

AN ORDINANCE REPEALING CHAPTER 2.44 OF TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES, AND CREATING NEW CHAPTER 2.44 OF TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES.

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. That Chapter 2.44 of Title 2 of the Municipal Code of the City of El Paso de Robles entitled PERSONNEL PLAN be and is hereby repealed.

SECTION 2. That Chapter 2.44 of Title 2 of the Municipal Code of the City of El Paso de Robles entitled PERSONNEL PLAN is created as follows:

CHAPTER 2.44

PERSONNEL PLAN

SECTION 2.44.010 SHORT TITLE. This ordinance shall be known as the Personnel and Salary Ordinance.

SECTION 2.44.020 COMPENSATION PLAN.

A. The City Council shall from time to time, by resolution, adopt the salary classifications and steps within the respective ranges of a salary schedule, and repeal previous salary resolutions.

B. Basis of Rates. All salaries prescribed are monthly rates. In those positions where it is more appropriate to pay upon an hourly or daily basis, the hourly or daily basis shall be determined by the following formula:

Forty-hour week is equivalent to 173.333 hours a month;

Daily rates are equivalent to the appropriate hourly rate multiplied by eight hours.

C. Use of Schedules. The compensation of employees shall be as set forth in the schematic list of class titles and salary ranges as shown in the most recently adopted resolution as set forth in Section A of this Ordinance.

positions having duties and responsibilities sufficiently similar so that the same title may be used, the same requirements as to education, experience, knowledge and ability may be demanded of incumbents, and the same schedule of compensation may be made to apply with equity.

TITLE, CLASS TITLE OR TITLE OF CLASS means the designation given to or name applied to a class or to each position, allocated to the class and to the legally appointed incumbent of each position allocated to the class, its meaning is set forth in the corresponding class specifications.

POSITIONS: A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full or part-time services of one person.

EMPLOYEE means a person legally occupying a position in the city service.

LIMITED SERVICE is defined as employment on a part-time or seasonal basis of a nature which is not equivalent to any position in any class included in the classification plan.

ALLOCATION means the official determination of the class in which a position shall be deemed to exist and assignment of an individual position to an appropriate class.

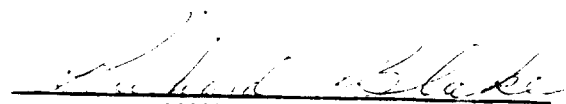
REALLOCATION means a reassignment or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of substantial changes in the kind, difficulty, or responsibility of duties performed in such position.

PROBATIONARY PERIOD is a working test period during which an employee is required to demonstrate his fitness for the duties in which he is appointed by actual performance of the duties of his position.

PASSED and ADOPTED this 3rd day of May, 1971.

ATTEST:


CITY CLERK


MAYOR PRO TEM

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.

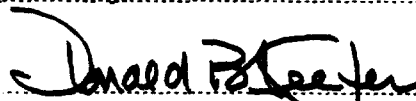
I, Donald B. Keefer, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 317 N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 3rd day, of May, 1971, by the following vote:

AYES: Councilmen Barnhart, Blake, Minshull and Neberman

NOES: Councilmen None

ABSENT: Councilmen Schwartz

Dated this 3rd day of May, 1971


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.

By _____
Deputy City Clerk

SECTION 2.44.030 EXEMPT SERVICE. The following officials and employees are hereby exempt from the provisions of the classification plan:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer;
- (d) Mayor;
- (e) Councilman.

The compensation of the above mentioned positions are hereby fixed in Title 2, Chapter 2.40 of the Municipal Code.

SECTION 2.44.040. APPLICATION OF COMPENSATION PLAN TO POSITIONS. The salary schedule for the respective classes of positions as set forth in the most recently adopted resolution by the City Council shall be interpreted and applied as follows:

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

(b) The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as herein provided.

(c) Where a salary range for a given class or for several classes is revised upward or downward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same step in the new salary range.

SECTION 2.44.050 QUALIFICATION OF EMPLOYEES.

A. NON-DISCRIMINATORY. The personnel policy of this City is non-discriminatory as to race, religious beliefs, national origin, or ancestry. Each applicant for employment must be a citizen of the United States of America, except as expressly authorized by the laws of the State of California.

B. PRIOR EMPLOYEES. Employees holding positions on July 1, 1971, are deemed to be qualified for the position to which they are allocated subject to the right of the City Administrator or the City Council to dismiss any employee in accordance with the law.

C. NEW EMPLOYEES. No person shall be hereafter employed or appointed to any position requiring full-time or part-time service and which position is included in the classification plan and from which a class specification exists establishing desirable qualifications unless said person possesses substantially the desirable qualifications of education and experience prescribed for that class, provided however, that if qualified persons cannot be recruited the City Administrator may authorize the appointment of persons having less than the stated desirable qualifications.

SECTION 2.44.060 EMPLOYMENT AND HIRING.

