – would be presented to the City Manager for approval. Grants exceeding $50,000 would need to be forwarded to the City Council for approval.

Step 3: Notification of Grant Award & Reimbursement Agreement

The City would then notify the applicant that they have been awarded a grant, and ask them to enter into a reimbursement agreement. The reimbursement agreement would confirm the amount of grant funding that the City would pay as reimbursement, and it would set forth the terms that the awardee must meet in order to receive the reimbursement. Before the agreement can be executed, the awardee would need to provide the following documents:

- Project scope, including architectural plans or renderings, and the timeframe by which the project must be completed.
- Competitive bids from at least two contractors.
- The awardee's acknowledgement of and commitment to comply with Prevailing Wage and any other City program requirements.
- The awardee's commitment to operate the business for at least three years; keep the establishment clean, well maintained, and free from any code violations; and use their best efforts to hire locally.

Step 4: Construction, Project Oversight & Reimburesement

After the Reimbursement Agreement has been fully executed, the awardee would provide the City with: (a) proof of adequate insurance; and (b) proof they have obtained all required permits for the project. Once these two documents have been submitted, the City would issue a Notice to Proceed (NTP) allowing work to proceed. During construction/installation, the awardee would be required to provide periodic updates and/or allow the City's representative to visit the site.

After the project is completed and the City has signed off on any final inspections, the awardee would submit a letter requesting reimbursement and showing proof that they have paid their contractor(s) and have complied with all program requirements. The City would verify that the work completed matches the approved scope, and then would coordinate with the City's Finance Department to issue a check for reimbursement to the awardee.

5. Program Marketing & Promotion

The City would promote the program with a wide variety of techniques, including:

- Printed program brochure & printed application for, both of which would be available at City Hall, the Oakley Entrepreneur Center, and other civic locations, and would also be distributed by staff on business visits and at business events.
- Application & program information available on City website
- Social media posts
- Media alert & press release
- Targeted marketing by staff to key businesses and properties along Main Street
- Collaboration with local business groups
- Other promotional efforts

6. Administrative Issues

Due to the use of Federal (ARPA) funds, it will be important to properly document the use of funds and compliance with all applicable requirements.

The City would keep files on each approved project, including: approved application package & project scope, fully-executed reimbursement agreement, insurance & permit information, Prevailing Wage acknowledgement, proof of contractor payment, documentation of grant reimbursement payment, before & after photos, and other documentation. The City would also track economic benefits (e.g., construction investment, jobs, etc.) generated by the program.

The reimbursement payments would likely trigger Prevailing Wage requirements as governed by the Federal Davis-Bacon and Related Acts (DBRA), California SB 975, and other existing laws and policies. It will be important to disclose this requirement to applicants in all program materials, since the triggering of Prevailing Wages could increase the overall project budget and thereby impact the net value of the City's grant to the awardee. In addition, it will be important to include language in all program materials, affirming that it is the awardee's sole responsibility to comply with any applicable state and Federal requirements for hiring and documentation.

Formal Conclusion of 2014 Loan Program

With the launch of the new grant program detailed above, the City will be in an ideal position to formally closeout the 2014 Downtown Revitalization Loan Program. As noted in Table 1 above, all three of the approved projects have been built, the program's goals have been achieved, and no further applications have been received for two years.

By formally concluding the program now, the City will be able to: (a) celebrate the program's success and the increased vitality to Downtown; (b) restructure the existing loans so that the City is still paid back as originally planned, but the ongoing time and effort needed to service the loans is reduced; and (c) focus attention on the City's new, ARPA-funded program (as detailed below). Accordingly, staff has prepared a proposed resolution that would authorize and direct staff to take the following actions:

1. Document the official completion and acceptance for the three existing projects.

2. Work with the loan recipients to amend their existing loans to: (a) amend the 2% loans so that the remaining payments are made annually (rather than monthly), and (b) amend the 0% forgivable loans so that the remaining principal is forgiven immediately. (Note: This should reduce the amount of staff time needed to service the loans.)
3. Announce the successful conclusion of the 2014 Program and update the City's website accordingly.

