



*Town of Yountville*  
*"The Heart of the Napa Valley"*

**TOWN OF YOUNTVILLE**

**PERSONNEL RULES**

**AND**

**POLICIES**

**Adopted March 7, 2001  
(Amended September 6, 2011 per Resolution 2984-11)**

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## SECTION 1 – INTRODUCTION AND GENERAL PROVISIONS

### A. Purpose

The purpose of the Personnel Rules and Policies is to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent work force available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees.

### B. Adoption and Amendment of Rules

The Personnel Rules and Policies shall be adopted by a resolution of the Town Council. Amendments and revisions may be proposed from time to time by any member of the Town Council, Town Manager, or the Town Attorney.

### C. Application of Rules and Policies

These Personnel Rules and Policies shall apply to all officers and employees in the service of the Town except the following unless otherwise noted:

1. Members of the Town Council.
2. Members of appointive boards, commissions and committees.
3. Persons engaged under contract to supply expert, professional, or technical or any other services.
4. Volunteer personnel.
5. Town Manager
6. Town Attorney
7. Department Heads and other management positions employed at will with an employment agreement, except where expressly provided.
8. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake, etc., which threatens life or property.
9. Employees, other than those listed elsewhere in this section, who is not regularly employed in regular full-time or regular part-time positions.
10. Temporary or seasonal employees, whether part-time or full-time.
11. Any position primarily funded under a State or Federal employment program.
12. Any new position hereafter created by the Town Council, unless declared by the Town Council to be in the competitive service at the time of creation or thereafter;

- a. Employees not included in the competitive service under this section shall serve at the will of the Town Manager and may not utilize Section 9 (Complaint Procedure), Section 10 (Grievance Procedure) or Section 11 (Disciplinary Actions) of these Personnel Rules.
- b. The portions of the Personnel Rules relating to Leaves and Leaves of Absence, Policies Governing Employment and Working Conditions, Travel and Travel Reimbursement and Use of Vehicles shall apply to the incumbents of full-time positions allocated by the Town Council, not otherwise covered by these Rules.

**D. Administration**

The Town Manager is responsible for implementing, administering, and ensuring compliance with the provisions of these rules and policies. In the event any provision of these Rules and Policies needs clarification, the Town Manager may issue administrative instructions clarifying the intent of said provisions as adopted by the Town Council. The Town Manager may develop and issue procedures, consistent with these rules and policies, to facilitate the implementation.

If there is any conflict between these rules and policies and any department Rules and Policies, the Rules and Policies contained in these rules and policies and any Memorandum of Understanding between the Town and the Employee Association, the provisions contained in the Memorandum of Understanding shall take precedence.

**E. Delegation of Responsibility**

The Town Manager may, at his or her discretion, delegate the responsibilities assigned in these rules and policies, as he or she may deem appropriate and necessary.

**F. Revisions and Distribution of the Rules**

Each current employee will receive a copy of these rules and policies. New employees will be given a copy of these rules and policies at the time of employment. Each employee is responsible for reading and complying with them.

**G. Compliance**

All employees must comply in carrying out the provisions of these Rules and Policies, and comply with other such management memoranda that the Town Manager may from time to time issue.

**H. Right to Contract for Services**

The Town Manager shall consider and make recommendations to the Town Council regarding the extent to which the Town should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The Town Council may contract with any qualified person or public or private agency for the performance of all or any Town service.

**I. Severability**

If any section, subsection, sentence, clause, phrase or portion of these Personnel Rules and Policies is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Personnel Rules and Policies.

**SECTION 2 – DEFINITIONS**

**Town Manager:** The Town Manager of the Town of Yountville with duties and responsibilities as specified in Municipal Code Section 2.08.

**Anniversary Date:** The date upon which service time is computed for purposes of step advancement and accrual of vacation and sick leave benefits, usually the date of first employment.

**Appointing Authority:** Shall be Town Manager or designee.

**At-Will Employees:** Employees who serve under the Town Manager with individual employment agreements are not entitled to the right of appeal in the event of termination or other disciplinary action.

**Class Specification:** A written description of a class which identify factors and conditions that are essential characteristics of the class including the minimum qualifications for performing work in the class as well as typical duties, responsibilities, and tasks.

**Class or Classification:** A position or group of positions sufficiently similar with regard to duties and responsibilities that the same title may be used to designate each position allocated to the class; the same minimum qualifications for employment in the class would prevail; and the same schedule of pay would apply.

**Compensation:** The salary, wage, allowance and all other forms of valuable consideration earned by or paid to an employee by reason of his/her service in a position but does not include any reimbursement for any expenses incurred in the course of employment.

**Competitive Service:** All regular and probationary full-time and regular and probationary part-time employees and positions which are covered by these Personnel Rules and Policies as specified in Section 1.C of these Rules. At-will, temporary and seasonal employees are not included in the Competitive Service.

**Continuous Employment:** Period of uninterrupted employment including holidays and authorized leave, but not including periods of leave without pay or times of suspension.

**Department Head Group:** Consists of the Town Manager, Planning Director, Finance Director, Parks & Recreation Director and Public Works Director. These positions are FLSA Exempt, and under individual employment agreements.

**Mid-Management Group:** Consists of Associate Planner, Community Facilities Supervisor/Manager, Management Analyst, Public Works Manager, Recreation Supervisor/Manager, Town Clerk I/II and Utility Operations Manager. These are FLSA exempt positions structured as professional, technical and supervisory positions.

**Employee:** A person legally occupying a position or office in Town service.

**Employment Status:**

- a. **Temporary/seasonal employee:** A part-time or full-time employee whose position is funded on a seasonal or other special time period basis. A temporary employee is paid on an hourly basis and is not entitled to paid vacation, sick leave, holidays or benefits established for regular employees.
- b. **Full-time employee:** An employee whose normal assigned work hours equal a forty-hour workweek.
- c. **Part-time employee:** An employee whose normal assigned work hours are less than a forty-hour workweek. Part-time employees are normally appointed on a temporary basis.
- d. **Non-exempt employee:** Employees designated as eligible for overtime pay in accordance with the Fair Labor Standards Act (FLSA).
- e. **Exempt employee:** Employees designated as not being eligible for overtime pay in accordance with the Fair Labor Standards Act.
- f. **Volunteer:** An individual who has agreed to provide a service to the Town with full knowledge that monetary compensation will not be provided. Such individuals must be approved for appointment by the Town Manager.
- g. **Probationary employee:** A new or promoted employee who has been appointed to a regular full-time or regular part time position, (specifically excluding non-regular part-time, temporary and seasonal employees) and who is serving the probationary period provided for in these Rules.
- h. **Regular employee:** An employee who has completed probation and is assigned to a position that has been established on a regular, year-round basis.
- i. **Regular part-time employee:** An employee who has completed probation and is assigned to a position which has been established on a regular, year round basis and is regularly assigned to work twenty (20) hours a week or more, but less than forty hours a week.
- j. **Management Employee:** Employees other than contract employees, who hold managerial positions in Town service and are appointed by and serve at the

pleasure of the Town Manager. These are FLSA exempt positions.

- k. **Independent Contractor:** is a non-employee of the Town of Yountville and scope of duties are governed by a separate written contract.
- l. **Intern:** A full-time or part-time student enrolled in a high-school, college-level degree program, or graduate-level degree program and may work up to 960 hours part-time or seasonally per year.

**Position:** A group of current duties and responsibilities assigned or delegated by competent authority requiring the full time or part time service of one person.

**Probationary Period:** The length of continuous service for which a full time or part-time employee must serve in order to attain the status of regular employee in a regular position. At will employees do not serve a probationary period.

**Supervisor:** An employee in a position that has responsibility for directing and evaluating the work of subordinate employees.

**Town:** The Town of Yountville.

**Town Service:** Means all positions and departments and agencies of the Town that are subject to control and regulation by the Town Council of the Town of Yountville.

### **SECTION 3 – WORKING CONDITIONS**

**A. Hours of Work**

Eight hours per day and forty hours per week constitute the normal workweek for all employees. To the maximum extent practicable, work schedules for employees not working normal business hours shall be arranged so that employees will work for five consecutive days, followed by two days off. Employees are expected to be at their assigned place of work and prepared to commence work with tools at hand at the time assigned.

**B. Hours of Work – Department Heads / Mid-Management Groups**

Department Heads and Mid-Management employees will ordinarily observe the same work schedule as the employees under their direction. In addition, they shall work any additional hours that are necessary to fulfill the requirements of their position rather than be bound by any specified number of hours per week, as these positions are FLSA exempt.

**C. Meal Breaks**

Employees who work six or more hours in a day, are generally scheduled a 30 to 60 minute period, generally in the middle of the workday, during which they are free to eat a meal or complete personal errands. Unless directed otherwise, employees are not paid for this time and are free to leave the work place.

**D. Rest Breaks**

For each four hours of work, conditions permitting, employees are provided a fifteen-minute rest break, during which they may engage in personal conversations, move about, and otherwise “take a break” from the normal duties of their assignments. This time will be paid by the Town as a part of the workday. The lack of opportunity to take advantage of the rest break at the appropriate time does not imply either additional pay for that time nor that the rest break may be deferred to another time. Employees may not add rest break time to lunch hour or leave work early.

**E. Distribution of Material**

No employee may, without specific approval of the Town Manager, distribute or make available on Town property or while on duty any literature or other material not furnished by the Town for that purpose.

**F. Care of Tools and Equipment**

Each employee which has care or custody of Town-owned property (including money) or equipment has a responsibility to take appropriate care of the property or equipment, including safeguarding it against theft or damage. Any employee becoming aware of the theft of, or malicious damage to, Town-owned property or equipment shall immediately report it to the Town Manager.

**SECTION 4 – RECRUITMENT, SELECTION, AND APPOINTMENT**

**A. Employment Policy**

Appointments to vacant positions within the Town service shall be on the basis of merit and qualifications for the position. The Town shall require all employees to complete and submit applications, agreements or statements pertinent to their employment as determined by the Town Manager.

**B. Equal Employment**

The Town of Yountville does not discriminate on the basis of age, color, race, religion, sex, marital status, national origin, Vietnam Era or Disabled Veterans, sexual preference, or disability in the hiring or retention of employees.

**C. Recruitment Process**

**1. Authorization to Recruit**

Authorization to fill a vacancy shall be by the inclusion of the position in the most recently approved Town Budget or by other action of the Town Council in creating a position. The Town Council may from time-to-time request prior justification for filling some or any vacancy that may arise, in which case recruitment will not be done until approved by the Council.

**2. Manner of Filling Vacancies**

Vacancies may be filled either by an open recruitment or by a promotional recruitment. In an open recruitment, members of the public and current Town employees may apply. In a promotional recruitment, only current Town

employees may apply. The Town Manager shall determine whether recruitment shall be open or promotional. However, in accordance with Section 12C, if there is a layoff re-employment eligibility list, individuals on that list shall have preference over new hires or employees eligible for promotion.

### **3. Announcement**

The Town shall publish announcements when recruiting to fill vacant positions that state the following:

- a. Position title
- b. Salary of classification
- c. Typical duties to be performed
- d. Desired qualifications
- e. Method of obtaining application forms
- f. When (final filing date) and where to file applications
- g. Testing process
- h. Any other pertinent information

Employment standards stated in the announcement shall be those established for the class as outlined in the class specification.

### **4. Posting of Announcements**

An announcement of an open recruitment shall be published by posting notices at Town Hall on the official bulletin board, by classified advertising in at least one newspaper of general circulation in the Town, and through other appropriate methods as determined by the Town Manager. An announcement of a promotional recruitment shall be published by posting notices at Town Hall on the official bulletin board and through other appropriate methods as determined by the Town Manager.

### **5. Qualification of Applicants**

- a. No person shall be employed in or appointed to any position requiring full-time or part-time service where the position is included in the classification plan and a class specification exists establishing desired qualifications unless said person possesses in full, by the final filing date, the desired qualifications or education and experience prescribed for that class except as provided by these Rules.
- b. In the event an applicant entering Town employment is found to possess qualifications extraordinary for the position the applicant is being hired for, the Town Manager may authorize the employment of such applicant at any step within the appropriate pay range. For the purposes of this section, "extraordinary" means the applicant has education, experience and/or skills superior to that commonly required and expected for the class.

**6. Applications**

Applications shall be made as prescribed on the announcement of the vacancy. Applications forms shall require information covering training, experience and other pertinent information. All applications must be signed by the person applying.

**7. Submitting Applications**

Applications submitted in person must be received by the Town not later than 5:00p.m. on the final filing date. Applications mailed or delivered by other commercial service must bear a postmark or receipt by the commercial delivery service not later than the final filing date and must be received not more than seventy-two (72) hours after the final filing date and time.

**8. Incomplete Applications**

Incomplete applications may be returned to the applicant with notice to amend, provided the amended application is submitted in a timely manner per Section 7 above.

**9. Disqualification**

An applicant for employment may be disqualified for, but not limited to, the following reasons:

- a. The applicant does not possess the necessary qualifications established for the position.
- b. The applicant has been dismissed for good cause from previous Town employment.
- c. The applicant has used or attempted to use any improper personal or political influence to further their employment with the Town.
- d. The applicant has been convicted of a felony or misdemeanor that was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position or which involved moral turpitude. The word "convicted" shall be construed to mean a plea of guilty or nolo contendere, verdict, or finding of guilt regardless of whether sentence is imposed by the court.
- e. The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.
- f. The applicant has turned down two offers of employment.

**D. Competitive Examinations**

The method of application, evaluation, and pre-employment examination shall be determined by the Town Manager. Selection techniques may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination of these or other tests.

