



# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Cohen and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Cathy A. Hanson, Human Resources Director

**DATE:** August 4, 2009

**SUBJECT:** Consideration of Approving Resolution No. 6206 temporarily Amending Personnel Rule XI Attendance and Leaves, Section 7 Military Leave.

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**RECOMMENDATION:**

Staff recommends that the City Council approve Resolution No. 6206 temporarily amending Personnel Rule XI Attendance and Leaves, Section 7 Military Leave and adding Attachment D supplementing military pay and continuation of health, dental, vision benefits for up to 365 calendar days when reservists are called to involuntary active duty. This temporary amendment will begin on July 1, 2009 and conclude on August 31, 2010, at which time Personnel Rule XI Attendance and Leaves, Section 7 Military Leave will read as it did prior to the amendment.

**FISCAL IMPLICATION:**

Currently, the City is only aware of two employees who are eligible under this amendment and have orders for immediate deployment. Both of their positions are budgeted in the 2009-2010 fiscal year. Therefore there should be minimal financial impact to the general fund.

**BACKGROUND:**

The City Council supports the U. S. military and deeply appreciates the role military reservists play in resolving conflict and defending our Country in or related to the wars in Iraq and Afghanistan. Council also finds that the provision of supplementing military pay and continuation of health, dental, vision benefits for up to 365 days (including the 30 calendar days of pay per Military and Veterans Code 395.01) when reservists are called to involuntary active duty, serves the public interest by creating a strong incentive on the part of these experienced employees to return to their positions within City of Manhattan Beach after a conflict.

**DISCUSSION:**

Eligibility requirements and the benefits supplemented are described in "Attachment D" to the Personnel Rules and Regulations.

- Attachments:
- A. Resolution No. 6206
  - B. Personnel Rules and Regulations Section 7 amended
  - C. Attachment D

RESOLUTION 6206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, BY TEMPORARILY AMENDING PERSONNEL RULE XI, (ATTENDANCE AND LEAVES), SECTION 7 (MILITARY LEAVE).

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby finds as follows:

- (a) The City maintains personnel rules to govern the City's relations with its employees;
- (b) It is in the best interest of health, safety and welfare of the city's residents that the personnel rules reflect current practice and policy.

SECTION 2. That Section 7, Military Leave of Rule XI be amended in part as follows:

Military Leave. Military leave shall be granted in accordance with the provisions of State of California law. All employees entitled to military leave shall give the appointing power (City Manager) an opportunity within the limits of military regulations to determine when such leave shall be taken. A full time employee may consider Draft Board examination as military leave, and receive compensation for time used in this manner.

Beginning on July 1, 2009 upon approval of the City Council (August 4, 2009), and ending on August 31, 2010, the City shall compensate full time employees called to involuntary active military duty according to Attachment D of these rules. However, the provisions set forth in Attachment D are temporary and shall continue in full force and effect only until August 31, 2010 at which time they shall fully and completely terminate unless extended by a vote of the Manhattan Beach City Council. The privileges extended by Attachment D are temporary and limited and not intended to create vested rights or precedential rights beyond their express term nor to establish past practice to be relied upon in future interpretations of these Rules and Regulations.

SECTION 3. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 4th day of August, 2009.

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM.

By   
\_\_\_\_\_  
City Attorney

# PERSONNEL RULES

(Approved under Resolution 5898, adopted April 20, 2004 and  
Resolution 3590, adopted February 28, 1978)

## RULE I PURPOSE AND DEFINITIONS

### RULE I-A. PURPOSE.

The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government.

These rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define the obligations, rights, privileges, benefits, and prohibitions which are placed upon all employees in the Classified Service of the City.

At the same time, within the limits of administrative feasibility, recognition shall be given to the fact that individuals differ, that no two individuals react alike to reward and discipline or to uniform motivation and encouragement. For this reason, considerable latitude shall be given to the City Manager in the execution of his duties and responsibilities relating to employee morale and discipline.

### RULE I-B. DEFINITION OF TERMS.

The following terms, whenever used in these rules, shall be construed as follows:

**"Administrative Code":** Shall be a compilation of administrative policies and procedures which are embodied in a statutory law, City ordinances and resolutions of City Council; describes the departments and divisions of the administrative branch of the City government; and facilitates the administration of the business affairs of the City.

**"Administrative and Personnel Instructions":** Shall be written orders which are issued by the City Manager or by department heads and approved by the City Manager.

**"Advancement":** A salary increase of one or more steps within the limits of the pay range established for a class.

**"Allocation":** The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

**"Appointing Power":** The officers of the City who, in their individual capacities, or as a board, commission, or city council have the final authority to make the appointment to the position to be filled.

**"Appointing Officer/Authority":** Terms used within this Resolution and the personnel ordinance, which shall refer to the City Manager.

**"Board":** The City contracts with the County of Los Angeles to utilize their Civil Service Commission to provide for appeal hearings in connection with disciplinary action as defined in the appropriate Memoranda of Understanding or Personnel Instruction. The Commission serves as a Board of Review and the use of either "Commission" or "Board" shall refer to the contract with the County for these services. Any matters taken up by the Commission shall be conducted pursuant to the County's adopted hearing rules and the City's rules.

**"Class":** All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping of common standards of selection, transfer, promotion, and salary.

**"Class Series":** Shall designate two or more classes similar in line of work but different in responsibility and difficulty arranged in a normal line of promotion.

**"Classified Service":** Shall designate all full-time positions in the City government, except those held by election, by appointment of City Council, or designated as at-will. They shall be described by written class specifications (job description), to be used in recruitment, examination, assignment, and training.

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

**"Eligible List":** A list of names of persons who have taken an examination for a position in the classified service and passed, and are ranked on the list in the order of the score received.

**"Examination":**

- (a) Assembled examination: An examination conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.
- (b) Unassembled examination: An examination consisting of an appraisal of training, experience, work history, or any other means for evaluating other relative qualifications of applicants without the necessity for their personal appearance at a specified place.

**"Full Time Employee":** An employee in a budgeted, authorized position working at least a 40 hour work week in a consistent work schedule assigned to that classification for an indefinite period of time; and has either been appointed to a non-classified position or who has passed all the Civil Service examinations for that position, has completed probation, and has been hired from a valid eligible list to a position in the classified service.

**"Gender":** Whenever the masculine or feminine form of any word is used, it also includes the other gender unless the context clearly indicates a contrary intent.

**"Human Resources Director":** The department head responsible for those areas designated in the resolution. (Resolution 3865)

**"Management Pay Plan":** The plan of compensation that pertains to Management/ Confidential employees.

**"Non Classified Employees":** Those employees who are elected, appointed by the City Council, designated as at-will status or part-time employees. These employees have no vested right or property interest in regards to continued employment and are not covered under the City's Civil Service System.

**"Part Time Employee":** An employee who works a flexible schedule which is generally less than 40 hours per week or less than fifty-two (52) weeks per year and who shall have been appointed to a position not in the classified service.

**"Pay Range Level or Salary Range Number":** Shall designate any group of position classes sufficiently similar in difficulty and responsibility or sufficiently related by internal economic factors to warrant similar treatment for pay purposes.

**"Performance Appraisal Plan":** A yearly evaluation of employee performance and effectiveness shall be conducted by the City Manager or his designated representative(s), of Management/Confidential employees, upon which salary adjustments shall be based.

**"Personnel and Administrative Instructions"**: Shall be written orders which are issued by the City Manager or by Department Heads and approved by the City Manager.

**"Personnel Ordinance"**: Chapter 2.08 of the Municipal Code of the City of Manhattan Beach, California, which creates a civil service system for the City.

**"Personnel Rules"**: The City's general personnel rules that are adopted by City Council resolution.

**"Position Class"**: shall designate any group of positions which are sufficiently similar in respect to duties, knowledge, skill, education, and training as to warrant similar treatment of recruitment, examination, and pay purposes.

**"Probationary Employee"**: Any person appointed from an eligible list to a position in the classified service on a trial basis and who is without the benefit of civil service status during the trial period.

**"Probationary Period"**: A working test period during which an employee is required to demonstrate his fitness for the duties to which he is appointed by actual performance of the duties of the position.

**"Promotion"**: The movement of an employee from one position to another which is allocated to a class with a higher maximum rate of pay.

**"Promotional Examination"**: An examination for a particular class, admission to the examinations being limited to full time employees in the classified service.

**"Promotional List"**: An eligible list resulting from a promotional examination.

**"Provisional Appointment"**: An appointment acquired by a person who possesses the minimum qualifications established for a particular class, and who has been appointed to a position in that class in the absence of available eligibles.

**"Provisional Employee"**: An employee without civil service status who has been appointed to a position in the classified service in the absence of available eligibles and who possesses the minimum qualifications for the position, provided that such employee shall not work in any job as a provisional employee for a continuous period of time in excess of six (6) months.

**"Reduction in Pay"**: A salary decrease within the limits of the pay range established for a class for a limited and defined period of time, and does not result in any classification change. The employee continues to report to work for the duration of the reduction in pay.

**"Rejection"**: The separation of an employee from the service during his probationary period of employment.

**"Seniority Credit"**: Credit of 0.25 of 1 percent for each year of current continuous full time service given to an employee in a Civil Service examination when the employee has met the percentage of proficiency on the examination, pursuant to the appropriate Memoranda of Understanding.

**"Service"**: Shall designate any group of position classes and series which are broadly related in occupational character.

**"Suspension"**: The temporary separation from the service of an employee without pay for disciplinary purposes.

**"Temporary Appointment"**: An appointment of a person to a position of limited duration and not in the classified service.

**"Temporary Employee"**: An employee who shall have been appointed to a position not in the classified service for a period of time not to exceed eighteen (18) months. (Amended Resolution 3675)

**"Transfer"**: A change of an employee from one position to another position in the same class or another class having essentially the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

**"Veteran's Credit"**: Credit of three percent (3%) of the total credits specified for an examination given for military service.

**"Y-Rating"**: The freezing of an employee's salary at the existing rate until the established salary of the position catches up to the employee's existing salary.

## RULE II

**SECTION 1. Disclosure of Religious or Political Affiliations.** No question in any test, in any application form, or in any other personnel proceedings, or of any appointing authority, shall be so framed as to attempt to elicit information concerning political or religious opinions or affiliations of an applicant, eligible, or employee. No appointment to or removal from a position in the classified service shall be affected or influenced in any manner by any political or religious opinion or affiliation.