Fiscal Impact

Funding for the proposed Retail & Industrial Revitalization Grant Program would come from $700,000 in American Rescue Plan (ARPA) funds that have already been designated by the City Council for this purpose.

It should be noted that there are no remaining funds budgeted to the 2014 loan program and closing out that program would not result in any fiscal impact.

Staff Recommendation

Staff recommends that the City Council adopt the attached resolution authorizing staff to:

- Launch, promote, and implement the proposed Retail & Industrial Revitalization Grant Program, as generally described in this report, using $700,000 in previously designated ARPA funds.
- Formally closeout the 2014 loan program, and work with the existing loan recipients to amend their existing loans in order to streamline and simplify the outstanding loan obligations, as described in this report.

If the Council votes to approve the proposed resolution, staff projects that the proposed new grant program will be able to be launched within the next 60 days.

Attachments

1. Resolution
2. Draft Application Form for the Program
3. List of Target Industries that would automatically qualify to apply for program

RESOLUTION NO. XX-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE RETAIL & INDUSTRIAL REVITALIZATION GRANT PROGRAM

WHEREAS, in 2014, the City of Oakley created a "Downtown Revitalization Loan Program" to "leverage public funds and private investment to further enhance the physical appearance and economic vitality of the commercial buildings and businesses in the downtown corridor"; and

WHEREAS, the program offered up to $75,000 in low-interest loans to be used for: façade improvements, signage, lighting, landscaping, ADA compliance, building upgrades for new tenants, and demolition, plus up to $2,000 per project in design assistance by the City's design consultant; and

WHEREAS, during the program, the City approved three projects – Oakley Bistro, Oakley Tavern, and Skipolini's Pizza – each of which received $75,000 in funding divided equally into two 10-year loans: one loan at 2% interest, and the other loan at 0% interest to be forgiven gradually over the term of the loan; and

WHEREAS, all three of these projects have been completed; and for the past two years the 2014 program has been inactive; and

WHEREAS, there continue to be many commercial and industrial properties in Oakley that still need significant upgrades to their physical appearance, infrastructure, and/or tenant mix; and by encouraging investment and improvement in these properties, the entire city would see benefits to its public image and economic vitality; and

WHEREAS, the City has conducted research and analysis of existing business needs, economic goals, and best practices by other cities, in order to design a new program to induce private investment in retail and industrial properties through the use of matching grants; and

WHEREAS, the City Council has previously allocated $700,000 in American Rescue Plan (ARPA) funds for the use of funding to promote investment and improvements to retail and industrial properties; and

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Oakley hereby authorizes and directs staff to launch, promote, and implement the "Retail & Industrial Revitalization Grant Program" as generally described in the accompanying staff report, and using $700,000 in ARPA funds to be formally appropriated for the program; and

BE IT FURTHER RESOLVED, The City Council authorizes and directs staff to formally closeout the 2014 loan program and negotiate with the three existing loan recipients (i.e., Oakley Tavern, Oakley Bistro, and Skipolini's Pizza) to amend

their existing loan documents to: (a) forgive and closeout the forgivable loans, and (b) convert the conventional 2% loans to have annual (rather than monthly) debt service payments.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 28th day of February, 2023 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor Date

ATTEST:

_____
Libby Vreonis, City Clerk Date

ATTACHMENT 2

Draft Application Form

City of Oakley – Retail & Light Industrial Revitalization Grant Program Application

SECTION 1. APPLICANT INFORMATION

Name: _____

Are you the Business Owner, Property Owner, or both? _____

Name of Business(es) to be improved: _____

Property Address: _____

Mailing Address: _____

Contact Phone Number: _____ Email: _____

SECTION 2. SCOPE OF WORK

Is your project focused on Façade Improvements or Interior Tenant Improvements? _____

Please list all work you would like to perform:

_____

_____

_____

_____

_____

_____

Note: Please attach a drawing, marked-up photo, or architectural rendering of your proposed project

Would you like to receive up to $2,000 of free design assistance for your project design? (YES / NO)