A. BASIS. Selection of new employees to fill existing vacancies within the city service shall be on the basis of a qualifications appraisal process as stipulated in Section 2.44.050, paragraph C.

B. SUBMIT APPLICATIONS. The City shall have the right to require all employees to complete and submit any applications, agreements or statements pertinent to their employment, as stipulated by decision of the city council.

C. PHYSICAL EXAMINATION. The City shall have the right to require a physical examination of any applicant for employment or new employee and in addition shall have the right to require periodic medical examinations of all city employees.

SECTION 2.44.070 PROMOTION, DEMOTION AND TRANSFER--APPLICABLE PAY RATES.

A. WHO PROMOTES. Promotion of employees to a higher class within the city shall be made by the City Administrator with approval of the City Council.

B. PROMOTION BASIS. A promotion to a higher class shall be on the basis of assignment of substantially more responsible duties commensurate with those set forth in the class specification.

C. DEMOTION BASIS. A demotion to a lower class shall be on the basis of assignment of substantially less responsible duties commensurate with those set forth in the class specification.

D. COMPENSATION - PROMOTION. In case of the promotion of any employee in the City service to a position in a class with higher pay range, such employee shall be entitled to receive the rate of compensation in the entrance step of the class to which he has been promoted. In cases where the pay range overlaps, promotion shall be affected at the step in the range of the new class which is next higher than the employee's current salary. A new anniversary date shall be established for purposes of eligibility for future step increases as of the effective date of the promotion.

E. COMPENSATION - DEMOTION. In the case of the demotion of any employee in the city service to a class with a lower pay range, such employee shall be entitled to retain the pay step in the lower range corresponding in step number to that which he held in the higher class before such demotion; in such cases the employee shall retain his original anniversary date.

F. 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 pay step and shall retain his original anniversary date.

SECTION 2.44.080. CUMULATION OF SERVICE IN ONE CLASS OF POSITION. Whenever an employee accepts work under a different class of position in the city service, the character and nature of which work is similar and responsibilities are equal or superior to the work which employee has been performing, and later returns to his former position, his term of employment under such different class of position shall apply on and be added to his term of service in the former class upon his return to same, provided his employment in the city service has been continuous from the date on which the employee accepts work in such different class.

SECTION 2.44.090. HOURS OF WORK.

A. DAILY HOURS. Daily hours of work (or shifts) for employees within departments shall be assigned by department

supervisors as required to meet the operational requirements of said departments.

B. BASIS OF COMPENSATION. Monthly compensation shall be based on a thirty-seven and one-half or forty hour work week, and no authorization may be made for an employee to work less than said thirty-seven and one-half or forty hours without directly proportionate decrease in compensation.

C. ABSENCE. Any foreseeable absence or other deviation from regular working hours desired by an employee shall, in advance, be cleared through the Office of the City Administrator, and such absences shall be noted on the employee's time sheet.

SECTION 2.44.100. PART-TIME EMPLOYMENT. Except as otherwise provided herein, a daily work schedule of less than the number of hours of full-time employment shall be considered part-time service, and the actual compensation therefore shall be determined by the relation that the actual number of hours of service bears to the number of hours required in full-time employment in each class of position. The hourly rates prescribed for part-time employees are considered full compensation to include the value of vacation, sick leave and holidays. Since no other benefits accrue to such part-time employees, compensation will normally be based on the hourly equivalent to the third step of the range designated for the particular class of employment.

SECTION 2.44.110. OVERTIME.

A. PRIOR AUTHORIZATION. If in the judgment of the department head, work beyond the established work week is required, such work, except in the case of immediate emergency, shall be performed only with the prior authorization of the City Administrator.

B. EMERGENCIES. In emergencies, where prior authorization cannot be issued, the department head shall obtain approval for the overtime worked by an employee at the earliest opportunity thereafter, in no case to exceed ten days after the date worked.

C. TIME OFF COMPENSATION. Overtime worked shall be compensation on the basis of equivalent time off, or by paid compensation at the straight time hourly rate equivalent of the monthly salary at the discretion of the City Administrator.

D. INCIDENTAL OVERTIME. Incidental overtime is not compensable and may not be credited as overtime.

E. WAIVER OF COMPENSATION. The time when compensating time off may be taken shall be at the discretion of the appointing power. If the employee fails to take his compensating time off at the time designated by the appointing power, he shall have waived his right to compensation for such overtime.

F. HOLIDAYS. In those departments in which regular shift assignments require an employee to work on an observed holiday during which other city employees are not required to work, such employees shall have credited as overtime the hours equivalent to those which he worked on the holiday.

G. SUPERVISORY EMPLOYEES. In case of Directors of Departments, Department Heads, and other supervisory employees, the monthly salary shall be considered full compensation for all hours worked and no overtime shall be considered accrueable for said employees. Said employees shall include, but not be limited to, the following personnel: Director of Public Works, Director of Parks and Recreation, Tax and License Administrator, Librarian, Police Chief, Police Captain, all Superintendents of departments, and all Foremen of departments.