**SECTION 2. Violation of Rules.** Violation of the provisions of these rules shall be grounds for dismissal, rejection, or suspension.

**SECTION 3. Amendment and Revision of Rules.** Recommendations for amendment and revision of these rules may be made by the Human Resources Director. At the time of consideration, any interested person may appear and be heard. Amendments and revision shall become effective upon adoption by the City Council, except as where otherwise provided in this Resolution.

## RULE III

### BOARD OF REVIEW

**SECTION 1. Public Hearings.** Qualified disciplinary appeal hearings referred to the Board of Review or other hearing body pursuant to the appropriate Memoranda of Understanding or Personnel Instruction shall be conducted in accordance with the hearing body's adopted hearing rules, and the City's rules. The Board may determine that a private hearing is necessary to secure all the facts in the case. Whenever such a finding is made, the Board may limit attendance at the hearing to the members of the Board, the City Manager or his representative, the employee requesting the hearing, the officer or officers from whose action the appeal was taken, and such witnesses and other persons as the Board may require to be present. The hearing need not be conducted according to technical rules relating to evidence and witnesses.

## RULE IV

### CLASSIFICATION

**SECTION 1. Preparation of Plan.** The Human Resources Director, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions and, after consultation with appointing authorities and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by specifications, including title, essential job functions of positions in each class, a statement of the training, experience, and other qualifications to be required of applicants for positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

**SECTION 2. Adoption of Plan.** Before the classification plan or any part thereof shall become effective, it shall first be approved in whole or in part by the City Council. Upon adoption by the Council, by resolution, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires in the same manner as originally established. Following the adoption or revision of the classification plan, the Human Resources Director shall allocate every position to one of the classes established by the plan.

**SECTION 3. Application of Position Classification Plan.** The position classification plan adopted by the City Council shall be observed in the handling of all personnel within the departments, boards, and commissions of the City government, subject to the conditions and regulations included in this resolution.

The specifications or descriptions of position classes contained in the plan shall not in themselves be construed to define or prescribe the organization or procedure under which employees shall work or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

**SECTION 4. Reclassification.** Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the City Manager to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

**SECTION 5. Amending the Classification Plan.** The City Council may create new classes and revise or abolish existing classes.

**SECTION 6. Application to the Pay Plan.** The Classification Plan as herein defined is designed to be used in conjunction with the currently effective Pay Plan wherein the classes listed are assigned to a salary range. Positions which are substantially similar with respect to authority, responsibility, and character of duties should be assigned similar schedules of compensation to apply similar employment conditions.

**SECTION 7. Classification Plan Adopted.** The class descriptions listed in Attachment A to these Personnel Rules are hereby adopted and respectively set forth to cover all positions of the City. The position descriptions are incorporated herein by reference (Resolution 3845).

A. **Class Descriptions:** The descriptions of classes of positions contained in the position classification plan cover all positions in the classified and unclassified service of the City. Each class description brings together similar positions into a single group for which the same title is used. The descriptions are intended to be descriptive and explanatory, rather than prescribing restrictions as to duties and responsibilities. Each class description includes a class title, definition, essential job functions, a statement of qualifications including training and experience, knowledge, skills and abilities and licenses or certificates which are required.

B. **Class Title:** The "class title" is the official label for the class and is intended to provide a brief descriptive name for positions in the class and indicate the occupational area of work and the level. By using the prescribed class titles on payrolls, budget estimates, personnel reports, and other official personnel actions dealing with positions of that class, positions will be readily identifiable and all positions will have clearly defined meanings.

C. **Definitions:** The section covering "definitions" provides a short summary of the class content and level. It is introduced by one of the following phrases indicating the level of supervision received:

(1) **Under immediate supervision** - indicating that methods of performing tasks are explained in specific terms and details of the tasks are reviewed by a supervisor while work is in progress and upon completion.

(2) Under general supervision - indicating that methods of performing tasks are outlined or explained in general terms and work is reviewed by a supervisor upon completion.

(3) Under direction - indicating that methods of performing tasks are usually left to the judgment of the employee with a supervisor giving occasional instructions, advice, and decisions. Work is reviewed upon completion.

(4) Under general direction - indicating that methods of performing tasks are the responsibility of the employee as long as performed within established policies or as prescribed by rules and regulations and that work is reviewed only periodically to assure conformance and to measure results.

(5) Under general administrative direction - indicating that methods of performing tasks are the full responsibility of the employee who has wide latitude in interpreting and applying policies, rules and regulations and whose performance is measured by total results.

Each definition is concluded by the phrase "and to do related work as required." This indicates that the specification is not restrictive and that reasonable related duties and responsibilities may be assigned as necessary. This clause is not intended, however, to allow the assignment of completely unrelated duties for a majority of the time. When such major change is necessary a review of the classification becomes appropriate.

**SECTION 8. Essential Job Functions:** The essential job functions section is intended to provide a listing of the fundamental job duties performed by employees in the class. The list is not intended to describe all of the work involved in all positions in the class (or even one position in the class), but to illustrate the essential nature of the work. In the classes including more than one position, the typical tasks reflect a composite picture of the work of the various individuals whose positions are allocated to the class.

**SECTION 9. Qualifications:** The "qualifications" section is a statement of the minimum training and experience considered acceptable for employment in the class, together with a list of the particular knowledge, skills and abilities which should be possessed or learned in order to render satisfactory performance.

The qualifications were developed with the following considerations in mind:

A. The training and experience requirements are intended as general guides setting forth the standard or "norm" against which the qualifications of applicants for employment may be measured. It is intended that reasonable equivalent combinations of training and experience be considered appropriate in future hirings and that discretion be vested in the City's Human Resources Department to determine acceptable equivalents.

B. The list of knowledge, skills, and abilities is not intended to be all that is required. Such qualifications as honesty, diligence, and loyalty are not mentioned. These personal traits are required of all employees. Prospective employees must also meet City standards such as physical condition, which relate to the job duties.

## RULE V COMPENSATION

**SECTION 1. Preparation of Plan.** The Human Resources Director, or the person or agency employed for that purpose, shall prepare a pay plan covering all classes of positions showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration shall be given to rates of pay for comparable work in other public employment, including consideration of conditions of work as well as basic pay; to current costs of living; to suggestions of department heads; and to the City's financial condition and policies. The Human Resources Director or the person or agency employed for that purpose shall thereafter make such further studies of the compensation plan as may be requested by the City Council or City Manager.



**SECTION 2. Adoption of Plan.** The City Manager shall submit the proposed pay plan to the City Council. The City Council shall adopt, or amend and adopt, the proposed plan. Thereafter no position shall be assigned a salary higher than the maximum, or lower than the minimum salary provided for that class of position unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

**SECTION 3.** The City Council shall have the right and power at any time and as provided by law and City rules and regulations, to change, alter, and adjust the salaries, wages, or compensation of each and all of the officers, servants, agents, and employees of the City, excepting the members of Council; and each and all of the said officers, servants, agents, and employees, excepting elective officers, shall serve at the pleasure of the City Manager or as may be otherwise provided by law; and in the cases of officers and employees under the Civil Service System of said City at the pleasure of the City Manager as provided for in and under the ordinance, rules and regulations of said City relating to Civil Service.

**SECTION 4.** It is provided, however, notwithstanding anything in this resolution to the contrary, that in those cases where the compensation, or any portion thereof, of any officer or employee is properly chargeable to any project, improvement or proceedings, that then and in that event, and in each such case, the compensation or portion thereof properly chargeable to such project, improvement, or proceedings shall be so charged.

**SECTION 5. Application of Rates.** Employees shall be paid a salary or wage within the range established for that position's class under the pay plan as defined in Attachment B of this Resolution or appropriate Memoranda of Understanding. The minimum rate for the class generally shall apply to employees upon original appointment. However, the appointing authority may, when circumstances warrant, appoint at other than the first step. Officers and employees re-employed after layoff shall receive a rate within the range established for the class and agreed upon by the appointing power and the employee concerned. Transfers shall not affect an employee's salary rate.

**SECTION 6. Advancement.** No salary advancement shall be made so as to exceed the maximum rate established in the pay plan for the class to which the advanced employee's position is allocated. Advancements shall not be automatic, but shall depend upon increased service value of an employee to the City as exemplified by recommendations of his supervising official, length of service, performance record, special training undertaken, or other pertinent evidence.

**SECTION 7. Operation of the Pay Plan.** Application of the six steps in a range shall in general be according to the designated pattern detailed for each step, except for management and/or confidential employees. Under special circumstances, however, the City Manager may elevate an employee from one step to a higher step within a range. Ordinarily, the pay plan shall be according to the following pattern:

**Step A.** Normally the hiring rate for a particular class of position. If it becomes difficult to recruit qualified personnel, or if unusual qualifications are required, the City Manager is authorized to hire at the second or third step, based upon such difficulty or unusual qualifications.

**Step AA.** New employees in the General Employees salary schedule hired at A Step may remain in that step for six months. After six months they will be evaluated and if the employee has demonstrated an above average performance, the supervisor shall recommend that the employee be advanced to AA Step, which shall be 5% above the A Step. Advancement to the AA Step shall not be automatic and will be based completely on merit and the employee's performance. Employees not advancing to the AA Step shall stay at the A Step for one year, after which they are eligible for advancement to B Step. Employees hired above the A Step shall not be eligible for the merit step. (Resolution 3818)

**Step B.** This is the first incentive step to encourage newly integrated employees to improve their work, and salary increase thereto shall follow completion of the probationary period or twelve months of service, and recommendation by the department head to the City Manager. (Normally, if not

recommended due to lack of performance, the employee will be released pursuant to the Civil Service Rules and Regulations.)

Step C. This is the rate at which a fully qualified, experienced and ordinarily conscientious employee shall be paid after a reasonable period of service. An employee who has proven himself in a given classification for a minimum period of at least one (1) year in Step "B" shall be eligible for this third step in the class range upon recommendation of the department head and approval by the City Manager.

Step D. Awarded to an employee who has demonstrated an average level of competency for the classification after a minimum of at least one (1) year in Step "C," subject to the department head's recommendation and approval by the City Manager.

Step E. Awarded to an employee who has demonstrated an average level of competency for the classification after a minimum of at least one (1) year in Step "D," subject to the department head's recommendation and approval by the City Manager.

No advancement shall be made until it is clearly deserved - time alone should not be taken as adequate explanation for recommendation or approval of a salary adjustment. All salary increases shall be effective at the beginning of the pay period next following the date at which the employee becomes eligible and is recommended for a salary increase.