Ideally, when would you like to start construction/installation work? _____

About how long will the project take to complete? (Please estimate number of days of work) _____

Estimated total project cost: $_____ Have you obtained bids for the work? (YES / NO)

Grant Request: $_____ *(Note: You may apply for a grant of up to 80% of total project costs)*

SECTION 3. PROPERTY OWNER INFORMATION *(complete if tenant is applicant)*

Property Owner Name: _____

Property Owner Mailing Address: _____

Contact Person: _____ Contact Phone Number: _____

Email: _____

I certify that I am the property owner of record and that there are no current code enforcement actions pending against the property. As the legal owner of the above property, I hereby grant authorization to complete the improvements indicated on this application.

Signature: _____ Date: _____

SECTION 4. ATTACHMENTS

Please attach the following to your completed application:

- A photo of the property in its current condition
- A drawing, marked-up photo, or architectural rendering of your proposed project
- Copy of your City business license

SECTION 5. ACKNOWLEDGMENTS

I have read and understand the City's Program Guidelines and accept them.

In particular, I acknowledge that the City's grant may trigger Prevailing Wage requirements. I will diligently follow any Prevailing Wage requirements that may apply to this project.

I certify that I am qualified and will abide by such conditions set forth in this application and all reasonable conditions which may be issued by the City of Oakley in the implementation of this project.

Property Owner Signature: _____ Date: _____

Business Owner(s) Signature: _____ Date: _____

Please fill out this application completely and submit or send to:

City of Oakley
Economic Development Department
3231 Main Street
Oakley, CA 94561
Attention: Harumi Murata

ATTACHMENT 3

Target Business Classifications for Business Attraction

The businesses listed below have been determined to have strategic value for the continued improvement and increased vitality of Oakley's mix of retail and light industrial businesses. Accordingly, these business classifications would automatically be eligible to apply for the Retail & Industrial Revitalization Grant Program.

Target Retail Businesses	Target Light Industrial Businesses
- Full-service Grocery & Specialty Grocery - Full-service Restaurants - Breweries & Distilleries - Outdoor Recreation & Sporting Goods - Mens/Womens Apparel, Shoes & Accessories - Fitness & Health Clubs - Day Spas & Salons - Bakeries & Baked Goods Stores - Cafes & Limited-services restaurants - Hardware - Pet & Pet Supply Stores - Cosmetics & Beauty Supply Stores - Theaters & Cultural Venues - Electronics - Book & Music Stores - Jewelry & Specialty Boutiques - Furniture & Home Goods - Office Supplies - Stationary, Hobby & Art Supply Stores - Department Store	- Advanced Manufacturing, Contract Manufacturing, Sheet Metal & Assembly - Robotics & Autonomous Drones - Biomedical (R&D, CMOs, CDMOs, Medical Device, Digital Health, Diagnostics, etc.) - Electrical, plumbing, mechanical, home & commercial construction contractors - Food & Beverage manufacturing/processing - Marine commercial/industrial/storage - Clean Technology (renewable energy, energy efficiency products, recycled materials & products, waste & wastewater technologies, remediation services, etc.) - Vehicle Repair & Maintenance - Cabinetry, Carpentry & Furniture Making - Vocational/Educational Centers - Veterinary & Kennel - Other light industrial uses at City's discretion

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: February 28, 2023

TO: City Council

Approved and Forwarded to the City Council

FROM: Joshua McMurray, City Manager

SUBJECT: **Appropriating American Rescue Plan Act (ARPA) funds for Recreation Classes, to establish a Tourism Fund and funding related to the Oakley Senior Citizens Club**

Background and Analysis

The City Council has been allocating portions of the City's American Rescue Plan Act (ARPA) Funds since the funds were first received in July 2021. A total of $6,514,000 has been allocated, leaving $3,663,190 remaining to be allocated. For reference, funding must be obligated by the end of calendar year 2024 and expended by the end of calendar year 2026.