**E. Offer of Employment**

Offers of employment shall be extended to selected candidates by the Town Manager, unless the responsibility has been specifically delegated. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly or monthly basis. In no event shall an employment offer be made in terms of annual salary that may imply a yearly contract. All employment offers are subject to all employment contingencies that may include, but are not limited to satisfactory medical exam, psychological exam and fingerprint checks.

**F. Appointing Authority**

1. Appointment to full time regular, part time regular and management positions shall be made by the Town Manager.

**G. Medical or Psychological Examination**

Medical examination results are confidential by nature and are for the purpose of determining an employee's ability to perform the essential duties of the job. All records or findings of medical or psychological evaluations should be maintained in a secure file, separate from other personnel documents.

1. A medical examination shall be required prior to the final appointment of all new full-time employees and regular part-time employees to determine whether the employee can carry out the essential duties of the position or to establish any accommodations necessary for the employee due to a disability. Psychological examinations may be required of employees hired for certain classifications.
2. At the option of the Town Manager, a health examination may be required prior to any reclassification or promotion in the Town service where the physical or mental requirements of the new position are more demanding than that held previously by the employee.
3. The Town Manager may require special examinations of any Town Employee who is returning from a medical leave of absence or has used significant amounts of sick leave to assure that the employee is physically or mentally capable of performing the essential duties of the position.
4. Any appointment or offer of employment is considered to be conditional, pending a report of the satisfactory results of any examination required under this section. The appointment or offer of employment may be withdrawn if the applicant is found to be medically or mentally unable to perform the essential duties of the position. If the individual has a disability as that term is defined under the Americans with Disabilities Act (ADA), the Town shall make reasonable accommodation as required under the ADA.
5. Any examination required by the provisions of this section will be at the expense of the Town and the report thereof shall be exclusively the property of the Town.

6. An employee disqualified on the basis of a medical report shall have the right to seek an independent medical evaluation for consideration before a final decision is made.

#### **H. Employment Oath**

All employees of the Town shall complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the constitution of the State of California. The Oath shall be administered by the Town Clerk or designee individual and a signed copy shall be included in the employee's personnel file.

#### **I. Legal Authority to Work**

Each applicant must attest to his or her legal authority to work and identify such on an I-9 Form provided by the Federal government. This verification must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual is hired. All offers of employment are conditional on furnishing satisfactory evidence of identity and legal authority to work in the United States.

#### **J. Volunteers**

1. The Town Manager may appoint volunteers who will serve without pay or other compensation. Prior to appointment as a volunteer worker, it must be determined that the person is qualified and capable of performing the work to be done.
2. Volunteer workers of a designated class or group who are registered as such shall be deemed to be employees of the Town for purposes of workers' compensation while performing such voluntary service for the Town without pay as authorized by Labor Code Section 3363.5. Volunteer workers who are not registered as such, or who do not belong to a designated class or group, shall not be deemed employees of the Town for purposes of workers' compensation under Labor Code Section 3363.5. A designated class or group is a class or group of volunteer workers that the Council designates to contain employees of the Town for purposes of workers' compensation.
3. To be registered, a person must be listed on the roster of volunteer workers who are considered employees of the Town for workers' compensation purposes. The Town Manager or his or her designee will keep and maintain the roster and shall promulgate procedures to register volunteer workers of designated classes or groups. The roster shall contain name, address, and telephone number, nature of work to be performed, and approximate time during which such volunteer work is to be performed. Designated volunteer workers shall be registered on the roster for a maximum of six (6) months, at which time the registration must be renewed or the registration will expire.

4. The Town reserves the right to terminate the volunteer service of any individual volunteer if such services are not needed, the specific volunteer is not performing the services satisfactory, or for any other reason. The Town reserves the right to withdraw employee status from registered volunteer workers, either individually or as a group or class, by terminating either their designated or registered status, or both.

## **SECTION 5 - ADMINISTRATION OF PAY PLAN**

### **A. Salary Schedule**

Salaries paid and any special compensation shall be in accordance with these Rules and the most recent applicable Salary Resolution adopted by the Town Council and any amendments thereto. Such Resolutions are available from the Town Clerk.

### **B. Temporary Employees and Special Salaries**

Salaries for Temporary Employees and special salaries and incentive payments shall be in accordance with a Salary Resolution adopted by the Council or as set forth in the State or Municipal Code.

### **C. Hourly Rates**

Where any monthly pay rate is to be converted to a salary hourly equivalent, the monthly rate of pay shall be divided by 173.33 to determine the hourly rate. Daily rates are equivalent to the appropriate hourly rate multiplied by eight hours.

### **D. Overtime**

1. **General Policy:** It is the policy of the Town that overtime is to be discouraged and used only in cases of emergency. Except for an emergency a Supervisor or Department Head shall not obligate the Town to compensate for overtime without specific advance authorization.
2. **Overtime Compensation:** Work in excess of forty (40) hours per week by those employees eligible for overtime pay, shall be paid at the rate of one-and-one-half (1-1/2) times the regular rate of pay. If the employee so requests, accumulation of compensatory time may be authorized to be taken off in lieu of overtime pay to the extent permitted by law. When earned, compensatory time is accumulated at the same rate as if it were to be paid.
3. **Compensatory Time Off:** An employee, who has accumulated Compensatory Time as described in subparagraph (2), above, may request time off, to be charged against the accumulated Compensatory Time. Approval of the request for time off is at the discretion of the Supervisor or Department Head, who will consider the needs of the Town as well as the desires of the employee.
4. **Department Head – Mid-Management employee:** A Department Head/Mid-Management is considered to be compensated for a “complete job” by his/her

regular salary, and so shall not be compensated for extra hours worked either through overtime pay or the accumulation of compensatory time off.

5. **Overtime in Multiple Positions:** In the event an employee is assigned to more than one position, all hours worked for the Town will accumulate towards the forty (40) hour workweek. Any hours worked over forty hours in a work week will qualify for overtime pay. The rate of overtime will be calculated as required by law. In order for an employee to receive overtime compensation, advance authorization must be received prior to additional hours being worked.
6. **No Holiday Pay:** when temporary, seasonal, part time or management employees are required to work a holiday; there will be no Holiday Pay.

#### **E. Anniversary Dates**

For the purpose of salary administration and performance evaluations, each employee shall have an anniversary date that shall be determined as herein provided.

1. For a new employee, anniversary date shall be the date the employee was employed in a regular position and every subsequent year from that date.
2. For an employee who is promoted, the first Anniversary Date shall occur the first day of the pay period closest to one (1) year from the first day on which the employee was promoted.
3. For an employee who is demoted, the Anniversary Date shall be the first day of the pay period closest to one (1) year from the first day on which the demotion is effective.

#### **F. Anniversary Date upon Transfer**

Anniversary Dates of employees who are transferred to a job classification designated by the same salary range or whose job class is reclassified from one salary range to another shall not be changed.

#### **G. Salary upon Appointment**

Upon initial appointment with the Town, a regular employee shall be placed in the first step of the salary range. However, if it is not practical or possible to hire qualified personnel at the first step, appointment at a higher step within the range may be authorized by the Town Manager.

**H. Salary upon Reclassification**

Any employee in a job, which is reclassified with a different salary range, shall be compensated at the step in the new salary range that does not result in a loss of pay. Upon recommendation by the Supervisor or Department Head and approval by the Town Manager, an employee in a position that is reclassified may be placed in a step of the new salary range for the new class that provides for a minimum increase of approximately five (5) percent.

**I. Salary upon Promotion**

Upon promotion, an employee shall be placed in the first step of the range for the new class. If placement in the first salary step provides for a salary increase that is less than five percent (5%), the employee shall be placed in a salary step in the range for the new class that provides for at least a five percent (5%) increase.

**J. Salary upon Demotion**

The salary of an employee who is demoted to a position of a job class with a lower salary than the job class from which the employee demoted shall be reduced to the salary step in the range for the new class recommended by the Supervisor or Department Head and approved by the Town Manager.

**K. Salary upon Transfer**

In the case of a transfer of an employee from one position to another in the same salary range, the employee shall continue in the same salary step. In the case of a transfer of an employee from one position to another in a class with a lower salary range, the employee may be placed in any step in the range where the employee does not receive a pay increase.

**L. Step Increases**

Step increases are based on merit. An employee must perform the duties of the position in a manner satisfactory to the Supervisor or Department Head and approved by the Town Manager to receive the following step increase:

- 6 months @ Step A to become eligible for Step B
- 12 months @ Step B to become eligible for Step C
- 12 months @ Step C to become eligible for Step D
- 12 months @ Step D to become eligible for Step E

Merit increases are typically 5% within the limits of the appropriate salary range. Merit increases shall be made on each Anniversary Date. No increase shall be made without the written recommendation by the Supervisor or Department Head. Part time seasonal employees may be eligible for step increases based on merit at least annually.

**M. Qualifications for Step Increase:**

1. An employee may be granted a step increase after having served for the designated qualifying period and after a performance evaluation finding that the employee's performance was not less than satisfactory.

2. In unusual cases, upon recommendation of the Supervisor or Department Head, where special ability or aptitude is demonstrated, the Town Manager may approve advancement of an employee to a higher step before completion of the normal qualifying period.

**N. Bilingual Pay**

Bilingual pay for fluency in both English and Spanish will be paid to employees assigned to Town Hall who are normally available for translation for Town business. Such pay will be five percent of the employee's base salary. Bilingual pay shall be awarded when it is determined that there is a benefit to the Town and recommended by a Supervisor or Department Head and approved by Town Manager.

**O. Out-of-Class Pay**

When, because of absence, an employee performs substantially all the functions (full-time) of a higher classification, the employee will receive an increase of no less than 5% of his or her base hourly equivalent wage. The increase will be effective after the third week of the assumption of those duties and continue during the period those duties are being performed by the employee on a full-time basis.

**P. Pay Periods**

The official pay periods occur on a bi-weekly basis with paychecks being available no later than the second working day following the pay period.

**Q. Reporting Time Worked**

Employees are responsible for reporting on a prescribed form all hours worked and leave taken during the pay period. The employee is responsible for securing the signature of his immediate Supervisor on the form, indicating approval of the hours submitted. The employee is also responsible for seeing that all required documentation for approved leave or overtime worked is attached to the time report. In the event employees are unable to accurately report all time, due to the need to submit the time report prior to the end of the pay period, they shall be responsible for bringing that fact to the attention of their Supervisor or Department Head as soon as practicable, so the payroll records can be adjusted accordingly.

**R. Issuance of Pay Checks/Direct Deposit**

Paychecks will be distributed no later than the second working day following the pay period by the Supervisors or Department Head or by direct deposit. In the process of distributing paychecks, Supervisors and Department Heads and other personnel necessarily involved in the process will take due care to preserve the confidentiality rights of employees. Employees are encouraged to utilize direct deposit of their pay checks.

## SECTION 6 - TERMS OF EMPLOYMENT

### A. Probationary Period

1. Each new full-time or regular part-time employee filling a regularly allocated position shall be a probationary employee until the successful completion of a six (6)-month probationary period. The purpose of the probationary period is to give the employee the opportunity to demonstrate that he/she is qualified, able, and willing to meet the standards of the Town of Yountville and the position for which they are hired. If, at any time prior to the successful completion of the probationary period, the Town Manager determines that it is in the best interest of the Town to terminate the employment of the probationary employee, it will be in his/her discretion to do so. An employee terminated from probation shall not have any right of appeal under these Rules or any right to grieve their termination under the relevant Memorandum of Understanding, if any. The Town Manager has the discretion of extending the probationary period for an additional six months, if the Town Manager feels it is in the best interest of the Town to do so.
2. Department Heads, temporary, seasonal, specially funded and part-time employees (in non-regular positions) and contract employees, are not subject to a probationary period since these employees are at will and are subject to termination at the discretion of the Town Manager or Town Council as applicable.

### B. Probationary Period - Promotional Positions

In the case of a promotion of an employee, the six months following the promotion will be a "promotional probationary period" during which time the employee may be returned to his/her former classification, unless disciplinary charges are filed and the employee is terminated from employment with the Town. The employee may also be allowed to return to his/her former classification upon the written request of the employee. Upon the employee's return all rights and benefits will be restored to the employee as if the promotion had not occurred.

### C. Transfer

1. Upon recommendation by the Supervisor or Department Head and approval of the Town Manager, or upon the employee's request and approval of the Town Manager, an employee may be transferred at any time from one position to another position in a comparable class. The Town Manager may also initiate a transfer when it is determined to be in the best interests of the Town. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

2. If the transfer involves a change from one department to another, both Department Heads and Supervisors must consent unless the Town Manager orders the transfer in the best interests of the Town. A transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these Rules.

**D. Promotion**

When in the best interests of the Town, the Town Manager may designate a vacant position as a "Promotional" position and open only to current regular Town employees.

**E. Demotion**

The Town Manager may demote an employee whose ability to perform his/her required duties falls below standard, or for disciplinary purposes. Also upon request of the employee, and with the consent of the Town Manager, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee, and a copy filed with the Town Manager.

**F. Reinstatement**

With the approval of the Town Manager, a regular employee or a newly promoted probationary employee who has completed probationary service in another classification and who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class, without being required to undergo an additional qualifying examination. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, leaves, or other benefits.

**G. Classification Plan**

The sum of the Class Specifications/Job Descriptions shall be the classification plan for the Town of Yountville. This plan shall be used as a basis for the organization of operations for the Town and as a basis for the pay plan.