A promotion to a new classification does not necessarily entail promotion in the same pay step. The new step will be determined at the discretion of the appointing officer with the limitations that it will not be a higher "letter" step nor entail a decrease in pay.

Although promotion to a higher classification entails a six months probationary period for purpose of Civil Service status, it shall not be construed as automatically making the promotee eligible for a step increase six months after promotion. The time in each step shall remain as outlined in Section 7 "A" through 7 "E."

All rates provided in the plan shall be intended to cover full payment for regular full time work according to the schedule in effect for each department (excepting compensation allowed for work in a higher position class or beyond the normal work week). Employees working on a temporary full-time basis may be paid up to the hourly equivalent of the monthly salary ("C" Step) as computed by the Finance Department, based upon the actual number of hours worked.

SECTION 8. Budgetary Provisions for Salary Advancement; Effective Date of Salary Increments. Provisions shall be made in the annual budget for anticipated salary increases due to progress of employees through their salary range.

A. For general employees, for the purpose of considering length of service in connection with salary increments within established ranges of compensation, such increments shall be made effective as of the first day of the nearest bi-weekly pay period in accordance with schedules adopted and established by the City Council.

B. For employees other than general employees, for the purpose of considering length of service in connection with salary increments within established ranges of compensation, such increments shall be made effective as of the first day of the next bi-weekly pay period in accordance with schedules adopted and established by the City Council.

C. For Management/Confidential employees, see Section 11 of this Rule.

SECTION 9. Payment of Salaries. The monthly salaries or compensation herein provided for shall be paid monthly, or in equal bi-weekly installments as approved by the City Council. Other salaries, wages,

or compensation may be paid weekly, bi-weekly, or monthly, or as demands for same may be presented, at the discretion of the City Council.

**SECTION 10. Hourly Equivalents of Monthly Salaries.** Hourly equivalents of monthly salaries for full-time positions shall be those computed and published by the Finance Department. Hourly equivalents and time and one-half overtime rates shall be based on a 40-hour week in all departments except for sworn shift employees of the Fire Department, which shall be based upon a 56-hour work week.

**SECTION 11. Management Pay Plan for Management/ Confidential Positions.**

A. **Salary Basis.** The basic salary schedule for each position under the Management/ Confidential Compensation Plan shall be contained in a designated salary schedule with established minimum and maximum ranges. Appointment to a position will normally be close to the minimum but may be otherwise depending upon the qualifications of the individual. Management employees will progress through the ranges based on performance.

B. **Salary Schedules.** Salary ranges for these positions are as outlined in Attachment B to these Personnel Rules.

C. **Performance Appraisal Plan.** The Performance Appraisal Plan shall constitute the basis upon which salary increases will be made within the schedule established for each position. Each Management/Confidential employee shall be reviewed by the criteria established by the City Manager.

D. **Salary Adjustments.** At the beginning of every fiscal year the City Manager shall include in the budget a recommended amount of money to be set aside for salary adjustments of Management/Confidential employees for that fiscal year. The City Manager shall also periodically recommend to the City Council adjustments to the salary ranges based upon cost of living, market indicators and internal salary relationships. The City Council may grant increases to the salary schedules in order to adjust the minimum and maximum ranges based upon the recommendation of the City Manager.

The City Manager may, at his sole discretion, establish guidelines and procedures for setting salaries for employees whose positions are allocated to an open salary schedule. Individual salary increases shall be based on performance and shall acknowledge and reflect the level of job proficiency indicated by the employee's performance evaluation.

There will be no automatic step progression and no longevity step increases. Salary increases shall normally be made once a year on or near July 1, based upon the performance evaluation. The City Manager is authorized to grant salary increases up to but not exceeding ten (10%) of an individual's base salary for any one fiscal year.

Increases may be made at other times on the basis of superior job performance or circumstances which would warrant a salary adjustment. Where the City Manager finds superior job performance on the part of any individual Management/Confidential employee that warrants adjustment prior to June 30 of that fiscal year, the City Manager, at his sole discretion using the performance appraisal plan, may grant such adjustments up to a maximum of ten (10%) of said employee's salary. The City Manager shall also have the discretion to advance Management/Confidential employees to the next higher salary range upon review of the employee's work performance with the criteria outlined in the Performance Appraisal Plan. Any recommended salary increases above ten percent (10%) for an individual in any one fiscal year shall require the prior approval of the City Council.

E. **Management and Confidential Salary Schedule**

The class titles allocated and assigned to the Management/Confidential Unit are listed in Attachment B to these Personnel Rules.

SECTION 12. Compensation for Non-Classified Positions.

A. The elective officials of said City, as such, shall receive the respective salaries, compensations, or amounts attached to their respective offices as provided by law, which salaries, compensation, or amounts, under the laws and ordinances of said City are hereinafter set forth for the purpose of convenience in reference as follows:

	<u>Office</u>	<u>Compensation</u>
(1)	Each member of the City Council	\$200.00 per month
(2)	City Treasurer, as such	\$200.00 per month

B. That subject to the other provisions of this resolution, each of the incumbents of the following offices or positions in the service of the City of Manhattan Beach shall be entitled to receive for his or her services, in his or her office or position, the respective rate or rates of compensation hereinafter set forth for his or her respective office or position:

- (1) City Attorney shall receive compensation as provided for in a contract approved by the City Council (Resolution 4064).

C. Part-Time Employees.

(1) Definition: Part-time employees shall be defined as those employees who work a flexible schedule which is generally less than forty (40) hours per week, or less than fifty-two (52) weeks per year and who shall have been appointed to a position not in the classified service.

(2) Work Schedule: The work schedule for part-time employees shall be subject to approval of the City Manager based upon recommendation by the Department Head. The schedule may vary from time to time depending upon the needs of the City.

(3) Overtime Work: Part-time employees shall not be eligible for overtime pay unless they work in excess of forty (40) hours in one pay week. In such cases, the employee shall be compensated at the rate of one and one-half times the hourly salary for all overtime work performed. Notwithstanding emergency situations or special occurrences, it shall be the general policy of the City to discourage overtime work by part-time employees.

(4) Benefits: Part-time employees shall not be eligible to participate in any benefit programs of the City, except those mandated by federal or state law or the Public Employees Retirement System.

(5) Description of the salary plan: The salary plan consists of a step plan with a flat hourly pay rate for all part-time classifications. The step plan is established for those classifications where advancement is possible, or where a retention incentive is regarded as desirable. The City Manager may amend the salary plan to ensure that the part-time classifications meet the needs of the City.

(6) Movement through three-step plan: Part-time employees whose positions are included in the three-step plan usually are hired at the A Step. Advancement to the B Step may occur after completing six months (with a minimum of 300 hours) of satisfactory work in the same classification. Advancement to the C Step may occur after completing one (1) year (with a minimum of 300 hours) of satisfactory work in the B Step.

(7) Addition and deletion of classifications: Classifications may be added to or deleted from the part-time salary plan as dictated by the needs of the City. Amendments to the plan shall be subject to the approval of the City Manager.

**RULE VI**  
**APPLICATIONS AND APPLICANTS**

**SECTION 1. Announcement.** All examinations for positions in the classified service shall be published by posting announcements in the City Hall, on official bulletin boards, and in such other places as the Human Resources Director or designee deems advisable. The announcements shall specify the title and pay range of the position for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the position; the dates, time, place, and manner of making applications; and other pertinent information.

**SECTION 2. Application Forms.** Applications shall be made on forms provided by the Human Resources Director or designee. Such forms shall require information covering training, experience and other pertinent information, and may include certificates of one or more examining physicians, references, and fingerprinting. All applications must be signed by the person applying.

**SECTION 3. Disqualification.** The Human Resources Director or designee may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications also shall be rejected if the applicant is physically unfit for the performance of duties of the position to which he seeks appointment, if the applicant has not completed the application in its entirety; if the application has been submitted past the filing deadline, if the applicant has been convicted of a crime involving moral turpitude that in any way suggests the inability of the applicant to discharge the job duties with integrity and reliability, has made any false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application. Whenever an application is rejected, notice of such rejection with a statement of the reason shall be mailed to the applicant by the Human Resources Director or designee. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

**SECTION 4. Medical Examinations.** The purpose of establishing medical standards for City employment and specifying the physical demands of all classes of positions is to ensure that each employee is physically able to perform the duties of his position without undue hazard to himself or others.

**A. Meeting the Medical Standards.**

The Human Resources Director shall require applicants appointed to positions at the City to meet the medical standards of the City and the physical demands of the position to which he is appointed before his appointment is complete.

The Human Resources Director may require a complete medical examination by a City examining physician, or may require any other reasonable evidence of meeting the medical standards and physical demands. The examination may include X-rays, laboratory tests, special medical reports, or any other tests or evidence in order to ensure that each applicant appointed meets the medical standards. Whenever practicable, the physical examination shall be given and the standards shall be met before the applicant is employed. Any appointment before an applicant meets the medical standards must be considered as contingent on his meeting the medical standards and physical demands.

An applicant who meets the medical standards may be appointed only to those positions for which he meets the physical demands.

**B. Failure to Meet Medical Standards.**

Applicants in open examinations who fail to meet the City medical standards shall not be employed. An applicant who has failed to meet the medical standards shall, at his own expense, be entitled to present new or additional medical evidence related to his case at any time his name is on an active eligible list. The Human Resources Director may require any eligible to be re-examined at any time prior to his original appointment, during his probationary period, or at the time of reinstatement.

C. Periodic Medical Re-evaluation.

The City Manager or designee may establish the requirement of a periodic medical re-evaluation by a City examining physician for an employee, when it is necessary to protect the health, safety, and welfare of the employees or the public. Such re-evaluation may be concerned only with the medical conditions related to the satisfactory performance of the required duties or with protecting the health, safety, and welfare of the employees or the public.

D. Medical Re-evaluation.

The Human Resources Director may require a reasonable medical re-evaluation at the time of promotion, demotion, reassignment, or other change of status of an employee from one class to another class with increased physical demands. Such change of status shall not be completed until the employee has shown that he meets the increased physical demands.

An employee may request, or the Human Resources Director may require of an employee, a medical re-evaluation whenever it is necessary to determine the physical capacities of the employee to perform the duties of his job satisfactorily or without undue hazard to himself or others. Such re-evaluation may be concerned only with the medical conditions related to the satisfactory performance of the required duties or with protecting the health, safety, and welfare of the employee or the public.