The projects already selected by the City Council span a variety of areas and have since been broken down into six categories, which spell out the acronym "INVEST." These categories include: Infrastructure, Nonprofit and Community Support, Vital Services, Economic Development, Staff and Safety Needs, and Technology Upgrades.

Staff has identified three additional funding needs, all of which are aligned with Strategic Plan 27+. The first being free trial classes offered by our Recreation Department, the second establishing a tourism fund and the third is in response to a future agenda item request from February 14th regarding the Oakley Senior Citizen Club.

Providing Free Recreation Classes to Oakley Youth – Request: $60,000

The Oakley Youth Advisory Council presented to the City Council in January 2023, indicating that one of the things they would like to see in the community is more free classes or free trials of classes. As the City Council expressed a desire to learn more about the items discussed at the January meeting, Staff is being proactive and recommending an allocation that implement one of the ideas that were presented. This funding is one of those opportunities and would provide a fund to be used to allow one

free trial class (classes vary between one day and a number of weeks) for youth under 18, who are residents of Oakley. The allocation requested would equate to approximately 700 classes. Any unused funds for 2023 would be rolled over to be used in 2024. This would not apply toward a City run summer camp program that is already covered by a previous allocation authorized by the City Council in 2022. The City Council allocated $34,000 to the summer camp program and approximately $14,000 was used in 2022, leaving approximately $20,000 to be used in 2023.

Tourism Fund – Request: $300,000

The City has done several things over the years relating to tourism focused on bringing people into the City, including the sponsorship of fishing tournaments that launch out of the Big Break Marina and special events like our Summer Fest and the Heart of Oakley festival to name a few. The goal of these events is to promote our Oakley brand, to showcase our City and to encourage both residents and visitors to patronize Oakley's businesses. One of the objectives within the Strategic Plan 27+ is to, "Determine viable economic uses of the Oakley shoreline and visit other cities to see how they attracted visitors as a destination (e.g., new Science Center)".

Staff would like to establish a tourism fund which will focus on strengthening and re-establishing our brand around the Delta and sport, recreation and fishing related activities. The Strategic Plan 27+ document provides guidance in several objectives and sub-objectives around this veery topic. There are some immediate needs for the fund which include the sponsorship of fishing tournaments, marketing and advertising related to tournaments and the broader scope of establishing Oakley as the Bay Area's premier destination for water related activities. This fund will allow Staff some flexibility on how we have historically allocated funds for these types of events. Oakley has a unique opportunity that we can capitalize on with our location on the California Delta. Once established, Staff will look at ways to sustain this one-time allocation with reoccurring revenue. One of those concepts yet to be explored is allocating a portion of the City's Transient Occupancy Tax (TOT) that we receive from the Best Western Plus hotel and short-term rentals, both of which have a TOT component. For a reference point, in FY 2021/2022 the City realized about $260,000 of revenue from TOT. It is not uncommon for City's to tap into the TOT revenue to fund tourism related activities.

Oakley Senior Citizens Club – Request: $20,000

The City Council requested on February 14, 2023 that Staff look into a potential ARPA allocation to assist the Club as they are experiencing financial difficulties. Non-profit support is one of the areas designated by the City Council as a priority for ARPA funding.

Staff were able to meet with the Oakley Senior Citizens Club and we have determined that they are facing financial difficulties and they do need help to continue operations. They have provided a proposal attached, which helps describe the good work they do

for our community, not just the senior citizens. It should be noted that the Club would like to request more than what Staff is recommending. The recommendation is based on taking a measured approach to ensure the Club is financially viable instead of providing the allocation upfront.

In Staff's review, we would recommend the City Council authorize a maximum ARPA allocation that Staff would then reimburse the club for after we have a chance to review the expenses each month. This arrangement would also give time for the Club to address their financial challenges and develop a framework to become financially independent, as they were for may years before the COVID-19 pandemic.

There are a number of challenges that the Club is facing, and Staff has developed the following funding terms to provide a framework and track that the group is achieving independence to ensure that this is a onetime allocation of funds.