1. **Class Specifications:** The duties, responsibilities, and qualifications of positions within the Town service shall be determined by the Town Manager and approved by the Town Council. Job descriptions shall be periodically reviewed and updated to accurately reflect the duties assigned to the positions. Job descriptions shall be kept on file by the Town Manager, with a copy of his/her current job description being provided to each employee.
2. **Request for Classification Review:** An employee may request that the Town Manager review his/her assigned class if the duties and responsibilities have changed significantly from those listed in the job description. Employees shall not have a right to request such a review within twenty-four months of the last time the position was studied. The Town Manager shall respond in writing within thirty (30) days of the request.

## H. Employee Evaluations

Each employee shall be evaluated according to a system approved by the Town Manager. Employees on probation will be evaluated at least once during their probationary period. However a probationary employee may be released at any time with or without a formal evaluation having been given. Employees will be evaluated on an annual basis or more often if needed. Each employee's evaluation shall be reviewed with the employee, after which the employee is expected to sign the evaluation. Signing the evaluation does not indicate agreement with that evaluation, and the employee may submit reasonable comments in explanation or rebuttal of its contents. After review by the Town Manager, employee evaluations, including material submitted by the employee, will be placed in the employee's personnel file.

## I. Personnel Files

1. **Records Custodian:** The Town Manager or designee is responsible for the maintenance of employee personnel files.
2. **Contents:** A personnel jacket is maintained for each employee in Town service. All documents relating to each employee are filed therein. These include, but are not limited to, application and appointment papers, work history with the Town of Yountville, employee evaluations, safety and training records, background information records, pay and leave records, and disciplinary records.
3. **Security:** Personnel records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization of the Town Manager or designee, the employee, an employee's representative who has written authorization by the employee to view the file, and the Town Attorney to the extent necessary and reasonable to exercise his/her duties. Employees may review their own personnel file with supervision at times arranged with the Town Manager or designee. Employees may respond in writing to the contents of their personnel file. Such responses become a permanent part of their file.

**Internship Program:** The Internship Program was created to enable the Town to recruit, train, and develop an intern's skills in order to prepare him/her for professional, entry-level employment. This program does not guarantee intern employment with Town, but rather it attempts to assist in an intern's career development to become an experienced, knowledgeable, and qualified individual capable of competing in the professional job market. When there is a Town vacancy, the qualified intern would be afforded the same full and equal consideration for employment as any other applicant under consideration.

## SECTION 7 - HOLIDAYS, VACATIONS AND LEAVES OF ABSENCE

### A. Holidays

1. Town offices shall be closed and non-emergency employees shall observe the following holidays:

January 1	New Year's Day
Third Monday in January	Martin Luther King Day
Third Monday in February	Presidents' Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Day after Thanksgiving Day
December 24	Christmas Eve
December 25	Christmas Day

2. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday.
3. Each full time regular employee shall be granted three (3) floating holidays (24 hours) each year on July 1 that may be taken at any time mutually agreeable to the employee and the employee's immediate Supervisor prior to June 30. Unused holidays may not be carried forward to the following year. Regular Part Time employees appointed for less than 40 hours, but more than 20 hours, will receive 1 ½ floating holidays (12 hours) to be used in the same manner as Full Time employees.
4. Eligibility - An employee must work or be in a paid status previously approved by the employee's Department Head the entire work day immediately before and the first entire work day immediately after a holiday in order to receive compensation for the holiday.

**The Town provides the following leave categories:**

Vacation leave, administrative leave, bereavement leave, jury duty and witness leave, leave of absence, and sick leave. As required by state and federal law, The Town also provides military family leave, pregnancy disability leave and parental leave, job-incurred disability leave, military duty leave, school leave, kin care leave, and time off to vote.

Though not required by law, the Town follows the provisions of the Family and Medical Leave Act as well as the California Family Rights Act.

1. **Administrative Leave:** Administrative leave is granted in recognition of the extra hours worked by exempt employees, but it is not an hour-for-hour match. Only exempt management and mid-management employees are granted such leave as they are expected to periodically work additional hours without a resultant equal

time off. Each year on July 1st, Administrative Leave time is credited for management and mid-management level positions. Employees appointed to mid-management and department head level positions after the beginning of the fiscal year, will have such administrative leave pro-rated based on appointment date.

2. **Annual Vacation Leave:** The Town provides annual vacation leave which accrues monthly. The Town Manager may accelerate or increase vacation accrual rates or may provide a starting balance of vacation leave as part of an employment offer. Earned vacation leave may be taken as it accrues. An employee may take vacation that has not yet been accrued only with prior approval from the Town Manager. Scheduling of vacations must be made with consideration for the unit's workload, and approved vacation leave may be denied to meet the Town's unexpected operational needs
3. **Maximum Vacation Accrual:** Employees may accrue vacation leave up to the maximum amount of 360 hours. This amount may be waived by the Town Manager on a case-by-case basis due to workload, staffing constraints, or unusual vacation plans if requested in advance in writing. Once the maximum accrued leave has been reached, the employee ceases to accrue any additional vacation leave until such time as employee has used enough vacation leave to drop below the not to exceed maximum levels.
4. **Accrual Amounts:** Each employee's leave accrual amounts are listed on their paycheck stub. Employees are responsible for tracking their accrual limits and ensuring that any time off that is taken is approved.
5. **Vacation Pay on Separation from Service:** Employees who separate from service shall be cashed out of their accrued and unused vacation at the employee's hourly rate at the time of separation from service.
6. **Bereavement Leave:** All regular employees shall be allowed a leave of absence on full pay, not to exceed three (3) working days or (5) working days if the death is 150 or more miles away from the Town limits, when such absence is due to the death in the immediate family. The immediate family member is mother, father, grandmother, grandfather, and grandchild, of the employee or of the spouse of the employee and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or spouse/domestic partner or any relative living in the immediate household of the employee. Such leave shall not be charged against accumulated sick leave or vacation.
7. **Jury Duty:** Every employee of the Town shall be entitled to leaves of absence when regularly called for jury duty in the manner provided by law. Such leaves of absence shall be granted and the employee shall receive the regular salary while on jury duty. The amount received for jury fee shall be returned to the Town. An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he/she perceived or investigated in the course of this employment shall 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 his/her 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 for such purpose.

8. **Military Leave:** Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting military leave shall provide the Town Manager with a copy of the written military orders stating the start date and anticipated duration of service. Certain military leave shall be paid leave for a period of time as specified in state law. Employees on military leave are entitled to seniority-related benefits, promotional opportunities and reinstatement after return from military leave in accordance with applicable law. As required by law, leave accruals will continue during paid military leave and contributions as appropriate, will be made under the applicable retirement plan. Employees on military leave have options to continue health benefits coverage, and will be provided with information regarding such options upon making a request for leave.
9. **Military Family Leave:** In accordance with the Family and Medical Leave Act (FMLA), eligible employees may use their 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 26 weeks of leave in a single 12-month period to care for a family member who sustains a serious illness or injury while on active military duty.
10. **Military Spouse Leave:** In accordance with California Military & Veterans Code, eligible spouses and domestic partners of active members of the military are entitled to up to 10 days of unpaid leave when their spouse or domestic partner, who is in active military service, is on leave.
11. **Other Authorized Leaves:** The Town Manager may authorize employees to take leave with or without pay for job or employment –related training, education, conferences or meetings.
12. **Parental Leave (California Paid Family Leave):** After the employee’s pregnancy disability ends, the employee may be eligible for CFRA leave, in accordance with the Family and Medical Leave policy or California Family Leave to care for a newborn. The Town may require that the employee provide a medical certification indicating when the pregnancy disability ended.
13. **Sick Leave:** Regular full-time and regular part-time employees as described in these Rules and Policies shall be provided sick leave, which is available only for the actual illness or injury of an employee. Employees shall not be entitled to sick leave as a matter of right, but only in accordance with the provisions of law and Town policies. Sick leave is accrued at 8 hours per month for full-time

employees. Eligible part-time employees accrue on a pro-rated basis. Unused sick leave may be accrued without limit. The supervisor is responsible to track and follow up on sick leave absences. Generally the supervisor shall receive from the employee verification by a health care provider of the employee's need for sick leave after 3 days of absence. However, the supervisor may request, in his/her discretion, that the employee produce a certificate issued by a health care provider or other satisfactory proof of illness for any absence of any length or before sick leave is granted. In addition, the Town Manager may also direct an employee to attend a physical examination by a Town retained licensed physician, at the Town's expense, to ascertain whether the employee is fit to perform the duties of his/her position.

14. **Sick Leave as Kin Care:** Sick Leave as Kin Care may be used for the employee's spouse, registered domestic partner, children, parents, or other legal dependents unless otherwise provided for in these Rules and Policies or required by law. In cases of illness of a family member, employees are entitled to use not less than up to one-half of the employee's annual sick leave entitlement to attend to the illness of a spouse, domestic partner, parent, or child, in accordance with Labor Code section 233. Additional family sick leave usage for special circumstances may be granted on a case-by-case basis in the discretion of the Town Manager.
15. **Notification of Sick Leave:** When an employee is unable to report for duty due to the employee's own illness or that of a designated family member as defined in Labor Code 233, the employee must notify his/her immediate supervisor as soon as possible. The employee shall report the intended use of sick leave and the reason for the absence. If the supervisor is not immediately available, the employee may leave a voice mail message, unless otherwise directed.
16. **Sick Leave Upon Separation from Employment:** An employee shall not receive payment for unused accumulated sick leave upon separation of employment or retirement (either disability or service retirement). With a concurrent retirement from the Town and CalPERS, any accrued but unused sick leave may be utilized for service credit for retirement purposes as allowed by Public Employment Retirement Law.
17. **Unused Sick Leave:** Sick leave may be accrued without limit. An employee shall not receive payment for unused accumulated sick leave upon separation of employment or retirement.
18. **Time Off to Vote:** Employees shall be authorized reasonable time to vote on election days.
19. **Unpaid Leave of Absence:** Before taking any unpaid leaves, employees must use all discretionary (vacation and floating holidays) leaves except sick leave, unless the absence is due to a medically certified illness. The Town Manager at his/her sole discretion may grant or deny a request for unpaid leave of absence

- for a period of not to exceed 3 months. Upon expiration of an approved leave, the employee shall be reinstated in the position held at the time leave was granted. Employees on unpaid leaves of absence are not entitled to accrue leave benefits, receive any holiday pay, or receive continued funding for health and welfare benefits. Except for employees on family/medical leave, and any other leaves as defined by state and federal law, employees on all other unpaid leaves must contribute all insurance premiums in order to maintain coverage, do not accrue retirement system service credit, and do not continue to accrue seniority, unless provided for by law. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from the Town
- 20. Unauthorized Leave of Absence:** Any unauthorized leave of absence from duty by an employee shall result in disciplinary action up to and including discharge. Subsequently, such absence may be approved by the Town Manager with or without pay, where extenuating circumstances are found by the Town Manager to have existed.
  - 21. Unpaid Leave:** The Town provides unpaid time off at the sole discretion of the Town Manager. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from the Town. Employees may be granted leaves of absence without pay for up to 3 months upon written approval of the Town Manager.
  - 22. Failure to Return from Unpaid Leave:** Upon expiration of an approved unpaid leave, the employee shall be reinstated in the position held at the time leave was granted. Failure of an employee on leave to report to work promptly at the leave's expiration without request and approval for an extension of said leave in writing shall constitute voluntary resignation by the employee. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known address or an e-mail to the employee's last known personal e-mail address, shall be reasonable notice of Town's acceptance of the employee's resignation.
  - 23. Benefits While on Unpaid Leave:** Taking unpaid leave may impact certain benefits and employee seniority. Leave hours are accrued only on hours in a paid status. Employees do not accrue vacation, sick, or any other paid time off, and seniority dates and performance evaluation dates may be adjusted. Retirement system service credit does not accrue during any unpaid absence. Any health insurances must be paid by the employee while on an unpaid leave of absence except for those leaves as provided for by law or are FMLA-qualifying.
  - 24. Worker's Compensation/Job-incurred Disability Leave:** All employees are entitled to workers' compensation insurance benefits in accordance with law. If an employee is injured or made ill arising out of or in the course of work, the

employee may file a claim on the approved claim forms with Town's workers' compensation claims administrator. Employees are eligible to receive workers' compensation insurance benefits if the claim is declared compensable under the California workers' compensation laws. Payment of job-incurred disability leave shall be at the amount of temporary disability indemnity received, pursuant to workers' compensation law. If an employee becomes disabled to such an extent that the employee cannot return to work, the employee may be entitled to disability retirement.

25. **Coordinated Compensation:** If injured employee is eligible for worker's compensation benefits and has accrued sick leave, said employee may have his/her sick leave coordinated with disability payments in order to receive full compensation, subject to any state or federal guidelines.
26. **Partial Day Absences:** Any employee taking a partial day absence for a job-incurred disability claim shall use accrued sick leave. Full day absences may be charged to Job-incurred Disability Leave.
27. **FMLA-qualifying Absences:** Any absence related to an on-the-job claim is considered a qualifying event under the Town's FMLA policy. The Town will continue to pay all health insurance premiums with job incurred disability leave that is FMLA qualifying.
28. **Exhausted Leaves:** An employee who has exhausted all Town leave benefits shall be entitled to only those job-incurred benefits as provided by law.
29. **Subrogation:** In the event that an employee's injury or illness results from the carelessness or negligence of a third party, the Town shall have the same right of subrogation for reimbursement of salary as does the workers' compensation insurance provider in accordance with applicable law.