E. Partially or Fully Incapacitated Employees.

Whenever, upon re-evaluation, an employee who has previously qualified is found to be unable to perform the duties of his position satisfactorily, due to a medical incapacity of a continuing nature:

(1) The employee may submit a request to the City Manager for reassignment, voluntary demotion, or transfer to another position for which he has the qualifications. Any voluntary demotion under this rule must be with the approval of the City Manager.

(2) The City Manager may reassign the employee to another position for which the employee is qualified; or may reduce the employee to a lower level position for which he is qualified, subject to the applicable provisions of Rule XIII.

(3) If there is no suitable position in which the employee can perform satisfactorily, the City Manager may release the employee, subject to the applicable provisions of the Americans with Disabilities Act and Rule XIV, said release to be without prejudice as to re-employment should his condition improve.

Any layoffs resulting from the transfer, promotion, demotion, suspension, or reinstatement of an employee under this Section will be in accordance with the provisions of Rule XIV.

**SECTION 5. Residence Requirements.** There shall be no residency requirement for any employee of the City of Manhattan Beach. (Amended Resolution 3675)

**SECTION 6. Nepotism.** Employee's relatives and members of the immediate family may work for the City of Manhattan Beach; however, relatives within the third degree or closer (i.e., children, parents, brothers and sisters, grandparents and grandchildren, aunts and uncles, nieces and nephews) whether by blood, adoption, or marriage must be employed in separate departments. Such appointments shall be, however, subject to the approval of the City Manager. The City Manager may approve exceptions to this rule on a case by case basis. In the case of such exceptions at no time may any related employees be in a position which would require them to supervise or control the terms, conditions or performance circumstances of employment of a relative.

Any relative within the third degree or closer (i.e., children, parents, brothers and sisters, grandparents and grandchildren, aunts and uncles, nieces and nephews) whether by blood, adoption, or

marriage, of a Council member, the City Manager, City Clerk, City Attorney, City Treasurer, or department heads, shall not be appointed to any position of employment whether full time or part time within the City service.

If two employees plan to be married while both are employed in the same department of the City of Manhattan Beach, neither may be in a position which would require them to supervise or control the terms, conditions or performance circumstances of employment of the other at the time of the marriage or at any time in the future. If one of the employees assumes such a position within the same department as their spouse, it will become necessary for one of the said employees to transfer to a different department of the City, provided an appropriate vacancy exists. In the event there is no such vacancy by the date of promotion, termination of one of said employees is mandatory.

Except as to a marriage which occurs hereafter, this rule shall not affect any of the heretofore mentioned relatives who are currently employed by the City of Manhattan Beach and related as of April 15, 1975.

## RULE VII EXAMINATIONS

SECTION 1. Nature and Types of Examinations. The selection techniques used in the examination process will be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Human Resources Director, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the position to which they seek to be appointed.

Examinations shall consist of recognized personnel selection techniques such as but not limited to: achievement tests, aptitude tests, evaluation of qualifications and background through personal interviews, evaluation of training and experience, performance tests, evaluation of daily work performance, work samples, or physical agility tests, or any combination of them.

SECTION 2. Promotional Examinations. Promotional examinations may be conducted whenever, in the opinion of the City Manager, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in Section 1 of this Rule, or any combination of them. Only full-time employees who meet the requirements set forth in the promotional examination announcements may compete in the promotional examinations.

SECTION 3. Open Examinations. Open, competitive examinations may be conducted whenever, in the opinion of the City Manager, the needs of the service require. Open examinations may include any of the selection techniques mentioned in Section 1 of this Rule, or any combination of them. Only those persons who meet the requirements set forth in the examination announcements may compete in the examination.

SECTION 4. Conduct of Examinations. The City Manager upon recommendation of the Human Resources Director, may contract with any competent agency or individual for the performance by such agency or individual of the responsibility for preparing and administering examinations. In the absence of such a contract, the Human Resources Director or designee shall perform such duties. The Human Resources Director or designee shall arrange for the use of public buildings and equipment for the conduct of examinations and shall render such assistance as shall be required with respect thereto.

SECTION 5. Scoring Examinations and Qualifying Scores. A candidate's score in a given examination shall be the average of his scores on each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination, the percentage for proficiency shall be determined by the Human Resources Director or designee.

A. **Veterans Credit:** In all original examinations held pursuant to these rules and regulations, the personnel agency or Human Resources Director shall, in addition to all other credits, give a credit of three percent (3%) of the total credits specified for such examinations to all soldiers, sailors, marines, or other persons who shall have served in the United States Army, Navy, Marine Corps, or other military unit or service, or in any division thereof, from 12/7/41 to 12/31/46; 6/27/50 to 1/31/55; 8/5/64 to 5/7/75; and from 8/2/90 to 4/10/91, and are honorably discharged, or placed on the inactive or reserve list, or relieved from such military service with a certificate of satisfactory service therein, and also to the spouse of any such honorably discharged person who was wounded or disabled, during such service, and thereby permanently prevented from engaging in any remunerative occupation, and also to the surviving spouse (if not at the time remarried) of any such person who dies or was killed while in such service.

B. **Seniority Credit:** In all examinations, seniority credit of 0.25 of 1 percent for each year of current continuous full-time service shall be given to employees of the City Civil Service System. Said credit shall not apply to positions in the Management/Confidential classifications. Seniority credit shall be allowed and computed as follows: An employee receives 0.25 of 1 percent for each full year of continuous full-time service with the City. Deductions from such credit shall be made for all absences of three (3) months or more where the employee has not terminated but was not actively working. For promotional Sergeant examination, no seniority points may be accumulated. For promotional fire examinations, a maximum of 3.0 seniority points may be accumulated. For examinations for positions represented by the general employee bargaining group, a maximum of 2.5 points may be accumulated.

No preference shall be given in establishing examination scores for service rendered under temporary or provisional appointments.

The Human Resources Director may, at his/her discretion, include as a part of the examination, tests which are qualifying only.

**SECTION 6. Notification of Examination Results and Review of Papers.** Each candidate in an examination shall be given written notice of the results thereof, and if successful of his/her final earned score and rank on the employment list.

Any candidate shall have the right to inspect his own examination paper. Any error in computation, if called to the attention of the Human Resources Director within one (1) month after the date of mailing of notices, shall be corrected. Such corrections shall not, however, invalidate appointments previously made.

#### **RULE VIII** **ELIGIBLE LISTS**

**SECTION 1. Eligible Lists.** As soon as possible after the completion of an examination, the Human Resources Director shall prepare and keep available an eligible list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score. Whenever two or more eligibles shall have the same average percentage, priority of receipt of application shall determine their respective standings on the eligible list.

A. **Eligible Lists.** If more than one eligible list is active, then candidates from active lists will be merged and ranked based on their test scores. Selection may then take place based on the candidates' ranking on the merged list.

B. **Notification of Subsequent Ranking on Merged Eligible Lists.** Whenever two or more eligible lists are merged to form a new numerical ranking, candidates should be notified in their initial notice of results that such a list may result in a new numerical ranking as new names are added to the list.

**SECTION 2. Duration of Eligible Lists.** Eligible lists shall become effective upon certification by the personnel agency or Human Resources Director that the list was legally prepared and represents the relative ratings of the persons whose names appear on it. Eligible lists shall remain in effect for six (6) months unless sooner exhausted, and may be extended prior to their expiration dates by action of the



Human Resources Director for additional increments of up to six (6) months, but in no event shall an eligible list remain in effect for more than eighteen (18) months. (Resolution 4652)

A. Duration of Eligible Lists. If two or more active eligible lists are merged, as provided in Section 1(b), the duration of candidate eligibility will be based on the initial certification date of the original non-merged lists. The merger of eligible lists will not affect the duration of any individual candidate's eligibility. Candidates will be dropped from any merged list when their original eligible list expires. Original eligible lists may be extended for additional increments of up to six months. These extensions shall not exceed eighteen (18) months.

B. Duration of Eligible Lists (Fire). Eligible lists for promotional positions covered by the applicable Memoranda of Understanding may be extended up to twenty-four (24) months, in six (6) month increments.

SECTION 3. Re-employment Lists. The names of probationary and full time employees who have been laid off shall be placed on appropriate re-employment lists in the order of their competency from highest to lowest. Such names shall remain thereon for a period of two (2) years unless such persons are sooner re-employed. When a re-employment list is to be used to fill vacancies, the appointing power shall make appointments to fill vacancies from the top of said list.

SECTION 4. Removal of Names From Lists. The name of any person appearing on an eligible, re-employment, promotional, or lateral entry list shall be removed by the Human Resources Director or designee if the eligible requests in writing that his name be removed, if he fails to respond to a notice of certification mailed to his last known address, if he has been certified for appointment three (3) times and has not been appointed, or if the candidate does not pass the background examination. The person affected shall be notified of the removal of his name by a notice mailed to his last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

#### RULE IX METHOD OF FILLING VACANCIES

SECTION 1. Types of Appointment. All vacancies in the classified service shall be filled by re-employment, transfer, demotion, or from an appropriate eligible or promotional list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be permitted in accordance with the personnel ordinance and these rules.

SECTION 2. Certification of Eligibles. The appointing power or designee shall indicate whether it is desired to fill the vacancy by reinstatement, transfer or demotion, or whether certification from a promotional or eligible list is preferred. If appointment is to be made from an eligible or promotional list, the names of all persons willing to accept appointment shall be certified.

Where no eligible list is in existence for a class of position, certification may be made from a list created for another class of the same or higher rank in the same or in a related series, if the duties of the class for which the examination was given include substantially all of the duties of the position to be filled; provided that the City Manager or designee finds that the use of the list is for the best interest of the service and that the necessary skills and knowledge were adequately tested in the examination.

SECTION 3. Order of Certification. Whenever certification is to be made, the eligible lists, if each exists, shall be used in the following order: re-employment list, promotional list, lateral entry list, open-competitive list, or list for another class. Whenever there are fewer than three (3) names on a promotional list, lateral entry list, open-competitive list, or list for another class, the appointing authority may make an appointment from among such eligibles or may request the personnel agency or Human Resources Director to establish a new list. When so requested, the personnel agency or Human Resources Director shall hold a new examination and establish a new eligible list.