SECTION 2.44.120. VACATION LEAVE WITH PAY. Every employee shall be allowed vacation leave with pay at the rate of five-sixths of one working day for each calendar month of service during the first fifteen years of credited employment, and one and one-fourth working day for each calendar month of service thereafter; provided that no vacation shall be granted during the first six months of employment, but on successful completion thereof, vacation time shall be allowed for time of service accrued. Except upon authorization of the City Council, earned vacations shall not be accumulated in excess of twenty working days.

(a) No accumulated vacation time shall be allowed to any person who is discharged from the city service for cause.

(b) It is the policy of the city that vacation be taken in the year earned. Vacation leave may be accumulated to a maximum of twenty days only with approval of the City Administrator. Vacations shall be scheduled by the department heads so as not to interfere seriously with or impair the efficiency of the various departments.

(c) An employee about to resign, about to retire, or who is to be laid off without fault on his part, and who has earned vacation to his credit shall be paid for such vacation on the effective date of such resignation, retirement or layoff.

(d) Fifteen calendar days vacation shall be accumulated each year by the uniformed personnel of the police and fire departments in accordance with the provision of Section 38634-7 and Sections 53250-7 of the Government Code of the State of California.

(e) Holidays occurring during a vacation shall not be counted as a day of vacation.

SECTION 2.44.130 HOLIDAYS.

A. LISTED. The holidays for all officers and employees of the city shall be as follows:

- (a) January first.
- (b) The third Monday in February.
- (c) The last Monday in May.
- (d) July 4th.
- (e) The first Monday in September.
- (f) The fourth Monday in October, known as "Veterans Day".
- (g) December 25th.
- (h) Good Friday from 12 noon until 3:00 P.M.
- (i) Every day on which an election is held throughout the State.
- (j) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday, provided that on any day appointed by the President or by the Governor as a special or limited holiday, city offices shall be open

and shall function in their normal and usual manner and all other public functions shall be performed as on days which are not holidays.

B. SATURDAY AND SUNDAY HOLIDAYS. If January 1st, July 4th or December 25th falls on Saturday, the Friday preceding shall be a holiday, and should these dates fall on a Sunday, the Monday following shall be observed as a holiday.

SECTION 2.44.140. SICK LEAVE WITH PAY.

A. NUMBER OF DAYS. Each City employee is entitled to one day of sick leave with pay for each calendar month of service on the submission of satisfactory proof of the necessity of sick leave.

B. SIX MONTH MINIMUM. No employee shall be entitled to receive any sick leave with pay until he has been continuously employed for a period of six months. Upon completion of this six month period, the employee shall be credited with six days of sick leave.

C. WHEN GRANTED. Sick leave shall be granted only in case of a bonafide illness of an employee or in case of the death of a member of an employee's immediate family. In the latter case allowable sick leave shall not exceed five days.

D. MAXIMUM. Sick leave may be accumulated without limitation as to maximum.

E. ADDITION TO DISABILITY. A City employee who is entitled to temporary disability indemnity under the labor code may elect to take as much of his accumulated sick leave, or his accumulated vacation after his disability indemnity which shall result in a payment to him of his full salary or wage.

He is nevertheless entitled to medical, surgical, and hospital treatment as provided in the labor code. When his accumulated sick leave and vacation is exhausted, he is still entitled to receive disability indemnity.

F. HOLIDAYS. Holidays occurring during sick leave shall not be counted as a day of sick leave.

G. PREGNANCY. Paid sick leave shall not be granted for illness due to pregnancy.

H. EVIDENCE. Evidence, in the form of a physician's certificate or otherwise, may be required in determining the adequacy of reasons for any employee's absence during a time for which sick leave is requested.

I. EMPLOYMENT TERMINATION. No payment shall be made for accumulated sick leave at the time of termination of employment.

SECTION 2.44.150 INCOMPATIBLE ACTIVITIES. No full time employee of the City shall engage in any occupation or outside activity which is incompatible with his employment by the City. Any officer or employee engaging in an occupation or outside activity for compensation shall inform the City Administrator of the time required and the nature of such activity, and the City Administrator shall determine whether or not such activity is incompatible with City employment.

SECTION 2.44.160 PERSONNEL RECORDS. The City Administrator shall maintain such employee records as are necessary to the accomplishment of the various provisions of this chapter. The records shall include a central roster of employees and positions which is to include the record of employment of each employee in the classified service including dates of service, positions held, salaries or wages received, vacation, sick leave earned and taken, and other such information as may be deemed appropriate.

SECTION 2.44.170 MILITARY LEAVE. Military leave with pay shall be granted in accordance with Section 395 of the Military and Veteran's Code.

SECTION 2.44.180 DEFINITION OF TERMS. The words and terms defined in this section shall have the following meanings in this chapter and in any other ordinance classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department or office of the City.

CLASS OR CLASS OF POSITION means a definitely recognized kind of employment in the city service designed to embrace all