#### **B. Pregnancy Disability Leave (PDL):**

**Eligibility:** Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL). For employees who are also eligible for FMLA/CFRA (California Family Rights Act) leave, PDL is not counted as time used for CFRA leave, but does run concurrently with available FMLA leave.

**Reasons for Leave:** This leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Pregnancy leave does not need to be taken in one continuous period of time but can be taken on an as-needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by this leave.

**Amount of Leave:** Employees may take up to 4 months for pregnancy disability. Employees affected by pregnancy or a related medical condition, may also be eligible to

transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

**Benefits While On Leave:**

**Benefits:** Pregnancy leave is unpaid. Employees may use accrued leave as if on FMLA and will receive benefits pursuant to these Rules and Policies up through exhaustion of the employees' available FMLA leave. Employees who are not eligible for FMLA leave or who continue taking PDL after they have exhausted their available FMLA leave, shall receive benefits only to the same extent as other similarly situated employees on leave for a disability.

**Accrued leaves:** While on unpaid leave, employees do not accrue vacation, sick, or other paid leave time, and performance evaluation dates may be adjusted, to the same extent as for any other unpaid leaves.

**Substitution of Paid Accrued Leaves:** Employees taking pregnancy leave may concurrently use any available sick leave, vacation leave, or floating holidays before being eligible for short-term disability benefits or before taking the remainder of their leave as an unpaid leave.

**Employee Notice of Leave:** To the extent possible, employees requesting PDL should notify their immediate supervisor as soon as possible or as soon as they reasonably know an absence is pending.

**Medical Certification:** The Town may require an employee requesting PDL to provide certification from the health care provider. The certification should include all of the following:

**Date:** The date on which the employee became disabled due to the pregnancy.

**Duration:** The probable duration of the period(s) of disability.

**Statement:** A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of their position without undue risk to the employee, the successful completion of the pregnancy, or to other persons, or a statement that, due to the pregnancy, a transfer is medically advisable.

**C. Reinstatement upon Return from Leave:**

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

**D. Fitness-for-Duty Certification:** As a condition of reinstatement or a transfer, the employee may be asked to provide to the Town Manager a fitness-for-duty certification

from a health care provider that the employee is able to resume work in the position sought. Failure to provide such certification may result in denial of reinstatement.

**E. Family Care and Medical Leave:** Federal and state laws require covered employers to provide unpaid, job-protected leave and may require maintenance of health insurance benefits for eligible employees for the following reasons:

- For a serious health condition that makes the employee unable to perform his/her job.
- To care for the employee's qualifying family member who has a serious health condition.
- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- For qualifying military exigency or caregiver leave.

**F. Family and Medical Leave Policy:**

**Family and Medical Leave Policy:** Under the Family and Medical Leave Act ( FMLA\_ and the California Family Rights Act (CFRA), the Town employees are not eligible for FMLA or CFRA leave benefits as the Town does not employ 50 or more employees. Unless and until the Town employs 50 or more employees, employees are not legally entitled to FMLA or CFRA leave benefits. However, it is the Town's practice to follow the FMAS and CFRA laws as a public agency.

**Duration:** Generally family/medical leave requirements are for periods of up to 12 weeks within a 12-month period, but under some circumstances the law may require such leave for periods of up to 26 weeks in a 12-month period. When medically necessary, family/medical leave may be taken on an intermittent basis or as part of a reduced work schedule. Leave due to qualifying exigencies may also be taken on an intermittent basis. For employees taking such leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and the leave must be concluded within one year of the birth or placement for adoption or foster care.

**Substitution of Paid Leave:** An employee must use all accrued sick leave and may use any or all accrued paid vacation leave at the beginning of any otherwise unpaid family/medical leave period, except those as provided for by law or code, such as state-provided disability insurance, state-provided family leave, etc.

**Notice:** If possible, employees must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. For events which are unforeseeable, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Failure to comply with notice requirements may result in deferral of the requested leave.

**Certification:** Employees may be required to provide certification from a health care provider before a family/medical leave is granted, and periodic recertification supporting the need for continued leave may be required.

**Reinstatement:** Upon expiration of family/medical leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

**Employee Responsibilities:** An employee must notify his/her supervisor of his/her need for family/medical leave, and provide sufficient information for the employer to determine if requested leave is eligible for family/medical leave protection as required by law. An employee must also provide information about the anticipated timing and duration of the leave.

**Employer Responsibilities:** As the Town of Yountville is not legally obligated to follow this law, but has chosen to do so, it will work with employees requesting leave to ascertain their eligibility for such leave. If the employee is eligible, the notice will specify any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible, the Town will provide a reason for the ineligibility. If eligible, the Town will notify employees as to how their leaves will be designated and the amount of leave counted against the employee's leave entitlement.

**Providing Similar Benefits:** The Town will provide Family and Medical Leave ("FML") benefits to its employees according to the following rules:

- **Eligibility:** In order to qualify for Family and Medical Leave, the employee must meet the following conditions:
- **Employment Period:** The employee must have been employed by the Town for 12 months.
- **Working Hours:** The employee must have actually worked at least 1,250 hours during the 12 month period immediately before the date when the leave begins. If an employee is employed but is on leave, any time spent on leave shall not count towards the 1,250 hours.
- **Type of Leave Covered:** Family and Medical Leave is a leave taken for the following purposes:
- **Newborn, Adoption, or Foster Care Children:** In order to care for a newborn son or daughter, or for placement of a child for adoption or foster care.
- **Family Members Covered:** In order to care for a spouse, domestic partner, child, or parent with a serious health condition.

- **Employee's Own Serious Health Condition:** Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
- **Military "Qualifying Exigency Leave":** Necessary leaves that arises from the employee's spouse, son, daughter, or parent being a covered military member on active duty (or having been notified of an impending call or order to active duty).
- **Military Caregiver Leave:** Leave may be taken for up to 26 workweeks in a single 12-month period to care for a spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness.

#### **Policy Definitions:**

- **Rolling 12-Month Period:** This means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- **Child:** This 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 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.
- **Child Incapable of Self Care:** A child is incapable of self-care if he/she requires active assistance or supervision to provide daily self-care in 3 or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming, hygiene, and bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, and/or using telephones and directories.
- **Parent:** This means a biological parent of an employee or an individual who stood in *loco parentis* (in place of the parent) to an employee when the employee was a child. This term does not include parents-in-law.
- **Spouse:** This means a husband or wife as defined or as recognized as such under California law for purposes of marriage.
- **Domestic Partner:** For this purpose, and any other benefit purpose, this means a domestic partner as defined under California Family Code section 297.
- **Serious Health Condition:** This means an illness, injury, impairment, or physical or mental condition that involves any of the following:
- **Inpatient:** Inpatient care (i.e., overnight stay) in the hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved or recovery there from).

- **Continuing Treatment by a Health Care Provider:** A serious health condition involving continuing treatment by a health care provider includes any one of or more of the following:
- **Period of Incapacity:** A period of incapacity (i.e., inability to work, or perform other regular daily activities due to serious health condition of more than 3 consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition), that also involves the following:
- **Treatment:** Treatment 2 or more times within a 30-day period of the first day of incapacity, one of which must be within 7 days of incapacity, 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.
- **Treatment Regimen:** Treatment by a health care provider on at least one occasion within 7 days of incapacity, 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 regime of continuing treatment.
- **Pregnancy-related Incapacity:** Any period of incapacity due to pregnancy or for prenatal care. (Pregnancy disability is included as FMLA leave, but not CFRA leave.) Under California law, an employee disabled due to pregnancy is entitled to pregnancy disability leave up to a maximum of 4 months. After the birth of the baby, the employee is entitled to additional CFRA bonding leave up to a maximum of 12 weeks. However, regardless of the length of time an employee takes leave for pregnancy disability and newborn care, under the FMLA and CFRA, the Town's obligation to pay for health insurance is limited to a maximum of 12 weeks over a 12 month period.
- **Chronic Serious Health Condition:** Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which involves the following:
- **Periodic Health Care Visits:** Required periodic visits for treatment by a health care provider, or by a nurse or physician assistant under direct supervision of a health care provider.
- **Continuous:** Continues over an extended period of time (including recurring episodes of a single underlying condition).

- **Episodic:** May cause episodic rather than 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.
- **Long-term Treatment:** A period of incapacity which 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 a health care provider.
- **Multiple Treatments:** Any period of absence to receive multiple treatments (including any period of recovery incapacity) by a health care provider of health care service after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3-consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider:** This means an individual duly licensed as a physician, surgeon, or osteopathic physician or surgeon who directly treats or supervises treatment of a serious health condition; podiatrist, dentist, 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 law; nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California law and who are performing within the scope of their practice as defined under California law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston and Massachusetts.

### **Amount of Leave**

**Leave Amount:** Eligible employees are entitled to up to a total of 12 weeks of leave during a 12-month period. Twelve weeks means the equivalent of 12 of the employee's normally scheduled workweeks. For eligible employees who work more or less than 5 days a week or who work alternative work schedules, the number of working days that constitute 12 weeks is calculated on a pro rata or proportional basis.

**Minimum Duration of Leave:** If leave is requested for the birth, adoption, or foster care placement of a child of the employee, basic leave must be concluded within the first year of the birth or placement of the child.

**Spouses/Domestic Partners Both Employed by the Town:** In any case in which a husband and wife or domestic partners are both employed by the Town and are both entitled to leave, the combined number of weeks of leave to which both may be entitled may be limited to 12 weeks during a 12 month period if leave is taken for the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave.) This limitation does not apply to any other type of leave under this policy.

**Intermittent Leave or Leave on a Reduced Work Schedule:** If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The leave may not exceed a total of 12 weeks over a 12 month period.

**Substitution of Paid Accrued Leaves:**

**Unpaid Leave:** Leave under this policy is unpaid. However, the Town shall require an employee to use concurrently all paid accrued leaves while on Family and Medical Leave as follows: Where an employee has accrued sick leave, administrative leave and/or vacation, the Family and Medical Leave shall run concurrently with all such accrued leaves. The Town shall require the concurrent use of sick leave only when the circumstances warrant the use of such leaves. The Town shall not require an employee to use compensatory time earned in lieu of overtime concurrently with Family and Medical Leave.

**Compensatory Time:** Employees may be allowed to use compensatory time earned in lieu of overtime concurrently with Family and Medical Leave. Employees are required to provide reasonable advance notice to their immediate supervisor of their desire to use compensatory time concurrently with Family and Medical Leave.

**Leave Running Concurrently:** If an employee takes a leave of absence for any reason that is FMLA/CFRA-qualifying, The Town will designate that non-FMLA/CFRA leave as running currently with the employee's 12-week leave entitlement.

**Payment of Health Insurance Premiums While on Leave:**

**Health Insurance Coverage:** While an employee is on Family and Medical Leave, the Town shall maintain the employee's health insurance coverage on the same conditions as if the employee has been continuously employed during the entire leave period. If the employee's leave is unpaid, the Town shall maintain the employee's health coverage for a maximum of 12 weeks in a 12-month period, unless the employee requests and the Town agree, to extend coverage beyond that period. If the employee would normally pay health insurance premiums, the Town shall require payment from the employee while the employee is on leave.

**Disability Plans:** An employee on unpaid leave will not continue to be covered under non-health benefit plans unless the employee makes the appropriate contributions for continued coverage and said continued coverage is permitted by the particular plan(s).

**Medical Certification**

**Written Certification:** Employees who request leave for their own serious health condition, or to care for a child, parent, spouse, or domestic partner who has a serious health condition, must provide written certification from a health care provider of the individual requiring care.

**Statement:** If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position during the entire period of leave. In cases where employees request intermittent leave, employees must submit medical certification which states that such intermittent leave is needed due to the employee's serious health condition and is medically necessary.

### **Time to Provide a Certification**

**Certification Filing Period:** When an employee's leave is foreseeable, the employee should provide the medical certification within 30 days before the leave is due to commence. When this is not possible, the employee must provide certification within the time frame requested by the Town

**Consequences for Failure to Provide an Adequate or Timely Certification:** If an employee fails to timely provide a medical certification or provides an incomplete medical certification, the Town may delay the taking of FMLA/CFRA leave until the required certification is provided.

### **Recertification**

**Medical Opinion Review:** If the Town Manager has reason to doubt the validity of a medical certification provided by an employee, The Town may require a medical opinion of a second health care provider chosen and paid for by the Town. If the second opinion is different from the first, the Town may require the opinion of a third provider jointly approved by the Town and the employee, but paid for by the Town. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is recertification.

**Recertification:** Recertification may also be requested under any of the following conditions:

**Changed Request:** When the basis for FMLA request has changed.

**Extension Requests:** When the employee requests an extension of leave.

**Reasonable Intervals:** At reasonable intervals requested, but not to be more than every 30 days, unless one of the aforementioned criteria also applies.

**Procedures for Requesting Leave:** All employees requesting leave under this policy must submit a proper request for time off as is normally done for any other time off, to their immediate supervisor. Although the Town recognizes that emergencies arise which

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

**Accrual of Benefits While on Leave:** Employees will not accrue benefits while in an unpaid leave status, including seniority rights, vacation, and sick leave accrual. Employee will accrue benefits while using paid leave concurrently with FMLA/CFRA leave.

**Right to Reinstatement upon Return from FMLA Leave:** Upon the expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the Family and Medical Leave period.

**Employee's Obligation to Periodically Report on Condition:** An employee on leave is required to periodically report every 30-calendar days on his/her status and within 5 days of intent to return to work.