Allocation Description:
The allocation of funds shall not exceed $20,000 in 12 months to provide for one time stimulus allowing for the continued operation of the Oakley Senior Center by the Oakley Senior Citizens non-profit organization while they increase their financial stability to resume independent operations. Funding will be provided on a month-by-month basis as the Oakley Senior Citizens continue to demonstrate progress toward financial independence.

Deliverables & Performance Measures:
The Oakley Senior Citizens will provide senior services including recreational classes, meal programs, educational opportunities and fundraising events.

Performance measures that will need to be reported include:

- The Oakley Senior Citizens will provide an initial update to Staff and the City Council by May 16, 2023.
- Continued funding availability will be determined based on the update from the Oakley Senior Citizens and direction from the City Council at that date.
- The update shall be a written report and presentation to the Oakley City Council which:
    - Demonstrates the measures taken to increase financial stability (increase in revenue streams and decrease in costs).
    - Provides an update on measures that were taken, as well as measures that are planned and implementation strategies to continue moving forward in a positive manner.

Payment Schedule & Eligible Expenditures:
All expenditures must comply with the Coronavirus State and Local Recovery Funds Final Rule. Additionally, all funds must be spent exclusively on Oakley community members, and materials shall be sourced locally to the greatest extent. Funding used for expenditures not included in the list below, or spent improperly, will require repayment to the City.

The funds will be used to support the Oakley Senior Citizens, operation of the Oakley Senior Citizen Center. Beginning on April 1, 2023 the Oakley Senior Citizens will need to provide a monthly invoice with copies of receipts for repayment on eligible expenses. Eligible expenditures under this agreement include:

- Utilities
    - Water
    - Gas & Electric
    - Trash Service
- Permit Fees
- Other Expenses
    - Program marketing
    - Program supplies

The City will provide a check for reimbursement within 30 days of invoice receipt.

Consistency with the Oakley Strategic Plan 27+

The actions included in this item are consistent with the following goals and objectives:

Strategic and Thoughtful Growth Sub-goal

- Objective: Strategically plan and pursue commerce that meets the new service demands of local residents and attracts customers as a destination (e.g., grocery store, retail, entertainment, and light industrial near Amazon and on west end).
    - Sub-objective: Attract businesses that create alternative revenue sources to property tax through sales and business taxes and employ our residents.
- Objective: Develop a vital Shoreline Plan to attract both people and commerce to our waterfront.
    - Sub-objective: Expand marina zoning: restaurants, recreational access, fishing tournaments, 55-acre park.
    - Sub-objective: Determine viable economic uses of the Oakley shoreline and visit other cities to see how they attracted visitors as a destination (e.g., new Science Center).

Business-Friendly Environment Sub-Goal

- Objective: Our business-friendly environment will attract residential, commercial, and industrial partners to revitalize Oakley where people will come to Live, Work, and Play.
    - Sub-objective: Showcase businesses through active engagement and outreach (e.g., social media, storefronts images, local business newsletter with coupon book included).

Community and Collaborative Partnerships Goal

- Collaborative Partnerships Sub-Goal: We will foster and maintain strong relationships with our public-private partnerships to mutually benefit our shared goals.

Financial and Fiscal Responsibility Goal

- Objective: Determine how the City will leverage its strong financial position with development revenues and ARPA Covid Relief money ($10M).
    - Sub-objective: Provide one free session of City-run summer camp to Oakley residents.

Fiscal Impact

There is no fiscal impact associated with this item as the adopted budget includes the City's ARPA allocation.

If approved, this item would allocate $380,000 of ARPA funds leaving a balance of $3,283,190 for the City Council to allocate.

Staff Recommendation

Staff recommends that the City Council allocate $380,000 towards three additional community projects, as included in the Mid-Year Budget Review, – Free Recreation Classes for the Oakley youth ($60,000), establishing a tourism fund ($300,000) and the Oakley Senior Citizen Club ($20,000).