**SECTION 4. Appointment.** After interview and investigation, the City Manager shall make appointments. The Human Resources Director or designee shall notify the person appointed, and if the applicant accepts the appointment and presents himself for duty within such period of time as shall be prescribed, he shall be deemed to be appointed; otherwise he shall be deemed to have declined the appointment. All appointments for a period of sixty (60) days or longer shall be subject to successfully passing a medical examination, background investigation, and fingerprinting.

**SECTION 5. Provisional Appointments.** In the absence of appropriate eligible lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An eligible list shall be established within six (6) months for any position filled by provisional appointment. The City Manager may extend the period for any provisional appointment for not more than thirty (30) days by any one action.

**SECTION 6. Temporary Appointments.** Temporary appointments may be made for a period not to exceed eighteen (18) months to positions of a temporary or non-permanent nature which are expected to terminate within eighteen (18) months time. The City Manager may extend the period for any temporary appointment for not more than thirty (30) days by any one action.

**SECTION 7. Special Credit.** No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any eligible or promotional lists for service rendered under a temporary or provisional appointment.

**SECTION 8. Emergency Appointments.** To meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake, which threatens public life or property, any legally competent officer or employee may employ such persons as may be needed for the duration of the emergency without regard to the Personnel Ordinance or rules affecting appointments. As soon as possible such appointments shall be reported to the City Manager. Such appointments will be subject to the ultimate approval of the City Manager.

#### **RULE X** **PROBATIONARY PERIOD**

**SECTION 1. Regular Appointment Following Probationary Period.** All appointments shall be tentative and subject to the following probationary periods:

- A. Original appointments of sworn members of the Police Department - Not less than eighteen (18) months.
- B. Original appointments of sworn members of the Fire Department - not less than twelve (12) months.
- C. Promotional and lateral entry appointments of sworn members of the Police Department - Not less than twelve (12) months.
- D. Promotional appointments of sworn members of the Fire Department - Not less than twelve (12) months.
- E. Original appointments of all other employees and promotional appointments at the foreman level and above - Not less than twelve (12) months.
- F. Promotional appointments of all other employees - Not less than six (6) months. However, if the promotion is made while an employee is on probation, the probationary period shall not be less than twelve (12) months.

The City Council may, by resolution, establish a longer probationary period for specific positions. The Human Resources Director shall notify the department concerned at least two (2) weeks prior to the termination of any probationary period.

All appointments shall be subject to a probationary period as stated. Said probationary period begins on the date of appointment from an eligible list. A probationary period may be extended upon the recommendation of the Department Head and approval by the City Manager. Such extension of the

probationary period shall not exceed a period of six (6) months, except that the City Council may, by resolution, establish a longer probationary period for specified positions. If additional training to perform the duties of the position is required of such appointee, satisfactory completion of courses of instruction at an accredited college or university may be required.

If the service of the probationary employee has been satisfactory to his department head, then the department head shall file with the City Manager a statement in writing to such effect and stating that the retention of such employee in the service is desired. If such a statement is not filed prior to the expiration of the probationary period, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period.

**SECTION 2. Objective of Probationary Period.** The period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any probationary employee whose performance does not meet the required standards of work.

**SECTION 3. Rejection of Probationer.** During the probationary period an employee may be rejected at any time by the appointing power without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy shall be retained in the personnel files.

**SECTION 4. Rejection Following Promotion.** Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reason of failure of the department head to file a statement that his services have been satisfactory, shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged in the manner provided in the personnel ordinance and these rules for positions in the classified service.

**RULE XI**  
**ATTENDANCE AND LEAVES**

**SECTION 1. Annual Vacation/General Leave.** The purpose of annual vacation and general leave is to enable each eligible employee annually to return to work mentally refreshed. All full time employees shall be entitled to annual vacation or general leave with pay. Those employees in the General, Fire and Police Units will earn vacation leave as described in their Memoranda of Understanding. Management/Confidential employees begin to earn general leave as stated below, and may use such leave time as it is earned. If an employee terminates employment with the City and then returns, vacation or general leave shall be earned at the same rates as if he were a new employee.

A. Effective June 24, 2006, Management/Confidential employees begin to earn general leave on the first day of probationary employment as follows:

<u>Tenure</u>		<u>General Leave Accrued</u>
Greater than:	Less than or equal to:	
0 months	5 full years	25 (days/year) or 16.667 (hours/month)
5 full years	10 full years	30 (days/year) or 20.000 (hours/month)
10 full years		35 (days/year) or 23.330 (hours/month)

Those Management/Confidential employees scheduled to work a 24-hour shift will receive General Leave accrual based on their 56-hour work week. Their accrual rates are as follows:

Greater than:                      Less than or

equal to:

0 months	5 full years	13 shifts or 26 (hours/month)
5 full years	10 full years	15 shifts or 30 (hours/month)
10 full years		17-1/3 shifts or 34.667 (hours/month)

During the fiscal year, in the payroll period prior to the final payday in either June or December, an employee earning general leave may exchange up to a maximum of 120 hours, or for Battalion Chief 168 hours, of earned general leave for pay. However, any employee cashing in general leave hours, must leave a minimum balance of 80 hours (112 hours for Battalion Chief) in her bank after the cash out is completed.

Management/Confidential employees may accumulate up to three years of general leave accrual. If an employee reaches the general leave accrual maximum, that employee will not accumulate further leave until such time that the employee's accrual rate returns to below the maximum amount. Under special circumstances, and with City Manager approval, an employee may be allowed to accrue over the maximum on a temporary basis.

### SECTION 2. Payment of Leave Balances Upon Separation

When an employee separates from City employment qualified leave balances shall be paid out at the employee's base rate of pay. Compensatory Time Earned that exceeds the FLSA overtime minimums shall be paid at the employee's regular rate of pay pursuant to FLSA requirements. For Management/Confidential employees, qualified leave is defined as accumulated General Leave, Compensation Time Earned and Emergency Leave Entitlement. Management/Confidential Sworn Police employees will receive the unused pro-rata portion of Holiday Leave hours for that fiscal year.

### SECTION 3. General Sick Leave Policy.

Sick leave shall not be considered as a privilege which an employee may use at the employee's discretion, but shall be allowed only in case of necessity and actual sickness. All sick leave must be approved by an employee's department head, who checks the employee's records to determine if the employee is entitled to sick leave and the amount remaining. A department head may require an employee to furnish a doctor's certificate at any time for proof of illness.

Sick leave earned by an employee in any City position will be retained to the employee's credit if the employee is transferred, promoted, or demoted to any other City position. Employees shall continue to accrue leave as long as they are in a paid leave status for any part of a pay period. An employee may continue to accrue sick leave while on a military leave of absence if that absence exceeds fifteen (15) consecutive calendar days. When an employee has used all accumulated sick leave, further absence shall be charged to any other qualified accrued leave before leave of absence status can be used. An employee designated as exempt from the FLSA shall not have salary reduced in any manner for absences of less than one day when the employee does not have sufficient accrued time on the books to cover the absence. The difference between the employee's accrued time on the books and the daily work period shall be adjusted by means of a negative leave balance, whereby future leave accruals will be advanced to the employee to cover the absence. The employee will not have any financial claim to any accumulated sick leave upon leaving City employment unless provided by an approved Memoranda of Understanding.

In the event of serious illness of a member of the employee's immediate family, up to one half of the annual accrual of sick leave may be granted to such employee with the approval of the department head; the phrase "immediate family" is construed to mean the husband, wife, parent, brother, sister, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, foster child and foster parent, or any or either of them. Grandparent or grandchild are also considered "immediate family," if residing within the home or within the same place of residence of the employee.

In the event of a death of a member of the employee's immediate family as defined in the paragraph above, a maximum of five (5) days of sick leave may be granted for out-of-state leave and a maximum of three (3) days may be granted within the State. Members of the General Unit may use Bereavement Leave as described in their Memoranda of Understanding.

SECTION 4. Bereavement Leave. In the event of a death of a member of the employee's immediate family as defined in the paragraph above, up to five (5) days of paid leave in a 12-month period beginning from the date the leave first begins, may be used by the employee for Bereavement Leave. Members of the General Unit may use Bereavement Leave as described in their Memorandum of Understanding.

SECTION 5. Workers' Compensation Leave. Each employee, regardless of the employee's category of employment, is authorized injury leave when the employee suffers a compensable illness or injury while on duty or arising in and out of the course of employment. If the employee exhausts all qualified leave accrued, the employee may make application for Family Medical Leave pursuant to the City's FMLA policy. For Management/Confidential non-sworn employees the City will pay the employee's salary for the first seven (7) days of absence. If the absence continues past seven (7) days, the employee will collect temporary disability. Temporary disability will be paid at the state-approved rate. The employee may subsidize their pay with accrued General Leave to make up a full pay check. For sworn police and fire employees, the City will pay salary continuation pursuant to state labor code section 4850. For sworn fire employees, at no time can sick leave be used for injuries which are compensable under Workers' Compensation.

Effective December 29, 1990, General Employees with 6 Months Employment or More shall receive \$1.00 per pay period in salary continuation and may charge the first three days of any injury on duty to sick leave, or if there is not enough accrued sick leave, then to the employee's other accumulated leaves. Thereafter, the employee shall receive only the \$1.00 per pay period salary continuation but may use vacation and or CTO to receive full pay. During the first 60 days or while receiving vacation or CTO pay, the employee shall continue to accrue leave time and continue to receive the City's insurance allowance. Thereafter, all leave accruals and allowances cease and insurance become the responsibility of the employee.

Effective December 29, 1990, General Employees with Less Than 6 Months Employment shall receive \$1.00 per pay period in salary continuation and may charge the first three days of any injury on duty to sick leave, or if there is not enough accrued sick leave, then to the employee's other accumulated leaves. Thereafter, the employee shall receive only the \$1.00 per pay period salary continuation. During the first 30 days, the employee shall continue to accrue leave time and continue to receive the City's insurance allowance. Thereafter, all leave accruals and the allowances cease and insurance become the responsibility of the employee. (Resolution 4656)

SECTION 6. Jury Duty Leave. Full-time employees of the City will receive regular compensation for jury duty service on their scheduled work days. Specific guidelines will be outlined in the City's Personnel Instructions and/or respective employee Memoranda of Understanding.

SECTION 7. Military Leave. Military leave shall be granted in accordance with the provisions of State of California law. All employees entitled to military leave shall give the appointing power (City Manager) an opportunity within the limits of military regulations to determine when such leave shall be taken. A full time employee may consider Draft Board examination as military leave, and receive compensation for time used in this manner.