**Fitness-for-Duty Certification:** As a condition of an employee's reinstatement whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and submit to his/her immediate supervisor a fitness-for-duty certification from the employee's health care provider that the employee is able to resume work. This document should be submitted at least 5-working days prior to the employee's intent to return to work, but if not possible, then it should be submitted no later than the actual day the employee returns to work. Failure to provide such certification may result in denial of reinstatement.

**Failure to Return from FMLA Leave:** If an employee uses Family and Medical Leave and fails to return to work, the Town may recover its share of health care premiums paid on behalf of the employee and employee dependents while the employee was on leave. The Town reserves the right to seek reimbursement from the employee by any legal means.

## SECTION 8 - INJURY AND ILLNESS PREVENTION PROGRAM

### Overview

## SAFETY POLICY STATEMENT

It is the intention of the Town of Yountville to develop, implement, and administer a comprehensive risk management, safety, and risk control program. The Town maintains that our employees and the general public are our most important assets. Therefore, public and employee safety is our greatest responsibility. In all of our assignments, the health and safety of all and the protection of the environment should be the utmost consideration. Employees at all levels of the work force are directed to make safety and health a matter of continuing concern, equal in importance with all other operational considerations. This program is established to emphasize that effective risk management, safety, and risk control are an integral part of management procedures designed to maximize the Town's financial resources and personnel resources. Although profit is not the goal of municipal operations, the same efficiency that is demonstrated in for-profit organizations is desired to ensure that the Town can provide services and maximum the use of each available tax dollar.

Within the operational activities of any endeavor, there may be exposure to personal injury, personal illness, or property damage that may be unintentionally hidden. Reviews of operations should include consideration of problems and/or errors that could occur as it relates to the environment, equipment, job procedures, and personnel. Accidents are unplanned events, and most are preventable. Proper planning can control accidents. All employees are directed to initiate such pre-planning as is necessary to minimize unsafe acts, contain environmental hazards, and control unsafe conditions.

Continual emphasis on risk management, risk control techniques, the refinement of work procedures, and safer working conditions has been shown to significantly reduce injuries, property damage, and work interruption. Every employee is charged with the responsibility of supporting and cooperating with the risk management policies and the risk control programs. All employees are expected, as a condition of employment, to adopt the concept that the safer way to perform a task is the most efficient and the only acceptable way to perform it. Safety adherence and performance will be considered an important measure of the Town's supervisory and employee performance evaluations.

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Steven Rogers  
Town Manager  
April 2009

The **Town** has established and implemented and is maintaining this written Injury and Illness Prevention Program (IIPP). This program has been established in accordance with Title 8, California Code of Regulations, Section 3203 of the General Industry Safety Orders. Our safety and health program includes the following elements:

- Management commitment/assignment of responsibilities;
- System for ensuring employee compliance with safe work practices;
- Safety communications system with employees;
- Scheduled inspections/evaluation system;
- Accident investigation;
- Procedures for correcting unsafe/unhealthy conditions;
- Safety and health training and instruction; and
- Record keeping and documentation.

## SECTION 9 - COMPLAINT PROCEDURE

### A. Complaint Procedure

#### 1. Purpose

The purpose of this procedure is to enhance communications between employees and Supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable time period without jeopardizing employees' positions or employment.

#### 2. Procedure

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- a. The employee shall first discuss the matter with his or her immediate Supervisor within five (5) working days from the date the employee had notice of the action that prompted the concern or complaint. The immediate Supervisor shall respond to the employee within ten (10) working days. In the case the complaint or concern is against the immediate supervisor, the matter may, at the employee's option, be referred to the next level of supervision. In the situation where a complaint is filed against the Town Manager, the Town Attorney may, at the employee's option, receive the complaint and conduct the appropriate investigation in consultation with the Town Council.
- b. In the event that the immediate Supervisor does not resolve the matter to the employee's satisfaction, then the employee may bring the matter in writing to the attention of the next level of supervision within five (5) working days of the receipt of the response from the immediate Supervisor.
- c. In the event that the second level Supervisor does not resolve the matter to the employee's satisfaction (or there is not another level of supervision to submit the complaint to), then the employee may bring the matter in writing to the attention of the Town Manager within five (5) working days of the receipt of the response from the second level Supervisor. Within ten (10) working days, the Town Manager will schedule a meeting with the employee to discuss the matter. After considering the facts, the Town Manager will give his/her written decision to the employee within ten (10) working days.
- d. The decision of the Town Manager is final, or in the case of a complaint against the Town Manager, the decision of the Town Council is final.

## SECTION 10 - GRIEVANCE PROCEDURE

### A. Definition

A grievance is a formal allegation by an employee claiming violation, misinterpretation, inequitable application or non-compliance with:

1. Provisions of the collective bargaining agreement;
2. Town ordinances
3. These Personnel Rules

Action and decisions regarding appointments, promotions, disciplinary actions, and performance evaluations are not grievable hereunder.

### B. Who May File a Grievance

A grievance may be filed by an employee in his/her own behalf, or jointly by any group of employees.

### C. Grievance Procedure:

**Step 1 - Informal Discussion:** Within ten (10) working days of the occurrence of an act in dispute, an employee shall discuss the incident with his/her immediate Supervisor, who shall investigate and attempt to resolve the matter. The Supervisor shall give the employee an oral reply within five (5) working days after the discussion. If the employee is not satisfied with the response, she/he may proceed to the next step.

**Step 2 - Department Head Review:** If the employee is not satisfied with the response at Step 1, the employee may submit their grievance in writing to the Department Head within five (5) working days after receiving their supervisor's oral reply. If there is no Department Head, the employee may submit their grievance to Step 3. The employee and the Department Head may meet in person to discuss the grievance. The Department Head shall issue a reply in writing within five (5) working days after receipt of the written grievance.

**Step 3 - Town Manager Review:** Any dispute not resolved at Step 2 may be submitted in writing to the Town Manager within five (5) working days after the Department Head's written response. The Town Manager shall, within ten (10) working days of receipt of the grievance, schedule a meeting with the employee to discuss the matter. After consideration of the grievance, the Town Manager shall give his/her written decision to the employee within five (5) working days after the meeting.

**Step 4 - Town Council Review:** If the employee is not satisfied with the decision of the Town Manager in Step 3, the employee may request, in writing, a hearing before the Town Council. Such request for a hearing must be submitted within ten (10) working days of receipt of the Town Manager's decision and shall include in

detail the facts giving rise to the grievance and supporting documentation necessary for Town Council consideration. The Town Manager shall forward such a request and supporting documentation to the Town Council within ten (10) working days after receipt, for Town Council consideration.

**The Town Council shall have the following options:**

1. Decline to hear the grievance; or
2. Make a decision on the documentation submitted; or
3. Hold a hearing, in open or closed session as permitted by law and in a manner appropriate to the nature of the grievance.

The decision of the Town Council will be final.

**SECTION 11 - DISCIPLINARY ACTIONS**

**A. Town Expectation**

Town employees are expected to conduct themselves, while carrying out the function of Town service, as a credit to the Town of Yountville. Their actions should reflect their personal good character and should uphold the trust that the citizens have placed in them by their employment.

**B. Types of Disciplinary Actions**

The following are types of actions that may be utilized by the Town Manager in disciplining employees.

1. Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to the appeal process described below.
2. Written Reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to the appeal process described below.
3. Disciplinary Suspension: An involuntary absence without pay for a fixed period of time.
4. Reduction in Pay: The temporary or permanent reduction in pay of an employee.
5. Demotion: Demotion to a lower classification.
6. Termination: Discharge from the Town service.

7. Pending investigation and imposition of a disciplinary matter, the Town Manager may place an employee on paid administrative leave as provided in Section 7.C.4 of these Rules.

### **C. Reasons for Discipline**

Listed below are examples of causes that shall be deemed sufficient for action by the Town Manager. Grounds for disciplinary action are not limited to the examples enumerated.

1. Incompetence
2. Inefficiency
3. Dishonesty
4. Absence or tardiness without prior approval
5. Theft, pilferage, or misuse of Town property
6. Insubordination
7. Conviction of a felony or misdemeanor involving moral turpitude
8. Use of or being under the influence of illegal drugs on Town property, while on Town business, or during working hours
9. Discourteous treatment of the public or other employees
10. Drinking alcoholic beverages or being under the influence of alcohol while on duty
11. Negligence or willful damage of public property
12. Engaging in harassment, including sexual harassment
13. Falsification of records or documents
14. Fraud in securing employment
15. Inability to perform the duties of the position
16. Willful violation of any Town ordinance or lawful Town regulation or order.

### **D. Disciplinary Procedures**

#### **1. Written Notice of Proposed Disciplinary Action**

Whenever it is the intention of the Town Manager to take a disciplinary action against a regular employee, the employee shall be provided a written statement of reasons for the discipline and provided with a copy of any documents or information upon which the reasons are based.

#### **2. Pre-Disciplinary Meeting**

The employee and a representative of his/her choosing will be provided an opportunity to respond to the charges made. The employee may file a written response to the charges, or request the right to make an oral response. A written request must be submitted to the Town Manager within five (5) working days of being served with the notice of intended action.

#### **3. Notice of Discipline**

Following receipt and consideration of the written response or the oral response stated at the pre-disciplinary meeting, or following no response by the required date, the Town Manager shall prepare a notice of the action to be taken, which

shall include the effective date and state the employee's right of appeal. The notice shall be delivered to the employee before the effective date and a copy filed in his/her personnel file.

**E. Right of Appeal**

A regular employee, who is disciplined by the Town Manager with an unpaid suspension or greater discipline, may appeal the action to the Town Council. A written appeal of the disciplinary action must be submitted to the Town Council within five (5) working days of the receipt of the Notice of Discipline. The Town Council may consider the appeal at a regular meeting or call a special meeting. The appeal shall be held in open or closed session as provided by law. If the Town Council modifies or reverses the action, the Town shall compensate the employee for back pay and benefits in accordance with its decision.

At-will employees of the Town shall not have the right to appeal disciplinary actions or terminations.

**SECTION 12 - SEPARATION FROM SERVICE**

**A. Discharge**

Disciplinary discharge action shall be taken in accordance with Section 11 of these Rules and Policies.

**B. Resignation**

An employee wishing to leave Town service in good standing shall file with the Town Manager, at least two weeks before leaving the service, a written resignation stating the effective date of the resignation. Failure to give two weeks' notice shall be entered upon the service record of the employee and may be cause for denying future employment by the Town. Exceptions to the notification period may be made by the Town Manager when it is determined to be in the best interest of the Town.

**C. Layoff and Re-employment**

**1. Authorization**

The Town Manager may layoff any regular employee because of lack of funds, reduction or lack of work or other reasons including but not limited to changes in duties or organization, abolition of position or reorganization. In addition, the Town Council may abolish for reasons stated above any position of employment by amendment of the appropriate schedule of positions.

**2. Order of Layoff**

- a. Order of Layoff. Prior to laying-off regular employees in a classification, the Town shall terminate any at-will employees in that classification including but not limited to all temporary, seasonal, part-time non-regular, specially funded and contract employees. In each classification in which a layoff is to occur, regular employees shall be laid off in the following order:

- (1) Probationary part-time
- (2) Part-time
- (3) Probationary full-time
- (4) Full time

Order of layoff shall not be based in any manner upon seniority, but rather upon merit as evidenced by performance evaluations and subject to meet and confer between the Town and employee association.

- b. The effective date of layoff shall be at least sixty (60) days after action taken by the Town Manager or Town Council to initiate the layoff. The Town Council may, by declaration of an emergency, shorten the effective date.
- c. At least ten (10) workdays prior to the effective date of the layoff, the Town Manager or designee shall notify the employee affected of the intended action and the effective date.
- d. The name of any employee laid off shall be placed on the appropriate re-employment eligibility list for a period of one year.

**3. Return to Former Class**

In the event of a layoff, employees who have been promoted during their service with the Town, may bump back one classification in their career series to a position they formerly held if there is an employee in the lower classification with less seniority than the employee who wants to bump.

**4. Seniority Defined**

For purposes of Section, seniority shall be defined as the number of months of paid service since the employee's most recent hire date with the Town in a regularly allocated position.

**5. Order of Re-employment**

Employees on a layoff re-employment list shall have preference over new hires and individuals eligible for promotion. Employees who have been laid off shall be offered re-employment in the inverse order of layoff, provided no intervening factors have occurred which essentially change the ability of the employee to perform the offered employment.

**6. Notice of re-employment**

The Town shall give the employee reasonable advance notice of the opportunity for re-employment. Employees recalled to work shall return to work at the time specified by the Town. Any laid off employee who refuses an offer of employment to the classification from which they were laid off or who fails to report to work on the date and at the time specified by the Town, shall be considered as having resigned. Upon re-employment the employee shall return to the benefit accrual level at the time of layoff.

## SECTION 13 - POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS

### A. Outside Employment

1. Employees may engage in employment outside Town employment provided that:
  - a. Written approval is obtained in advance from the Town Manager. The approval of the Town Manager may be withdrawn if circumstances related to the outside employment change and no longer comply with this Section.
  - b. The employment does not conflict with the employee's work schedules, duties, and responsibilities.
  - c. The employment does not create a conflict of interest or incompatibility with Town employment.
  - d. The employment does not create a detrimental effect upon the employee's work performance with the Town.
  - e. The employment does not involve conducting business during hours of employment with the Town.
  - f. The employee does not use Town premises, facilities, or supplies in his/her outside employment.
  - g. The Town is in no way responsible for the employee's outside employment.
2. Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the Town.
3. This policy applies to all employees of the Town assigned to any classification.