Attachments

1. Draft Resolution
2. Oakley Senior Center Proposal dated February 20, 2023
3. Profit and Loss Statement
4. ARPA INVESTing Graphic

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROPRIATING ARPA FUNDS FOR RECREATION CLASSES, TO ESTABLISH A TOURISM FUND AND FUNDING RELATED TO THE OAKLEY SENIOR CITIZENS CLUB

WHEREAS, the City's Strategic Plan 27+ has many objectives and sub-objectives that deal with recreation, establishing a sustainable waterfront and working/collaborating with our Non-Governmental Organizations; and

WHEREAS, the City Council received an update from the Oakley Youth Advisory Committee in January of 2023 that identified several ideas that the Council asked Staff to address at a future City Council meeting; and

WHEREAS, the City is committed to expanding its tax base and could take a stronger position on funding related to tourism activities; and

WHEREAS, at the February 14, 2023 City Council Meeting, Staff was directed to work with the Oakley Senior Citizen Club and their financial situation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the following:

Appropriation of $60,000 from the ARPA funds to fund free recreation classes for Oakley youth.

Appropriation of $300,000 from the ARPA funds to establish a tourism fund.

Appropriation of up to $20,000 from the ARPA funds to assist the Oakley Senior Citizen Club during their time of financial hardship.

PASSED, APPROVED AND ADOPTED this 28th day of February 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor Date

ATTEST:

_____
Libby Vreonis, City Clerk Date

Oakley Senior Center Proposal February 20, 2023

Oakley Senior Center, 215 Second Street, Oakley, CA 94561 Phone No. 925-626-7223

Oakley Senior Center Executive Board: Allan Perry, President; Donna Baker, 1st V.P.; Henry Saitta, 2nd V.P.; Barbara Sparks, Treasurer; Estrella Saitta, Secretary

Purpose: One-Time Funding Request of $20,000

The Oakley Senior Center respectfully requests one time funding of $20,000 in order to continue our center. This amount is arrived by multiplying our average monthly expenses of $1,700 x 12 months which equals $20,400. This average includes the summer months when our water bill increases to about $400 a month as the water main for the park is connected to our building. We can send you our 2022 and year-to-date spread sheet that includes our current balance. Currently, we have enough funds to keep the center operational until May or June.

Financial Problems:

Since everyone had to shelter-in-place and close businesses due to COVID 19, we have slowly been draining money from our bank account as we continued to maintain the building per our lease and pay our monthly & annual bills. Our membership has dropped as we have seniors that are still not willing or able to be around large gatherings or meetings. Currently, we have 242 paid members at $15 a calendar year, and 18 Golden members that are 90 years or over and are free. Most of our activities and classes have been reinstated with less participation. In the past, our largest income was casino trips which we were not able to continue. The casinos would help pay for the bus, but that is no longer the case. The Fiber Arts group made quilts annually for which we sold raffle tickets. Quarterly we held 12 hour sewing marathons to raise funds. We were members of the Oakley Chamber of Commerce. We had a booth at city events to promote the center while selling sodas and raffle tickets.

In order to help our community, we opened our doors once a week to distribute food from the Food Bank, White Pony Express, McDonalds and several local grocery stores to feed ANYONE in need. According to our treasurer, Barbara Sparks, this program alone costs more than $6,000 a year to run the freezers, purchase supplies (cleaning, gloves, disposable masks, replace bent folding tables, etc.). We had individuals and families that stood in line around the building and down the block waiting their turn to get food. Now, we are down to only about 150 families every Thursday. We have remained a food pantry to help anyone who comes to our doors. As a result, our operational expenses have increased. When Governor Galvin Newsom told Californians to wear a mask, the Fiber Arts ladies made fabric masks with elastic and fabric that was either donated or personally purchased. I stopped counting at 200, but collectively we made well over 1,000 masks.

Consequences if Oakley Senior Center were to close:

All services, classes and support for our seniors and the community will come to a screeching stop as our non-profit senior center will be bankrupt and closing the doors. Costa Café will no longer be able to provide hot meals in Oakley and/or a weekly supply of frozen meals every Wednesday. The Oakley Veterans, Delta/Oakley Lions Club, 4-H and Meals on Wheels will have to find a new home as we allow them use of the building for no charge. Food Bank would have to find another group of volunteers and location. Our beautiful front yard from Oakley Rotary will no longer be maintained by Oakley Garden Club. The park next door will turn brown unless the city pays for the watering. We have a receptionist and custodian who's salary is from SCSEP that would be out of work.