Beginning on July 1, 2009 upon approval of the City Council (August 4, 2009), and ending on August 31, 2010, the City shall compensate full time employees called to involuntary active military duty according to Attachment D of these rules. However, the provisions set forth in Attachment D are temporary and shall continue in full force and effect only until August 31, 2010 at which time they shall fully and completely terminate unless extended by a vote of the Manhattan Beach City Council. The privileges extended by Attachment D are temporary and limited and not intended to create vested rights or precedential rights

beyond their express term nor to establish past practice to be relied upon in future interpretations of these Rules and Regulations.

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**SECTION 8. Leave of Absence.** The City Manager may grant a full time employee leave of absence with or without pay not to exceed one year. No such leave shall be granted except upon written request of the employee when all other leave has been used. Approval shall be in writing and a copy filed with the City Manager. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge.

**SECTION 9. Hours of Work.** All offices of the City, except those for which special regulations are required, shall be kept open for business on all days of the year except Saturdays, Sundays, and designated holidays from 8:00 a.m. until 5:00 p.m. Employees for whom necessity requires a different schedule than that generally applied shall work according to regulations prepared by the respective supervising officials and approved by the City Manager.

**SECTION 10. Attendance.** Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep attendance records of employees which shall be reported to the City Manager or designee in the form and on the dates he shall specify. Failure on the part of an employee, absent without leave, to return to duty within twenty-four (24) hours after notice to return shall be cause for immediate discharge, pursuant to the City's disciplinary process.

**SECTION 11. Holidays.** Municipal offices shall be closed on the following legal holidays: January 1st; the third Monday in January, known as Martin Luther King, Jr. Day; the third Monday in February, known as "Presidents Day"; the last Monday in May, known as "Memorial Day"; July 4th; the first Monday in September, known as "Labor Day"; the second Monday in October, known as "Columbus Day"; November 11th, known as "Veterans Day"; the fourth Thursday of November, Thanksgiving Day and the Friday immediately following Thanksgiving Day; and December 25<sup>th</sup>. In addition, one floating holiday will be approved per fiscal year for each non-Management/Confidential employee employed on that July 1st. If one of the paid holidays falls upon a Sunday, the Monday following shall be observed as the holiday. If one of the paid holidays falls on a Saturday, the Friday preceding shall be observed as the holiday. All employees, other than part time, temporary and sworn Police and Fire employees, will be paid for the above mentioned legal holidays. Specific rules for holiday pay and accrual are provided in the appropriate memoranda of understanding.

Employees in the Battalion Chief classification receive annually 123.2 hours of paid holiday time pro-rated on a bi-weekly basis as special pay in lieu of holiday time off. Effective January 1, 2000, sworn Police Captains and Lieutenants are entitled to one hundred (100) hours off in lieu of paid holidays. Effective July 1, 2000, this leave will increase to one hundred and ten (110) hours. Effective July 1, 2005, sworn Police Captains and Lieutenants may cash out up to 30 hours of holiday time during the first pay period in December.

Employees engaged to work full time for an indefinite period will be employed on a monthly rate and will receive paid holidays if they work the day preceding and day following a scheduled holiday. The monthly rate of pay is to be taken from the regular schedule of pay ranges and steps as recommended by the department head and approved by the Human Resources Director.

**SECTION 12. Overtime Work.** Overtime work is work performed by an employee at times other than those normally required for the employee's employment. Any other provision of this resolution notwithstanding, any dispute or question of fact as to what time or times are normally required for the employment of any person shall be decided by the City Manager, and his decision shall be final.

It is the policy of the City that overtime work is to be discouraged. It will be authorized only to provide services which cannot be provided during the normal work day and in abnormal or emergency situations. It is not the purpose of overtime work to provide supplementary income for employees.

In cases of emergency or whenever the public interest or necessity requires, any department may require any employee in such department to perform overtime work. No employee shall be required to perform overtime work except upon the approval of the City Manager or designee, filed with the officers having charge of payrolls and such approval must be given prior to the performance of the overtime work, except when performed in an emergency to prevent loss of life or injury or damage to person or property. No employee shall be compensated for overtime work in any manner unless approved as herein provided.

Overtime shall not be paid in those cases where an employee is called back from sick leave or vacation, but rather shall be deemed to have returned to regular work status and be paid his regular salary and not charged to vacation or sick leave for those hours actually worked.

For general employees, computation of the forty (40) hour week shall not include any leave times, with the exception of City-recognized holidays and those cases where the employee has taken pre-approved vacation leave and is mandated to work overtime; vacation for Fire employees and holidays and vacation for Police employees. As permitted in the Fair Labor Standards Act (FLSA), the City has declared a 7(k) exemption and established work periods for the purposes of computing overtime at 80 hours per 14 days for non-exempt sworn Police employees and 212 hours per 28 days for non-exempt sworn Fire employees. Overtime for fire employees will be managed as agreed in the current Memorandum of Understanding between the City and the Manhattan Beach Firefighter Association. All other employees shall have overtime hours based on a 40-hour per 7-day period.

Per a previous agreement employees in the Police Lieutenant and Battalion Chief positions will be compensated at straight time for overtime worked.

Overtime premium pay shall be paid in accordance with the FLSA, as amended in November, 1985, and with approved Memoranda of Understanding. Certain positions are exempt from the FLSA based on the nature of duties performed and overtime for these positions is only regulated by City policy. The positions in the following categories are exempt from the FLSA:

EXECUTIVE

City Manager  
Police Chief  
Battalion Chief  
Fire Chief  
Human Resources Director  
Director of Community Development  
Director of Finance  
Director of Parks and Recreation  
Director of Public Works  
Police Captain  
Building Official  
General Services Manager  
Equipment Maintenance Supervisor  
Maintenance Superintendent  
Utilities Manager  
City Engineer  
Wastewater and Electrical Supervisor  
Water Distribution Supervisor

ADMINISTRATIVE

Lieutenant  
 Risk Manager  
 Management Analyst  
 Senior Human Resources Analyst  
 Controller  
 Financial Services Manager  
 Revenue Services Manager  
 Information Systems Manager  
 Administrative Assistant  
 Legal Secretary  
 Police Records Supervisor  
 Senior Management Analyst  
 Geographic Information Systems Analyst (Resolution 5762)  
 Senior Planner  
 Assistant Finance Director  
 Principal Plan Check Engineer  
 Recreation Services Manager  
 Carpenter  
 Maintenance Worker IV  
 Human Resources Analyst

**PROFESSIONAL**

Plan Check Engineer  
 Senior Civil Engineer  
 Senior Plan Check Engineer

Additionally, overtime provisions may vary by bargaining groups and these provisions are contained in the appropriate Memoranda of Understanding.

**RULE XII**  
**EXPENSES ALLOWANCES AND OTHER FRINGE BENEFITS**

**SECTION 1. Uniform Allowance.**

The following positions, listed by Department, are authorized to receive a uniform allowance, maintenance and replacement as specified below. Effective August 14, 1999, this allowance shall be paid on a bi-weekly basis.

<u>Sworn Fire Management/Confidential</u>	<u>Paid 1<sup>st</sup> Payroll after January 1, 1999</u>	<u>Paid 1<sup>st</sup> Payroll after Jan. 1, 2000</u>	
Fire Chief	\$575 per year (7/1/99)	\$600 per year	
Battalion Chief	\$575 per year (7/1/99)	\$600 per year	
<u>Sworn Police Management/Confidential</u>	<u>Effective August 12, 2000</u>	<u>Effective August 11, 2001</u>	
Chief of Police	\$650/year	\$700/year	
Police Captain	\$650/year	\$700/year	
Police Lieutenant	\$650/year	\$700/year	
<u>Management/Confidential and Part-Time Employees</u>	<u>Effective 11/07/98</u>	<u>Effective 11/06/99</u>	<u>Effective 11/04/00</u>
Police Reserve (non-classified)	\$225/yr.	\$225/yr.	\$225/yr.



Police Cadet/Intern (non-classified)	\$225/yr.	\$225/yr.	\$225/yr.
Community Services Supervisor	\$225/yr.	\$225/yr.	\$225/yr.
<u>Other</u>	<u>Effective</u> <u>11/14/00</u>	<u>Effective</u> <u>7/01/03</u>	<u>Effective</u> <u>7/01/05</u>
Police Academy Trainee	\$225/yr.	\$250/yr.	\$275/yr.

Sworn Fire and Police personnel and full-time General Employees shall receive allowances as outlined in the applicable Memoranda of Understanding.

Effective December 12, 1981, the City will provide up to \$500 for newly hired Police Officers for purposes of purchasing City approved uniforms. In the event the probationary officer voluntarily fails to complete the probationary period, the full \$500 will be withheld from his/her final paycheck. If the probationary officer is terminated by the City, the employee will have \$400 withheld from the final paycheck. The employee will, in addition, receive his/her pro rata share of the regular annual uniform allowance in effect during that period of employment.

SECTION 2. Damaged or Destroyed Uniforms or Personal Equipment. Police and Fire personnel are hereby authorized to make a claim against the City of Manhattan Beach for uniforms, civilian clothing, or personal equipment (guns, etc.) damaged or destroyed under abnormal conditions in the line of duty, pursuant to the City's Personnel Instruction. The City Manager or designee shall have final authority to approve or disapprove any and all such claims and there shall be no further right of appeal to any higher authority such as the City Council or the courts.

SECTION 3. Extra Hazard Pay – Police

Hazardous duty: Any sworn officer of the Police Department, when assigned to duty which subjects him to unusual hazards as further defined and explained below, shall be paid at the rate of double time for all the hours he remains assigned to such hazardous duty.

Hazardous duty is defined as a condition existing in the City of Manhattan Beach to which officers are called or ordered to respond and which, because of the particular conditions prevailing, exposes the officers to conditions of danger not usually prevailing in common every day Police work.

In construing this Section, it is realized that Police work, by its very nature, is sometimes hazardous, but the hazard that is meant in this Section is of the type which, when considering all factors such as personal danger to life and limb, intensity and number of dangerous occurrences, length of duration, numbers of people involved, and other conditions present, it can reasonably be said that "such occurrence is unusual to the every day experience of Police Officers in this State."

For the purpose of determining whether or not a hazardous duty condition does or did exist in any particular incident, it will be the duty of the Chief of Police to make a determination as to whether or not a hazardous condition exists or did exist. He will make his determination after a thorough review of all facts present and available in regard to the incident.