### Conflict of Interest

1. Employees of the Town are prohibited from:
  - a. Engaging in or having any interest in any business or transaction, or incurring any obligation which conflicts or impairs, or appears to conflict or impair their independent judgment in the discharge of their official duties.
  - b. Accepting money, favors, or other considerations for work they would be required or expected to perform in the regular course of their duties.

- c. Accepting gifts, gratuities, or favors of any kind from persons or vendors doing business with the Town. The only exception is the acceptance of consumable gifts offered to an entire work group during the holiday season where rejection would damage the spirit in which the gifts were offered.
- d. Disclosing confidential information acquired by or made available to them in the course of their employment with the Town, or using such information for speculation or personal gain.
- e. Being a member of any Town committee when such committee's responsibilities would cause a conflict with the employee's normal duties.
- f. It is the employee's responsibility to disclose and report all potential conflict of interest situations to his/her Supervisor or the Town Manager.

#### **SECTION 14 - WORKPLACE ATTIRE**

The Town of Yountville will maintain a professional working environment for the benefit of its employees and the public. As public employees and representatives of the Town of Yountville, each employee shall present him/herself appropriately and professionally including but not limited to workplace attire, especially when attending off-site meetings and events. Extremes in dress are not acceptable. If an employee is on the job in inappropriate clothing in the opinion of the employee's immediate supervisor, a department director or the Town Manager, the immediate supervisor may direct the employee to change into appropriate workplace attire. Time off of work to change clothing will not be compensated.

#### **SECTION 15 - CONFIDENTIALITY POLICY**

**Policy:** The public and other parties with whom the Town does business entrust staff with important information relating to their businesses and lives. It is the Town's policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know" by those doing business with the Town or for whom the Town provides services except to the extent required by law. If there is a question of whether certain information is considered confidential, the employee should first check with his/her immediate supervisor. This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

**Protecting Information:** Employees have access to a variety of sensitive and confidential information by virtue of their job assignment. Employees must protect that information from disclosure to anyone, except where that disclosure is required by their jobs or by law. Writing about confidential information for non-work-related business in e-mails, on websites, on social networking sites, in chat rooms, or in blogs is expressly prohibited, as well as verbally communicating such information in person, over the

phone, or in any other manner. Additionally the Town logos may not be used in any of these forums.

**Confidential Information:** The following types of information should be considered confidential:

- Passwords and access codes.
- Individual employment records.
- Citizen lists, personal information, or histories.
- Financial statements.
- Computer programs and object and source codes.
- Systems and their documentation.
- Other non-public business and technical information, whether related to past, present, or future programs and services.

**Penalties for Disclosing Confidential Information:** Employees who disclose confidential information are subject to disciplinary action up to and including termination of employment.

## **SECTION 16 - EMPLOYMENT OF RELATIVES**

1. At the time a person is applying for a position in the Town service, the person must identify any individual who is a close relative employed by the Town.
2. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, sister-in-law and similar domestic partner relationships.
3. For business reasons of supervision, safety, security and morale, a close relative will not be assigned to supervise their close relative. Also, for business reasons of supervision, security, or morale, a close relative will not be placed in the same department, division or facility if the work involves potential conflicts of interest or other hazards.
4. If at any time a situation exists where close relatives are employed within the same department, division or facility, the Town Manager may transfer one of the individuals to a similar position in a different department, division or facility in the Town. If that is not feasible, then the close relatives must decide who shall remain with Town employment. In the event the close relatives cannot agree, then the Town Manager shall decide.
5. In the event co-employees marry, the Town shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security and morale. In the event such is not possible, the employees must decide who shall remain with the Town employment. In the event the employees cannot agree, then the Town Manager shall decide.

## SECTION 17 - PERSONNEL FILES/MEDICAL INFORMATION

A confidential personnel file is maintained for every employee according to local, state, and federal guidelines. Workers' compensation, medical, and complaint files are maintained separately.

**Personnel File Access:** Employee's own personnel file may be accessed by the employee during normal working hours and by appointment. Access by others to such files is restricted to only the Town Manager, legal counsel, and applicable finance and human resource staff.

**File Copies:** At the request of an employee, incidental copies of documents in the employee's own personnel file may be made at no charge. More than incidental copies made of anything in the employee's own file will be done for a standard copying fee.

**Disputed Information:** If an employee disputes information contained in his/her own file, the employee shall notify the Town Manager in writing within 10 working days of learning of the information contained in the file, listing the concerns and the suggested remedy. The Town Manager will review the request and render a decision within 10 working days. If the Town Manager concurs with the employee's request, such items will be removed from the file and destroyed or altered, as appropriate.

**Confidentiality of Medical Information Act:** The Town has a bona fide business need to collect and review medical information about its employees for various reasons. This policy is established to comply with the State's Confidentiality of Medical Information Act (California Civil Code Section 56, et.seq.), and to protect the confidentiality of medical history, mental condition, physical condition, or treatment, and to limit its use in employment decisions. This policy defines medical information, those employees authorized to access that information, and how it will be stored.

**Medical Information Definition:** The Confidentiality of Medical Information Act (CMIA) broadly defines the term medical information as: "...any individually identifiable information in possession of or derived from a provider of health care regarding a patient's medical history, mental or physical condition, or treatment." This definition *includes* information obtained from pre-employment medical examinations, fitness for duty evaluations, worker's compensation claims, verifications of disability status, and drug and alcohol testing results. In essence, any document produced by a doctor, clinic, hospital, psychiatrist, employee assistance program, substance abuse professional, or testing laboratory is considered a confidential medical record.

**Authorized Use:** To ensure proper handling of employee medical information the Town authorizes the Town Manager and department heads and their designees to receive and use this type of information on an as-needed basis.

**Utilization of Medical Information:** Town legally receives medical reports or information without the employee's authorization for administering and maintaining any of the following programs:

- Employee benefits plans, including health care plans.
- Plans providing short-term and long-term disability income.
- Worker's compensation benefits.
- Programs for determining eligibility for paid or unpaid medical leave.
- Fitness-for-duty results that describe the employee's job-related functional limitations and exclude any diagnosis or statement of cause.
- In a proceeding that is a lawsuit, arbitration, complaint, or other claim wherein the employee has placed in issue his or her medical condition.

**Protecting Employees Medical Information:** To protect employee's rights under the CMIA, the Town shall keep the information in a medical file, in a separate locked file, apart from personnel files.

**Release of Employee Medical Information:** Should the Town need medical information about an employee in order to assess accommodation, workplace safety, fitness for duty, etc, the following release of information will be requested from the employee.

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AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_  
*(employee name)* *(Health care provider)*

to release the medical information described below to the Town of Yountville's Town Manager

This authorization is limited to the following types of information: \_\_\_\_\_

\_\_\_\_\_

The recipient of this information will be using it for the following purpose(s): \_\_\_\_\_

\_\_\_\_\_

*(e.g. to access reasonable accommodations)*

This authorization shall expire on *(date)* \_\_\_\_\_

I understand that I have the right to receive a copy of this authorization upon my request. By placing my initials below, I hereby acknowledge that a copy of this authorization has been received. \_\_\_\_\_

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

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**SECTION 18 - WORKPLACE ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES**

It is the policy and practice of the Town to comply fully with the Americans with Disabilities Act (ADA) and ensure equal opportunity in employment for all qualified persons with disabilities. The Town will not discriminate against any qualified employee or applicant for employment because s/he is related to or associated with a person with a disability. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position, not any disabling condition. Pre-employment physical examinations may be given to all persons entering a position, but only after conditional job offers have been presented. Medical records are maintained in separate and confidential files. This policy is neither exhaustive nor exclusive.

**Reasonable Accommodations:**

Reasonable accommodations are available to all employees and applicants. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the

disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression. The Town is committed to taking actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

### **Overview:**

Under the Americans with Disabilities Act (ADA), when an individual with a disability is qualified to perform the essential functions of a job (except for functions that cannot be performed because of related limitations and existing job barriers), an employer must provide a reasonable accommodation (29 C.F.R. Section 1630.2) that would enable this person to perform these functions. The reasonable accommodation should reduce or eliminate barriers between the individual's abilities and requirements for performing the essential job functions. Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an employment opportunity. An equal employment opportunity means a chance to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability. The ADA requires reasonable accommodation in three aspects of employment:

- Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position.
- Modifications or adjustments to the work environment or to the manner of circumstances under which the position held or desired is customarily performed that enable the qualified individual with a disability to perform the essential functions.
- Modifications or adjustments that enable a disabled employee to enjoy equal benefits and privileges of employment.

### **Legal Obligations**

Generally, it is the obligation of an individual with a disability to request a reasonable accommodation. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, he/she may not be qualified for the job. If an employee believes he/she has a disability, the employee may request a reasonable accommodation for that disability. Such requests should be submitted to the employee's immediate supervisor. The Town may engage in an interactive process with the employee to determine an appropriate reasonable accommodation for the employee in accordance with applicable law. Conditions qualifying as disabilities are defined by the Federal Government.

### **Procedures**

The Town is obligated to make an accommodation only for the known limitations of an otherwise qualified individual with a disability. In general, it is the responsibility of the applicant or employee with the disability to inform the Town that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

### **Written Submittal**

A qualified applicant or employee with a disability who is requesting a reasonable accommodation must submit in writing a request for such accommodation and the reasons thereof. This request must be submitted to the Town Manager.

### **Request Review Period**

Upon receipt of the individual's request for a reasonable accommodation, the Town Manager has 20 working days to review the request and complete the response. The Town Manager will consider all of the following when making a decision.

- Have the essential functions of the particular job been determined.
- Has the individual with the disability been consulted to find out his or her specific physical or mental abilities and limitations.
- Have potential accommodations been identified and listed and has the effectiveness of each been assessed in enabling the individual to perform essential job functions.
- Has a mutually agreed-upon accommodation that best serves the needs of the individual been discussed.
- The following recommended agencies have counselors available to assist with reasonable accommodations questions: *Equal Employment Opportunity Commission, State Vocational Rehabilitation Department, Job Accommodation Network.*

### **Undue Hardship Denial**

If the reasonable accommodation request is denied based on an undue hardship, the reason must be explained the response.

### **Undue Hardship Accepted**

If the reasonable accommodation request is accepted, the Town Manager must indicate the date the request will be finalized.

### **Undue Hardship Appeals**

In those cases where an employee or applicant for employment wishes to appeal the decision, he/she may do so by advising the Town Manager, in writing within 7-working days from receipt of the decision. If the Town Manager rendered the decision, the appeal shall be addressed by the Town Council. In either situation, the Town Manager or the Town Council has 30 days to render a decision.

## **SECTION 19 - POLITICAL ACTIVITY**

Employee shall not engage in political activity of any kind during work hours. Prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other thing to aid, promote, or defeat any political committee or nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the Town to influence or give money, service, or other valuable thing to aid, promote, or defeat the nomination or election of any person to public office.

The rights of employees to register and vote as they choose shall not be infringed.

Subject to the foregoing, any employee may seek appointment or election to any public position, office, or employment for which he/she is qualified. The exception is an employee running for a position on the Yountville Town Council. If elected, the employee would be required to resign his/her employment with the Town.

## **SECTION 20 - DRUG FREE WORKPLACE POLICY**

The Town Council of the Town of Yountville in compliance with Public Law 100-690, the Drug-Free Work Place Act of 1988, adopts the following policy:

### **Purpose**

It is the intention of this policy to provide a drug-free workplace for employee of the Town of Yountville at all work sites. While the Town of Yountville has no intention of intruding into the private lives of its employees, the use of controlled substances impacts the safety and efficiency of Town operations and the provision of services to the public.

### **Policy**

The Town of Yountville has adopted a Drug Free Workplace Policy within the provisions of the Federal Drug Free Workplace Act. In conjunction with this policy, the Town retains the right to assure that employees are free from the influence of drugs and alcohol during the performance of their Town duties. The Town Manager shall retain the right to:

- Access any Town property, including but not limited to desks, lockers, closets and vehicles for the purposes of inspection to assure no illegal drugs or alcohol is on the Town premises.
- Order for drug and/or alcohol testing any employee that has demonstrated behavior that causes a reasonable suspicion that he/she may be under the influence. The employee so ordered shall immediately comply and cooperate in being transported to the testing facility. If the employee is found to be under the influence of an illegal drug or alcohol, the employee shall have transportation arranged for them and sent home pending disciplinary action.

- Order for drug and/or alcohol testing any employee that is in an accident that results in death, injury, or major property damage.

Employees who are taking prescription drugs that may hamper their ability to operate vehicles or equipment and are required by their assigned duties to operate vehicles or dangerous equipment are to notify their Supervisor immediately upon reporting to duty. If for reasons of safety a Supervisor believes an employee is demonstrating diminished abilities, the Supervisor may after consultation with the Town Manager arrange for transportation for the employee to send them home on sick leave.

Employees, as a condition of employment, shall notify their Department Head of any criminal drug statute conviction for a violation occurring in the work place no later than five days after such conviction.

Employees who violate the above policy, or are convicted on criminal drug statute violations occurring at the work place, or who fail to give the notice required above shall be subject to the appropriate personnel action, up to and including termination, or may, where appropriate be required to participate in a drug-abuse assistance or rehabilitation program by a federal, state, or local health, law enforcement, or other appropriate agency.

The Town of Yountville will establish a drug-free awareness program to inform employees of this policy, the dangers of drug abuse in the work place, and any available drug counseling, rehabilitation, and employee assistance programs.

### **Rights**

No provision of this policy is intended to remove or limit an employee's right to appeal a disciplinary action under applicable sections of the Town of Yountville Personnel Rules and Policies.