Current Efforts to Raise Funds:

Fundraising Chair, Candy Hogan, has been holding meetings every other Monday where several of us report updates on upcoming events and work in progress. Allan Perry and Donna Baker are working with the city for assistance and advertising. Allan has set up a Sky River casino trip. Chloe Petersen is chairing the spaghetti feed with a team helping her. Jim Fridas is working on a car show and our monthly flea market. Richard Walsh and Henry Saitta are working on Bingo License & Bingo games. All board members have been calling members that have not renewed and ask for their funding suggestions.

- We are now selling advertisement space in our membership newsletter.
- To make money and save on electric bill, we sold the three domestic freezers. We have several donated items such as an antique desk, metal cabinet and massage chair for sale.
- First Saturday of every month we host a flea market for $10 a table.
- March 22nd Bus trip to Sky River Casino with Bingo in route, for $40 per person paid in advance.
- March 25th Spaghetti Feed (spaghetti, salad, bread and non-alcoholic beverage) for $20. You can pre-order eat in or take out. We have asked the City to allow us free use of the Rec. Building on O'Hara with the added bonus of seating for more people and parking as the new kitchen (cabinets from the city and appliances from Food Bank grant) did not pass inspection due to old flooring.
- Fiber Arts group is making 50 placemats with donated fabric for the first 50 people who attend the spaghetti feed to take home as a thank you. We are asking individuals and business' to sponsor a placemat for $20 each. Their name or business card will be attached to every placemat.
- May 6th Car Show for $20 per car entry.

In Conclusion:

If you provide us with $20,000 of one-time funds it will be placed in a special account as a backup fund and used to pay our expenses if shortfalls continue. We will provide all of the above mentioned services and fund raising activities. It is our wish to not only continue our non-profit, but to be able to expand classes, training, guest speakers and services to the entire community. In doing so, our membership and community involvement will increase.

Thank you for your consideration. Please contact us if you have any further questions.

Sincerely,

Allan Perry	Donna Baker
925-783-0818	925-628-4076
Agperry07@gmail.com	institches.db@gmail.com

5:19 PM
02/06/23
Cash Basis

Oakley Senior Citizens
Profit & Loss
January 2023

		Jan 23
Ordinary Income/Expense		
Income		
Other Types of Income		
Delta Squares		60.00
Miscellaneous Revenue		
Birthday	6.00	
Donations	185.00	
Total Miscellaneous Revenue		191.00
Total Other Types of Income		251.00
Program Income		
Membership Dues		525.00
Total Program Income		525.00
Total Income		776.00
Expense		
Operations		
Supplies		
office	334.95	
Total Supplies		334.95
Telephone, Telecommunications		91.07
Total Operations		426.02
Other Types of Expenses		
Insurance - Liability, D and O		257.58
Total Other Types of Expenses		257.58
Total Expense		683.60
Net Ordinary Income		92.40
Other Income/Expense		
Other Expense		
utilities		
electric and gas	630.05	
water	104.65	
Total utilities		734.70
Total Other Expense		734.70
Net Other Income		-734.70
Net Income		**-642.30**

Oakley Senior Citizens
Expenses by Vendor Detail
January 1 through February 6, 2023