It is also the intent of this Section that if a hazardous situation does exist, not all Police personnel on duty at that time will necessarily be involved or exposed to the hazardous condition or at least not involved to the extent that they should be given hazardous duty pay. Accordingly, at the time that the Chief of Police makes his determination that a hazardous condition does or did in fact exist, he shall also make a determination, based upon all facts present and available regarding the incident, as to which individual officers were exposed to the hazardous condition and are thus entitled to hazardous duty pay.

The Chief of Police shall, as soon as possible and no later than five (5) days after the incident in question, submit a statement, in writing, to the City Manager as to whether or not a hazardous condition existed and also a list of officers who were exposed to the extent that they qualify for hazardous duty pay.

#### SECTION 4. Special Pay

Public Notary pay: An additional \$100.00 per month above other salary considerations shall be paid to an employee when performing Notary Public services. These additional duties shall include all services required of a Notary Public. Such pay is authorized only when an employee is designated by the City Manager to serve in that capacity.

SECTION 5. Insurance Benefits Program. Each regular employee is eligible to participate in a City-approved group insurance benefits program providing comprehensive major medical, dental, life insurance, and accidental death and dismemberment insurance coverage. Enrollment in a long-term disability program is mandatory for Management/Confidential and General Employees. All employees covered under the insurance benefits program, in order to receive the insurance allowance, must enroll in a City-approved group medical plan or Medicare. Any amount excluding the medical and long-term disability premium, not used toward the premium of other City insurance, may be used in a flexible spending account or shall be returned to the employee except for employees enrolled in the PERS medical insurance program unless otherwise provided in this section. The allowances shall be as follows:

Management/Confidential Employees. Effective January 1, 1990, the City will contract with the Public Employees Retirement System (PERS) for medical insurance. Effective December 1, 2008, employees with employee only coverage shall receive a cafeteria contribution that covers the PERS Choice single premium. Those enrolled in coverage for employee plus one dependent shall receive a contribution to cover the PERS Choice 2-party premium. And employees enrolled in coverage for employee plus 2 or more dependents shall receive a contribution to cover the PERS Choice family premium. As of July 9, 2005, those employees receiving the family contribution but enrolled in the PERS 2-party plan will be grandfathered in until they separate from City service or choose to enroll in another level of medical insurance coverage.

The City will also pay the full Long Term Disability (LTD) and life insurance premiums and the full vision care plan premium for each Management/Confidential employee. Elected officials are eligible to receive up to \$20,000 life insurance coverage at their own cost. The City shall contribute \$70 to each employee in the Management/Confidential or elected official which they may apply towards dental insurance or receive back in cash. Elected officials must be enrolled in the CalPERS medical plan to receive the \$70 dental stipend or cash back.

Elected officials choosing not to participate in the above medical program shall have the option of receiving \$225 monthly allowance, in lieu of the PERS program, which can be used towards the purchase of insurance or received as cash back.

The City shall pay any surcharge assessed by PERS on the medical insurance premiums up to 3.3%. Any future surcharges shall be paid by the employee.

Effective January 1, 1990, the City shall pay \$1.00 per month for retirees in the Management/Confidential Unit electing to participate in the CalPERS medical insurance program. The \$1.00 per month amount will increase each year by 5% of the minimum employer contribution as provided under government Code section 22825 of the Public Employees Medical and Hospital Care Act (PEMHCA) which is included in the contribution levels listed above. The City shall pay any mandated surcharge increases required by PERS. (Resolution 5338)

A representative of the Manhattan Beach Municipal Employee's Association and the Manhattan Beach Police Officers Association shall participate as members of a committee to review the performance of the insurance program on an annual basis.

SECTION 6. Retirement. Manhattan Beach is a member city in the Public Employees' Retirement System. All probationary and full time employees are required to belong to this system. The City will

contribute towards the employee's contribution as provided for in the appropriate Memoranda of Understanding. Effective July 1, 1984, the City shall contribute the full employee's contribution for Management/Confidential employees.

A. Sworn members of the Police Department shall be covered under the 3% @ 50 Public Employees Retirement System (PERS) retirement program effective June 30, 2001. Sworn employees of the Fire Department shall be covered under the 3% @ 55 plan, through the Public Employees Retirement System (PERS) effective June 1, 2001. Non-sworn miscellaneous members of the Management/Confidential Unit shall be covered under the 2% @ 55 plan through the Public Employees Retirement System (PERS).

B. Effective December 1, 2004, the City shall provide sworn Police Management employees \$300 per month towards retirement health insurance upon retirement, provided the employee has completed a minimum of twenty years of service with the City of Manhattan Beach. Said contribution will be used toward health insurance costs, unless and until the retiree reaches 65 years of age or becomes eligible for Medicare.

Effective the pay period beginning October 30, 2004, the City shall provide the sworn Fire Management employees \$300 per month towards retirement health insurance upon taking a service retirement, provided the employee has completed a minimum of twenty years of service with the City of Manhattan Beach. Said contribution will be used toward health insurance costs, unless and until the retiree reaches 65 years of age or becomes eligible for Medicare.

C. The City approved a retiree health benefit for the miscellaneous unit represented by Teamsters Local 911, which is effective for employees retiring from the City after December 31, 2008 with fifteen years of service. The benefit provides \$250 per month. That same benefit is applied on the same effective date to the Management/Confidential employees, with the exception of sworn Battalion Chief, Police Captain and Police Lieutenant, and Department Heads who are covered by other plans.

The sworn Fire Battalion Chief, Police Captain and Police Lieutenant are covered by the respective Fire Association or Police Association plans, and will receive the level of benefit provided within those plans effective at the time of their retirement from the City.

Effective the pay period including July 1, 2008, the City shall provide the Department Head employees \$400 per month towards retirement health insurance retirement, provided the employee has completed a minimum of five years of service with the City of Manhattan Beach and retires from the City. Said contribution will be used toward health insurance costs, unless and until the retiree reaches 65 years of age, becomes eligible for Medicare or is deceased.

D. Management/Confidential Employees and the City Manager. Effective August 16, 1994, the City-funded supplemental retirement program established on January 1, 1990, for non-safety Management/Confidential employees and the City Manager is terminated. Effective July 1, 2000, the City's contribution to the deferred compensation plan will be 2.5%. Management/Confidential employees who are deemed "at-will" shall receive an additional 2.0% in the deferred compensation plan, for a total of 4.5% effective July 1, 2000.

E. Effective the first pay period in July 2005, the City will contribute 2% of base salary into the Retirement Health Savings Plan account for each Department Head.

F. Single Highest Year. Effective May 21, 1993, the City shall contract with PERS for the One-Year Final Compensation Option (Government Code Section 20024.2) for all full-time employees. All full-time employees retiring after May 21, 1993, shall be covered under the Public Employees Retirement System (PERS) One-Year Final Compensation Option as provided in Government Code Section 20024.2, rather than the City provided Single Highest Year program.

G. Employer Paid Member Contribution (EPMC). Effective the pay period including January 1, 2007, for Battalion Chiefs and the Fire Chief, the City will begin reporting as additional compensation, the value of employer paid member contributions pursuant to California Government Code Section 20636(c). Reporting the value of EPMC shall have no effect on the City's calculations for overtime or special compensation employees receive as a factor of base salary. Should the City approve a change to the reporting of EPMC for the miscellaneous unit represented by Teamsters Local 911, that same benefit will be applied on the same effective date to the Management/Confidential employees, with the exception of sworn Battalion Chiefs and Fire Chief, who are covered as stated above.

SECTION 7. Acting Position.

A. Fire. The Fire Chief shall maintain a certified list of personnel qualified to act in a higher position on a temporary basis. All individuals on this list shall receive \$175 per month, regardless of the number of times required to act in a higher position as specified in the appropriate Memoranda of Understanding.

B. Police. Payment shall be made at the acting position's rate of pay for that time worked in excess of thirty (30) days when a sworn officer of the Police Department holds an acting position above his own rank.

C. General. Payment shall be made at 5% above the employee's existing rate of pay beginning on the fifth consecutive working day in the acting capacity. Such acting pay is paid when the employee is designated by the Department Head to serve in an acting capacity.

SECTION 8. Tuition Assistance Program – General, Management/Confidential, Fire and Police employees. The City's tuition reimbursement program is established for General, Management and Confidential, Fire and Police employees. The parameters for said program are outlined in the applicable Memoranda of Understanding or City Personnel Instruction.

SECTION 9. Educational Incentive Program. The City's education incentive program for sworn Police and Fire personnel shall be in accordance with the parameters agreed to in the current Memoranda of Understanding.

A. Police Management. An education incentive pay program will be established for Police Lieutenants and Police Captains as follows below. Employees will be eligible for education incentives once they meet the requirements below. Total years as a sworn police officer includes service with another agency. The educational incentive pay shall be included in the bi-weekly paycheck based on prorated amounts.

5% Education Incentive Criteria:

(1) An Employee with an Associate degree and Intermediate POST Certificate plus 4 years as a sworn police officer shall be paid 5% of the employee's base salary; (2) An employee with a Bachelor's degree and Intermediate POST Certificate plus 2 years as a sworn police officer shall be paid 5% of the employee's base salary; (3) Employees who do not have an Associate degree or a Bachelor's degree but who have a POST Intermediate Certificate shall receive the 5% incentive. A maximum of 5% is available at this level based on the criteria above.

10% Education Incentive Criteria:

(1) An employee with a Bachelor's degree and Advanced POST Certificate plus 6 years as a sworn police officer shall be paid 5% of the employee's base salary for the Bachelor's degree and 5% of the employee's base salary for the Advanced Certificate (10% total); (2) An employee with a Master's degree and Advanced POST Certificate plus 4 years as a sworn police officer shall be paid 5% of the employee's base salary for the Master's degree and 5% of the employee's base salary for the

Advanced Certificate (10% total); (3) Employees not having a Bachelor's degree or a Master's degree but who have a POST Advanced Certificate shall receive the 10% incentive. A maximum of 10% is available at this level based on the criteria above.

15% Education Incentive Criteria:

Effective August 20, 2004, an employee who has a Master's degree and Advanced POST Certificate plus 10 years as a sworn police officer –OR- an employee who has an Advanced POST Certificate plus 15 years as a sworn police officer shall be paid 15% of the employee's base salary. The maximum benefit for the Education Incentive is 15%.