## **SECTION 21- ANTI-DISCRIMINATION POLICY**

The Town Council of the Town of Yountville in compliance with the Civil Rights Act of 1964, the Civil Rights Act of 1991, the California Fair Employment and Housing Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1967 as amended in 1974 and 1978, and any other applicable anti-discrimination laws, adopts the following policy:

### **Purpose**

It is the intent of this policy to provide employees, applicants for employment, or recipients of services in the Town of Yountville an environment free of discrimination.

### **Policy**

The Town Council hereby prohibits discrimination against employees and applicants because of race, color, religion, national origin, ancestry, marital status, sex, age, Vietnam Era or Disabled Veterans, physical (including ARC and/or HIV positive and cancer) or mental disability, and/or sexual orientation.

This policy applies to providing equal opportunity to employees and applicants with respect to recruitment, hiring, promotion, transfer, compensation, training, demotion, disciplinary action, termination, benefits, job evaluation, and all other conditions of employment.

The Town Council further affirms its commitment to ensure accessibility by people with disabilities seeking help and assistance from any Town service or participation in any Town activity.

### **Discrimination Complaint Procedure**

#### **Applicants and Employees:**

Any employee who believes that he or she has been the victim of discrimination, as outlined above, should promptly report the facts of the incident(s) and the names of the individuals involved and any witnesses or other relevant facts to the Town Manager. The complaint shall immediately be investigated by the Town Manager or his/her designee. Corrective action, if warranted, shall be taken as soon as possible. Such corrective action may include disciplinary actions up to and including termination for any employee found to have violated this policy.

## **SECTION 22 - SEXUAL HARASSMENT POLICY**

The Town Council of the Town of Yountville in compliance with Title VII of the Civil Rights Act of 1964 (42 U.S.C. SEC. 200E-2(A)) and the California Fair Employment and Housing Act (Government Code Sec. 12940 (a), (h), and (i)) adopts the following policy:

#### **Purpose**

It is the intention of this policy to provide in the Town of Yountville a work environment free of unlawful harassment.

#### **Policy**

This policy applies to all employees and officials of the Town of Yountville. Harassment of any type will not be tolerated and is unlawful.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- a. Verbal conduct such as gender based epithets, derogatory jokes or comments about an individual's body, slurs, or unwanted sexual advances, invitations or comments;
- b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, leering, blocking normal movement or interfering with work;

- d. Threats and demands to submit to certain non-work-related conduct or perform certain non-work-related actions in order to keep or get a job, to avoid some other loss or as a condition of continued employment benefits, security or promotion;
- e. Retaliation for having reported or threatened to report unlawful harassment, for having objected to harassment or for having assisted another employee in reporting harassment.

The conduct stated above will not be tolerated by the Town of Yountville and an employee who harasses in violation of the law can be personally liable to the victim for damages and will be subject to discipline up to and including termination. The Town of Yountville will take reasonable steps to prevent this conduct from occurring.

### **Complaint Procedure**

Any employee who believes that he or she has been harassed, as outlined above, by another employee, Supervisor, or member of the public should as a first step tell the individual that the conduct is unwelcome. If the conduct continues employees are encouraged to promptly report the facts of the incident(s) and the names of the individuals involved and any witnesses or other relevant facts to a Supervisor or the Town Manager. Supervisors shall immediately report any incidents of harassment to the Town Manager. The complaint shall immediately be investigated by the Town Manager or his/her designee. Corrective action as warranted will be taken as soon as possible. Such corrective action shall include disciplinary actions up to and including termination for any employee found to have violated this policy. In the situation where a complaint is filed against the Town Manager, the Town Attorney shall receive the complaint and conduct the appropriate investigation in consultation with the Town Council.

## **SECTION 23 – USE OF TOWN CREDIT CARDS**

### **Town Credit Cards**

Credit cards are provided to certain employees to be used for Town business. Employees who have cards are designated by the Town Manager. Those cards may be used by other employees, only with prior approval. All credit cards have purchasing limits that cannot be exceeded.

Usage: Credit cards may only be used for Town business. At the end of each calendar month, employees authorized cards shall provide any receipts, along with supporting documentation for its use to the finance department.

Business Travel: Credit cards may be used for business travel. Upon returning from business travel, an itemized accounting as well as all receipts must be provided to the finance department.

Misplaced or Lost Cards: Immediately upon realizing that the credit card is missing, report it to the financial institution issuing the card, as well as to finance.

Misuse of Town Credit Cards: Using Town credit cards for personal activities will result in disciplinary action. Failing to provide receipts and supporting documentation, losing a card and not reporting it, or any misuse of the card may result in the removal of credit card privileges and/or disciplinary action.

## **SECTION 24 - TRAVEL AND TRAVEL REIMBURSEMENT**

### **Applicability**

All employees, elected officials, and appointed officials may be reimbursed for the actual mileage, transportation, lodging, meals, and other expenses for attending conferences, training sessions, meetings, and other official business, subject to such limitations as are prescribed below. If a meeting or conference is part of a larger program that may be funded or reimbursed by another agency, then reimbursement may be for less than specified herein, but only with the prior agreement and understanding of the employee.

### **Definitions**

1. Conference means an official function of a professional or governmental organization or agency normally requiring attendance for more than one (1) day.
2. Meeting means a meeting with one or more persons for the conduct of Town business or an official meeting of a professional or governmental organization or agency not requiring overnight accommodations or meals other than those related to the meetings.
3. Local Area Travel means travel within an area generally within 200 miles of, or three hours travel time from, the Town of Yountville.

### **Reimbursable Expenses**

#### **Registration Fees**

The Town will reimburse employees in full for such registration fees as may be required for attendance at authorized conferences and meetings.

#### **Transportation**

Town vehicles if available shall be used for local area travel in connection with official Town business whenever practical. Any necessary out of pocket expenses incurred with the operation of Town vehicles shall be reimbursed.

If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, as reimbursement for all costs incurred while operating such vehicle such as gasoline, wear and tear on the car, insurance coverage, and other incidental items. The Town will additionally reimburse reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be "in-kind" by the provision of fuel, parts, service, or any other thing of value at Town expense. No additional reimbursement will be allowed except in writing by the Town Manager and then only when extraordinary and unforeseeable expenses not under the control of the Town or the employee are encountered.

Prior to operating a personal vehicle, in the course of employment, the employee must show proof of liability insurance on that vehicle and possess a valid California driver's license.

Travel outside of the local area shall normally be by common carrier air transportation. No employee may act as Pilot in Command of a private aircraft on Town travel.

Use of a Town vehicle outside of the local area shall require approval by the Manager, except an employee may request to use his personal car. Any additional time required for travel by vehicle at the employee's option outside of the local area shall be on the employee's own time. In addition, any additional expenses necessary as a result of the employee choosing that option shall not be reimbursable.

Reasonable and necessary expenditures will be allowed for parking and toll charges incurred in connection with official travel.

Air transportation expenses will be paid or reimbursed at the coach class fare. If an employee elects to travel by personal car where adequate public air service is available, the maximum allowable mileage will be the coach airfare rate or mileage whichever is less.

Incidental transportation expenses for airport limousine, bus or taxi service will be reimbursed if incurred as a necessary part of officially approved travel. Other travel expenses, including car rental, will be limited to circumstances where less expensive intra-city travel service is not available or practical.

Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations. The Town will not be responsible for, nor reimburse for, citations and parking tickets.

### **Meals**

Payment for meals while on Town business shall be a maximum of \$85.00 per diem for each full day. On travel days when the employee is not out of the Town for the full day, the following schedule of maximum costs is applicable:

Breakfast:	\$15.00
Lunch	\$25.00
Dinner	\$45.00

Meal expenses in excess of the amounts listed above may be approved by the Town Manager when necessary due to metropolitan costs that are significantly higher. In any event, all meals will be strictly on a reimbursement basis for all reasonable costs incurred, excluding alcohol, with an accounting of all meal expenses for the duration of travel or conference attendance. Meal expenses and gratuities should be modest taking into account community standards and prevailing restaurant costs in the relevant area. Amounts for meals not paid based on the above stated rates shall be set according to the Internal Revenue Service rates, which include adjustments for higher cost locations (see Publication 154 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem)). Receipts for all meal expenses shall be included with the reimbursement request.

## **Lodging and Incidental Expenses**

Lodging costs will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed the group rate published by the conference sponsor for the meeting in question. For overnight stays in other contexts, reimbursement for hotel or motel rooms will be on the basis of actual expenditures based on single occupancy and reimbursement rates shall be set according to the Internal Revenue Service per diem rates for lodging, which include adjustments for higher cost locations (see Publication 154 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem)). The guiding principle should be the most cost effective and efficient use of public resources in selecting lodging with a degree of sophistication while serving the business needs of the trip.

In the event that arrangements have been made for the Town to be billed directly for hotel or motel rooms, incidental charges should be paid for by the employee at the time of checkout and appropriate reimbursement requested.

Reasonable incidental expenses, such as tips, cab fare, parking fees and telephone charges, when required in connection with official Town business, will be reimbursed on the basis of actual expenditures.

Entertainment expenses are the responsibility of the employee. Such expenses may include alcoholic beverages, stage shows, movies, tours and other personal amusements.

## **Authorization**

Travel at Town expense will be undertaken only in accordance with the guidelines outlined herein. Only the Town Council or Town Manager may grant any deviation from the specific provisions.

## **Conferences**

Attendance at conferences shall be subject to the following:

- Funds must be available in the proper department budget category to cover the anticipated costs of the conference.
- In the case of an out of state or national conference, attendance approval shall not normally be given unless the employee is a program participant and/or an officer of the organization conducting the conference.
- Following return from a conference an employee may be required to submit to the Manager a brief report containing an overview of the conference and an assessment of the value of attendance at the conference.

## **Meetings**

Attendance at meetings shall be subject to the following:

- Sufficient funds are available in the appropriate budget for the meeting expenses.

- Approval of the employee's Supervisor or Department Head. Attendance of a Department Head at any meeting requiring absence from the Town for all or most of a workday shall be subject to prior notification to the Manager.

### **Cash Advances**

- Cash advances may be made for expenses anticipated to be incurred for approved travel. These advances are not intended to be final payments to the employee, but are made for the convenience of the employee. Regardless of whether an advance was made, all reimbursement to the employee is subject to these rules and an accounting being filed on the employee's return. Funds not expended for approved purposes must be refunded to the Town.
- Cash advances not exceeding \$100.00 for official Town business expenses may be made by the Finance Director or from petty cash. The Manager shall approve all advances exceeding \$100.00.
- Employees desiring a cash advance exceeding \$100.00 must make application with the Finance Department for approval at least one week in advance. "Hand checks" may be issued for this purpose, if there is not sufficient time for the request to be processed with the "Accounts Payable" by the Council.

### **Reimbursement Procedure**

- A Travel Expense Reimbursement Report, including all receipts shall be prepared and submitted to the Finance Department by the person claiming the expenditures. Expense reports must document that the expense in question met the requirements of this policy. Reimbursement Reports should be filed as soon as practicable after the meeting or conference and in any case within five working days after the employee's return to work, and no later than 30 days after an expense being incurred.
- Receipts are required for all expenditures for airline tickets, hotel rooms, conference/meeting registration fees, parking, and other expenses for which receipts normally are obtainable, unless those expenses have been prepaid in full through the Town.
- Expenditures in excess of any amounts authorized by this policy shall be at the risk of the employee with respect to reimbursement.

### **Reports to Governing Board**

At the next regular Town Council meeting, each elected official should briefly report on meetings attended at Town expense. If multiple officials attended, a joint report may be made. In making a joint report, officials should be mindful about open meeting laws governing communications among members of a legislative body. There is a conference exception to the Brown Act, as long as a majority of the members of a legislative body does not discuss among

themselves business that is within the subject matter jurisdiction of the local agency (other than as part of the scheduled program).

### **Audits of Expense Reports**

All expenses are subject to verification of compliance with this policy.

### **Compliance with Laws**

Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

### **Violation of This Policy**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges; (2) a demand for restitution to the Town; (3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; and (4) discipline up to and including termination and subject to criminal and civil penalties and/or prosecution for misuse of public resources.

## **SECTION 25 - USE OF VEHICLES**

### **Condition and Maintenance of Town Vehicles**

1. All Town vehicles will be clearly identified as Town-owned vehicles and reasonably uniform in color and appearance.
2. All vehicles will at all times be kept in good repair, serviced, and clean. Any vehicle found to be in an unsafe condition should be immediately removed from service until all safety defects have been corrected.
3. All maintenance and repair work will be done by Town personnel at Town facilities unless authorized otherwise by a Supervisor or Department Head or the Town Manager, except emergency repairs necessitated by extraordinary circumstances.
4. All fuel shall be disbursed from the Town's Corporation Yard and according to established procedures. If fuel must be purchased outside of the Town, the driver will be reimbursed on presentation of proof-of-purchase.

### **Use of Town-Owned Vehicles**

1. No employee may operate a Town-owned vehicle unless he/she possesses a valid California driver's license.
2. Vehicles will at all times be operated in a lawful and prudent manner, with due regard for the safety and convenience of others on the streets and highways.

3. No one may operate a Town vehicle, or a personal vehicle in the course of his/her employment, while under the influence of drugs or alcohol, or under any other influence that would render him/her unsafe to operate a motor vehicle.
4. Unless expressly authorized otherwise by the Town Manager, Town vehicles may be used only for Town business and must remain on Town property at any time they are not being used on Town business, except:
5. Because they are subject to call in serious situations, when transportation and radio communication are critical, the Wastewater Treatment Plant Supervisor and the Public Works Supervisor may be authorized to drive a marked vehicle between home and work for the convenience of the Town. These vehicles may not be used for personal errands, but may be used only for official business.