Type	Date	Num	Memo	Account	Clr	Split	Amount	Balance
Allan Perry								
Check	01/11/2023	1961	printer ink	office		Bank of the W...	59.74	59.74
Check	01/11/2023	1961	mega speaker	office		Bank of the W...	21.95	81.69
Total Allan Perry							81.69	81.69
Alliance Members Insurance								
Check	01/20/2023			Insurance - Liability, ...		Bank of the W...	257.58	257.58
Total Alliance Members Insurance							257.58	257.58
AT&T								
Check	01/20/2023			Telephone, Telecom...		Bank of the W...	91.07	91.07
Total AT&T							91.07	91.07
Diablo Water District								
Check	01/20/2023			water		Bank of the W...	104.65	104.65
Total Diablo Water District							104.65	104.65
Henry Saita								
Check	01/11/2023	1963	stamps/ink/pa...	office		Bank of the W...	241.32	241.32
Total Henry Saita							241.32	241.32
PG&E								
Check	01/20/2023			electric and gas		Bank of the W...	630.05	630.05
Total PG&E							630.05	630.05
Tim Mures								
Check	01/11/2023	1962	paper towels	office		Bank of the W...	11.94	11.94
Total Tim Mures							11.94	11.94
TOTAL							**1,418.30**	**1,418.30**

5:18 PM
02/06/23

Oakley Senior Citizens
Reconciliation Summary
Bank of the West Operations, Period Ending 01/31/2023

	Jan 31, 23	
Beginning Balance		7,308.74
Cleared Transactions		
Checks and Payments - 6 items	-1,406.36	
Deposits and Credits - 4 items	776.00	
Total Cleared Transactions	-630.36	
Cleared Balance		6,678.38
Uncleared Transactions		
Checks and Payments - 1 item	-11.94	
Total Uncleared Transactions	-11.94	
Register Balance as of 01/31/2023		6,666.44
Ending Balance		6,666.44

Oakley Senior Citizens
Reconciliation Detail
Bank of the West Operations, Period Ending 01/31/2023

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						7,308.74
Cleared Transactions						
Checks and Payments - 6 items						
Check	01/11/2023	1963	Henry Saita	X	-241.32	-241.32
Check	01/11/2023	1961	Allan Perry	X	-81.69	-323.01
Check	01/20/2023		PG&E	X	-630.05	-953.06
Check	01/20/2023		Alliance Members In...	X	-257.58	-1,210.64
Check	01/20/2023		Diablo Water District	X	-104.65	-1,315.29
Check	01/20/2023		AT&T	X	-91.07	-1,406.36
Total Checks and Payments					-1,406.36	-1,406.36
Deposits and Credits - 4 items						
Deposit	01/11/2023			X	135.00	135.00
Deposit	01/11/2023			X	150.00	285.00
Deposit	01/11/2023			X	205.00	490.00
Deposit	01/30/2023			X	286.00	776.00
Total Deposits and Credits					776.00	776.00
Total Cleared Transactions					-630.36	-630.36
Cleared Balance					-630.36	6,678.38
Uncleared Transactions						
Checks and Payments - 1 item						
Check	01/11/2023	1962	Tim Mures		-11.94	-11.94
Total Checks and Payments					-11.94	-11.94
Total Uncleared Transactions					-11.94	-11.94
Register Balance as of 01/31/2023					-642.30	6,666.44
Ending Balance					**-642.30**	**6,666.44**

American Rescue Plan Act (ARPA)
State and Local Federal Recovery Funds

Oakley's Allocation: **$10,177,000**

INVESTing in Oakley

(I)nfrastructure

$1,300,000

- Broadband Feasibility & Fiber Master Plan Study
- Fire Hydrant Replacement Program
- Piper Lane Drainage CIP 189
- Rec Center Generator
- Bethel Island Road Design CIP 285

(N)on-Profit Support

$214,000

- Local Non-Profit Grant Program
- Free Summer Camp 2022

(V)ital Services

$350,000

- ARPA Compliance Consulting
- Economic Development Plan Update
- PD Recruiting

(E)conomic Development

$1,100,000

- Gift Card Pilot Program
- Small Business Relief Grants
- Outdoor Dining & Business Facade Grants

(S)taff Needs

$250,000

- Staff COVID Leave and Testing
- Personal Protective Equipment

(T)echnology Upgrades

$3,300,000

- Enterprise Resource Planning
- New City Website
- Other Software Upgrades

February 2023

Amount Allocated	Amount Spent	Unallocated Amount
$6,514,000	$872,381	$3,663,190

OAKLEY