### **Use of Personal Vehicles**

1. Personal vehicles may not be used for Town business unless such use is approved in advance by the Town Manager.
2. If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, for not more than the actual number of miles driven, plus reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be "in-kind" by the provision of fuel, parts, service, or any other thing of value at Town expense. No additional reimbursement will be allowed except in writing by the Town Manager and then only when extraordinary and unforeseeable expenses not under the control of the Town or the employee are encountered.

### **Automobile Use**

Employees who utilize their personal vehicle in the performance of their duties must maintain a valid California driver's license at all times, have a satisfactory driving record, and must maintain adequate and appropriate insurance. Employees must comply with all traffic regulations and laws while engaged in driving on work-related business. Only hands-free mobile devices may be used when driving, and no communications device may be used while driving to write, send, or read any text-based communication. Employees who use a vehicle on work-related business must provide the Town with a copy of their California driver's license and a copy of a Certificate of Insurance that shows evidence that the employee has comprehensive automobile liability insurance or business automobile liability insurance in an adequate amount. Should the employee be in a vehicle accident while performing Town business, for claims processing the employee's own insurance provider is primary and The Town's insurance provider is secondary.

**Use of Vehicle Safety Belts:** Employees who drive or ride in a Class A or any other vehicle equipped with safety belts on work-related business shall use and ensure that the driver and all passengers use available safety belts in the vehicles being operated. Passengers shall ride only in those positions of a vehicle designed for the carrying of passengers, including approved child safety seats if necessary.

Vehicle Accidents: When an accident occurs on the job involving one or more vehicles, the following steps should be taken by employees:

- **Scene:** Secure the scene of the accident.
- **Move Vehicles:** Move any involved vehicles out of the right of way, if possible.
- **Emergency Response:** Call 911 for emergency services if someone appears to be injured or asks that 911 be called.
- **Contact Supervisor:** Contact your supervisor immediately, if communication devices are available.
- **Driver Information:** Exchange driver information and give the other driver a business card.
- **Personal Information:** Obtain the names, phone numbers, addresses, and e-mail addresses of any vehicle occupants, or observers of the accident.
- **Police Report:** Get the number of the police report that will be filed *if* the police respond to the accident.
- **Statements:** Do not make any statements accepting blame, guilt, concerning the assumption of liability. Give out only the required information.
- **Pictures:** Take pictures of the damage and all relevant aspects of the accident (the area where accident occurred, objects blocking view, etc.). If a camera is not immediately available, write down all of the relevant information.
- **Insurance and Legal Requirements:** Follow any insurance and legal requirements, such as immediately notifying your insurance company, The Town's insurance company through appropriate staff, and the Department of Motor Vehicles.

### **Department of Motor Vehicles Pull Notice Program**

The Town participates in the California Department of Motor Vehicles (DMV) Pull Notice Program. Under this program the DMV sends the Town driving records of all employees on an ongoing basis. The Town Manager reviews the driving records of those employees who are required or expected to drive as part of their condition of employment and will take appropriate action should any of the driving records indicate any of the following: DUI, suspended license, or other serious driving offense (i.e., reckless driving, etc.)

### **Compliance with Laws and Regulations**

Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations. The Town will not be responsible for, nor reimburse for citations and parking tickets.

### **Duty in Case of Accident**

In the event of an accident involving a Town vehicle, or a personal vehicle being used for Town business, the employee operating or having custody of the vehicle shall, within twenty-four (24) hours, report the accident to a law enforcement agency of appropriate jurisdiction. In the event the contacted agency declines to investigate, the employee should include in his or her report the agency contacted and the date and time of contact. The employee shall cooperate fully in any accident investigation and shall, as soon as practicable, furnish to the Town Manager and to the Town's insurance carrier a written report of the accident.

## SECTION 26 - COMPUTER USE, E-MAIL, AND INTERNET POLICY

### Purpose

The Town of Yountville's computer system, including the network, software, hardware, and related communications, data, and information (referred to herein collectively as the "computer system") is vital for the efficient, cost-effective, and high-quality work expected of Town officials and employees. The computer system plays an integral role in the conduct of Town business and the creation, preservation, and management of Town records subject to various laws, including but not limited to the Public Records Act and the Brown Act. The purpose of this policy is to provide guidance to Town officials and employees regarding the proper and authorized use of the Town's computer system.

### Computer System as Town Property

The Town's computer system is the exclusive property of the Town and is provided to Town officials and employees for creating, transmitting, and maintaining data and information related to the conduct of the Town's business. **A Town official or employee is conducting the Town's business when fulfilling the duties of his or her position, when acting on behalf of the Town in furtherance of a Town policy or mission, and when acting according to a Town ordinance, resolution, administrative regulation or other order such as a court order affecting the Town.** The Town has the capability and reserves the right, with or without notice, to access, monitor, review, copy and/or delete anything in the computer system, including data, files, e-mails sent and received, and all website communications and/or transactions.

### Software

The Town prohibits the unauthorized use of Town owned software including unauthorized copying, transfer, or reproduction. Officials and employees are also prohibited from loading privately owned software on any portion of the Town computer system without the express permission of the Town. Officials and employees are also advised that the unauthorized copying or reproduction of any software is expressly prohibited under state and federal law.

### Unauthorized Access to Town Computer System

Town officials and employees are prohibited from accessing the Town's computer system and related components except as required to perform their employment responsibilities or other obligations to the Town and as authorized under this policy. The Town's computer system, including e-mail, may be used for incidental personal purposes only where such use does not: (i) directly or indirectly interfere with the Town's operation of the computer system; (ii) burden the Town with noticeable incremental cost; (iii) interfere with the official or employee's employment or other obligations to the Town; or (iv) violate any of the sections of this policy.

Officials and employees are prohibited from accessing, taking, copying or making use of any data or files from the Town's computer system, or taking copies of any documentation supporting the Town's computer system, whether internal or external to the Town's computer system, except as required and authorized as part of performing their employment responsibilities. Officials and employees are also prohibited from unnecessary or unauthorized altering, damaging or deleting any Town data, files, computer software, or causing any

disruption of the Town's computer system. Town officials and employees shall take all reasonable and necessary efforts to prevent unauthorized intruders from accessing the computer system and prevent the introduction or spread of computer viruses.

### **Passwords and Access Codes**

Town officials and employees shall not disclose to unauthorized persons or entities assigned passwords or access codes for entry into and use of the Town's computer system. Where applicable, officials and employees are encouraged to change their passwords or assigned codes on a regular basis to protect confidentiality. Officials and employees are prohibited from allowing or assisting other unauthorized individuals with access to the Town's computer system. It is strictly prohibited to use another employee's password or code without the permission of the Town Manager or his or her designee. Further, officials and employees are prohibited from representing oneself as another individual or other employee by some electronic means unless so specifically authorized by that individual and the Town Manager or his or her designee.

### **Privacy**

The Town's computer system is provided to Town officials and employees as a tool to assist them in performing their employment responsibilities or other obligations to the Town. As such, if officials and employees make incidental personal use of the computer system, they should not expect their use to be protected from review or deletion by the Town Manager or his or her designee. As previously stated, the Town expressly reserves the right to access, monitor, review, copy, and delete anything in the computer system. Accordingly, officials and employees should not use the Town's computer systems to create or transmit information they wish to keep private.

**TOWN OFFICIALS AND EMPLOYEES HAVE NO EXPECTATION OF PRIVACY IN ANY USE BY THEM OF THE TOWN'S COMPUTER SYSTEM, OR IN COMMUNICATION MADE TO THE TOWN'S COMPUTER SYSTEM FROM ANY OTHER COMPUTER SYSTEM.**

### **Confidential Information**

Town officials and employees shall take all reasonable and necessary efforts to minimize the likelihood of inadvertent transmission of confidential information to unintended recipients. The Town's data or information, confidential or otherwise, may not be transmitted to any individual not authorized to receive such data or information. Only authorized Town representatives are permitted to communicate information regarding the Town's business on behalf of the Town via the Town's computer system. For the communication of sensitive and confidential information, officials and employees shall minimize the use of e-mail and maximize the use of alternative communication media (such as face to face conversations, telephone, hard copy memos, and fax). If an official or employee is unsure as to whether a communication is authorized, or is of a confidential nature, it is their responsibility to inquire with a supervisor or Town Manager as appropriate.

**E-mails or Other Information Created, Stored, or Transmitted In                      Electronic Format  
Subject to All Applicable Laws**

Town officials and employees shall exercise appropriate judgment concerning e-mails or other information created, stored, or transmitted to or from the Town's computer system, based on the evolving nature of laws affecting electronic records and communications. All such e-mails or other information, whether or not stored, may constitute public records subject to inspection and copying under the Public Records Act, by other means of document production such as subpoena, or be subject to other laws affecting electronic records. Further, officials and employees should always be aware that **when using any computer other than a computer within the Town's computer system to conduct to the Town's business**, the e-mails or other information created in, stored on, or transmitted to or from any other computer may be subject to all laws that apply to public records and communications, including the Public Records Act and the Brown Act.

Due to the evolving nature of laws affecting electronic records and communications, this policy serves only as basic direction in this area. If a Town official or employee has questions regarding the application of the Public Records Act, the Brown Act, or another other law or policy to e-mail communications or other information created, stored, or transmitted in the conduct of the Town's business, he or she should contact the Town Manager, his or her designee, or the Town Attorney.

### **Response to Public Records Requests**

In the event a public inspection request is made pursuant to the Public Records Act, or a demand by subpoena or court order is received by the Town, for any electronic communication or information stored in electronic form and in existence at the time such request or demand is received, the Town official or employee having control of such electronic communication or information shall use his or her best efforts, by any reasonable means available, to temporarily preserve such communication or information until the Town Attorney determines whether such communication or information is subject to preservation, or public inspection or production, pursuant to any requirement of law, including in the case of litigation.

The Town Attorney and Town Clerk shall immediately be contacted regarding any such inspection request or production demand, either as a Public Records request or in the course of litigation. The Town Attorney shall advise the Town official or employee of the Town's preservation, inspection and production obligations, if any, with regard to such communication or information. If it is determined that the Town is legally obligated to either permit inspection or produce such electronic communication or information, the person in control of such communication or information shall thereafter preserve such communication for the applicable retention schedule period.

### **E-mail Is for Transmission and Not Storage.**

E-mail is provided on the Town computer system as a convenient and efficient method of rapidly communicating transitory information in an electronic format. E-mail is specifically intended and designed to be a tool for transmission of information and not a tool for storage of information. Since information on the e-mail system is subject to purging bi-weekly, the Town shall consider every e-mail to be a preliminary draft (not retained in the ordinary course of business). If an official or employee determines that the contents of an e-mail are necessary to the conduct of the Town's business, the information shall be transferred from the e-mail

system to an appropriate records storage medium (such as printing to paper or saving to an appropriate computer folder or disk).

### **Internet Access and Prohibited Uses**

The Town provides officials and employees with access to the Internet for Town business-related purposes. The Town has the capacity to monitor and review website access. Officials and employees should not have any expectation of privacy regarding the websites accessed through the Town's computer systems. Any incidental personal use of the Internet must be conducted according to this policy and with the highest level of professionalism. Officials and employees are prohibited from intentionally accessing any Internet sites that are discriminatory or offensive in nature, or promote or advocate any form or type of discrimination. The Town computer system may not be used to solicit or proselytize for commercial ventures, religious or political causes, or outside organizations that are not authorized by the Town Manager or his or her designee. The downloading of programs, files, data or any other materials from the Internet is prohibited unless authorized by the Town Manager or his or her designee.

Any attempt to access a website that has been filtered by the network website filtering software, or any attempt to bypass the Town network filtering measures by the use of software or hardware designed for the purpose of bypassing Town filtering measures is prohibited. Should the need arise to access a filtered/prohibited website, the employee should contact his or her supervisor and gain official authorization to have the Town Manager allow the necessary access for the prescribed period of time.

### **Harassment/Discrimination Prohibited**

Town officials and employees are required to exercise the highest standards of courtesy and professionalism when communicating by messages in electronic format and e-mail and shall not transmit any defamatory, obscene, discriminatory, offensive or unprofessional messages. Use of or access to the Town's computer system to engage in any communications or acts that are in violation of this or any other Town policy or of any law, including but not limited to the acquisition, possession or transmission of defamatory, obscene, offensive, or harassing material, is strictly prohibited. The Town does not tolerate sexual, racial or other forms of harassment or discrimination. If harassed or discriminated against through the use of the Town's computer system, an official or employee shall report the act to his or her immediate supervisor or to the Town Manager. If an employee is uncomfortable reporting or discussing the act of harassment or discrimination, or the supervisor is the source of the problem, condones the problem, or ignores the problem, the employee may direct questions, problems, complaints, or reports directly to the Town Manager. Officials and employees are not required to directly confront the person who is the source of the report, question, or complaint before notifying the Town Manager.

### **Violations**

Any use of the Town's computer system in violation of this policy may result in discipline up to and including termination and may subject an employee to criminal and civil penalties and/or prosecution. The Town reserves the right to inspect without prior notice any Town computer, computer system, or related equipment for violations of this policy.

If an official or employee becomes aware of another employee's actual or apparent violation of the Town's computer system policy, the official or employee is encouraged to report the conduct to the Town Manager or his or her designee for further investigation. If requested, the name of the employee reporting such conduct will be withheld and remain anonymous unless disclosure is required under applicable law.