B. Fire Management. Effective the pay period beginning October 30, 2004, an education incentive program will be established for Fire Battalion Chiefs with the following options:

An additional 5% above base salary for:

Semester Units	Years of Full-time service as sworn Firefighter
15	8
or 30	6
or 45	4
or AA degree	4
or BA/BS	2

An additional 10% compensation above base salary for:

Semester Units	Years of Full-time service as sworn Firefighter
30	12
or 45	9
or AA degree	9
or BA/BS	7

An additional 15% compensation above base salary for:

Semester Units	Years of Full-time service as sworn Firefighter
30	20
or AA/45	14
or BA/BS	12
or MA	10

1. Employees requesting education incentive pay shall be required to provide information concerning each college course and proof of completion of the course.
2. Years as full-time sworn firefighter includes service with another agency, however, the employee will be required to provide proof of full-time service with that agency.
3. The educational incentive pay shall be included in the bi-weekly paycheck.
4. In recognition of the higher level of responsibility and knowledge required, Battalion Chiefs must present or attend every two years one course related to their position which may include supervision or operations, to maintain this incentive pay. The Fire Chief shall be responsible for determining qualified courses.

SECTION 10. Deferred Compensation. Commencing October 1, 1975, any portion of the employee's retirement contribution paid by the City on behalf of the employee is hereby designated as, and shall be deferred compensation, subject to all of the restrictions, limitations, and conditions applicable

thereto as provided by law. The amount of deferred compensation is included in the appropriate section of the approved Memoranda of Understanding and that section is incorporated here by reference.

**SECTION 11. Vehicle Allowance.** Payment shall be made to designated employees for a vehicle allowance at the rate provided for in the adopted annual budget. Other employees shall be eligible for vehicle allowance in conformance with the approved City mileage reimbursement plan. The City Manager shall establish guidelines to insure the efficient operation of the Vehicle Allowance Program pursuant to the appropriate Administrative Instruction. (Resolution 3804)

**SECTION 12. Management/Confidential Bonus Plan.** The City Manager, with concurrence of the Mayor, is authorized to grant bonuses to employees in the Management/Confidential group. Said bonuses are for the purpose of recognition of a particular program, project, or effort which the City Manager determines worthy for separate compensation, and are up to but shall not exceed 2.5% of the employee's annual salary for any individual. (Resolution 4054)

**SECTION 13. Department Head Bonus Plan.** Department Heads shall be eligible for a bonus not to exceed 5% of the employee's annual salary for any individual. Said bonuses are for the purpose of recognition of a particular program, project, or effort which the City Manager determines worthy for separate compensation. A bonus will not be granted unless the Department Head has sufficient funds available in his or her respective budget to fund said bonus.

### **RULE XIII**

#### **TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT**

**SECTION 1. Transfer.** After notice to an employee, that employee may be transferred by the City Manager at any time from one position to another position in the same or comparable class. Transfer shall not be used to effectuate a promotion, demotion, advance, or reduction, each of which may be accomplished only as provided in the personnel ordinance and in these rules. No person shall be transferred to a position for which he does not possess the minimum qualifications.

**SECTION 2. Promotions.** Insofar as practicable and consistent with the best interests of the service, all vacancies in the classified service shall be filled by promotion from within the classified service after a promotional examination has been given and a promotional list established. If, in the opinion of the City Manager, a vacancy in the position could be filled better by an open, competitive examination instead of a closed, promotional examination, then the appointing power may call for applications for the vacancy and arrange for an open, competitive examination and for the preparation and certification of an eligible list.

**SECTION 3. Demotions.** Pursuant to the procedures provided in the appropriate Memoranda of Understanding or Personnel Instruction, the appointing power may demote an employee whose ability to perform such employee's required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the prospective supervising official, demotion may be made to a vacant position as a substitution for layoff. No employee shall be demoted to a position for which such employee does not possess the minimum qualifications.

**SECTION 4. Suspension.** Pursuant to the procedure provided in the appropriate Memoranda of Understanding or Personnel Instruction, the City Manager may suspend an employee from that employee's position at any time for the good of the service for a disciplinary purpose, or for other just cause. Suspension without pay shall not exceed thirty (30) days in any fiscal year. Department heads may suspend a subordinate employee for not more than three (3) working days at any one time, and not more frequently than one such suspension in a thirty (30) day period for disciplinary purposes only subject to the provisions of the appropriate Memoranda of Understanding or Personnel Instruction. Without limitations on the foregoing causes for suspension or dismissal, the City Manager is empowered to suspend or dismiss any classified employee for any physical or mental disability which in the opinion of the City Manager prevents such employee from the proper performance of that employee's duties. This additional cause for dismissal shall be without prejudice to the right of such classified employee to pursue grievance

proceedings and appeal to the Board of Review and shall be without prejudice to said employee's rights to Americans with Disabilities Act provisions, Workers Compensation benefits and benefits to which that employee may be entitled under the retirement system of said City. The City Manager shall not restore such employee to duty until he is satisfied, with due regard for the public interest, that said classified employee is capable of performing such employee's duties and may be safely reinstated. The City Manager may, at his option, require an examination by a physician of the classified employee's fitness to resume such employee's position.

**SECTION 5. Reinstatement.** With the approval of the appointing power, a full-time employee who has resigned with a good record may be reinstated within two (2) years of the effective date of resignation to the employee's former position, or to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as though said employee had received an original appointment.

#### RULE XIV SEPARATION FROM THE SERVICE

**SECTION 1. Discharge.** An employee in the classified service may be discharged at any time by the appointing power. Any employee who has been discharged shall be entitled to receive a written statement of the reasons for such action and to a hearing if the employee so requests, as provided in the personnel ordinance, the appropriate Memoranda of Understanding or Personnel Instruction, and these rules.

**SECTION 2. Layoff.** The City Manager may lay off an employee in the classified service because of material change in duties or organization or shortage of work or funds. Ten (10) working days before the effective date of a layoff, the Appointing Authority shall notify the employee of the intended action with reasons therefore, and a statement certifying whether or not the services of the employee have been satisfactory. If certified as having given satisfactory service, the name of the employee laid off shall be placed on the appropriate employment list as provided by these rules. If not certified as having given satisfactory service, the employee laid off may interpret the action as a discharge and request a hearing as provided by the personnel ordinance, Memoranda of Understanding and these rules. An agreed upon layoff procedure is provided for the General Employees in the Memorandum of Understanding and incorporated herein by reference.

**SECTION 3. Resignation.** An employee wishing to leave the classified service in good standing shall file with the supervising official at least two (2) weeks before leaving the service a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the City Manager with a statement by the department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City.

**SECTION 4. Abandonment.** Employees absent from work without authorization or notification for three consecutive working days (two consecutive shifts for Fire personnel) shall be construed to have abandoned their employment and be subject to termination.

#### RULE XV EMPLOYEE GRIEVANCE PROCEDURE

**SECTION 1.** Grievance procedures are detailed in the appropriate Memorandum of Understanding for that employee bargaining group.

#### RULE XVI APPEALS AND HEARINGS

SECTION 1. Complaints. The process for appeal of disciplinary action is detailed in the appropriate Memoranda of Understanding or Personnel Instruction. It shall be the duty of the City Manager to inform the Board of Review and other persons complained against of the filing of the complaint.

Upon the conclusion of any investigation or hearing, the Board of Review or other hearing body shall cause its findings and recommendations to be prepared in writing and shall certify the same. Such findings shall be countersigned and filed as a permanent record by the City Manager. The City Manager shall deliver a copy of such findings and recommendations to any officer or employee affected by such findings and recommendations, or from whose action the appeal was taken. Pursuant to Section 2.08.090 of the Personnel Ordinance, the City Manager may thereupon affirm, revoke or modify the action taken by the Board or other hearing body as in the judgment of such officer shall be deemed warranted. The decision of the City Manager shall then be final and conclusive.

RULE XVII  
TRAINING OF EMPLOYEES

SECTION 1. Responsibility for Training. Responsibility for developing training programs for employees shall be assumed jointly by the City Manager, Human Resources Director, and Department Heads. Such training program may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 2. Credit for Training. Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed in the employee's personnel file in the Human Resources Department and/or the Police Department for Police Officer Standards and Training (POST) requirements.

RULE XVIII  
REPORTS AND RECORDS

SECTION 1. Personnel Files The Human Resources Director shall maintain a personnel file for each full-time employee in the service of the City showing the name, title or position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

SECTION 2. Change of Status Report. Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the City Manager in such manner as may be prescribed by these rules and regulations.

SECTION 3. Destruction of Records. All records relating to personnel, including correspondence, applications, examinations, and reports may be destroyed pursuant to the City's record retention schedule adopted by the City Council in Resolution 5496

RULE XIX  
OUTSIDE EMPLOYMENT

SECTION 1. No employee of the City shall engage in any occupation or gainful outside activity in addition to that employee's regular assigned City job without first securing the approval of the department head, to be renewed annually pursuant to the appropriate Personnel Instruction.

Any employee working on off-duty employment in addition to said employee's regular assigned City job must have a statement from said employee's off-duty employer that the off-duty employer is providing Workers Compensation coverage for the subject employee and no claim or liability will be made against the City as a result of such employment. Such employee shall also agree to hold the City harmless from any



claim, liability, insurance benefit, Workers Compensation, and sick leave when such claims result from such employee's conduct, injury, or illness while gainfully employed by other than the City.

RULE XX  
COOPERATION

SECTION 1. Municipal Officers and Employees. Every officer and employee of the City of Manhattan Beach shall cooperate with the City Manager in order to completely fulfill the objectives and purposes of the personnel ordinance and these rules.

June 3, 2008  
April 20, 2004  
Revised: October 3, 2006

## ATTACHMENT D

### Military Leave Amendment For employees deployed to involuntary active duty

Effective Dates effective July 1, 2009 through August 31, 2010

City Council supports the U.S. military and deeply appreciates the role military reservists play in resolving conflict and defending our Country in or related to the wars in Iraq and Afghanistan. As such the Council has become aware that two full time city employees are being deployed to involuntary active duty. In anticipation of the financial needs of these employees and their families, the Council has approved supplementation of pay and benefits as described below which are above and beyond those required by California Military and Veterans Code or Uniformed Services Employment and Reemployment Rights Act (USERRA). It is the intent of this military leave amendment to provide wage differential not to exceed the employee's base wage compensation as defined in the applicable MOU.

#### **Eligibility**

Full time City employees who were enlisted in the Military Reserve prior to employment with the City of Manhattan Beach. Employees called to involuntary active military duty must request Military Leave in writing and provide the City with copies of official deployment orders detailing the period of leave and supporting documentation regarding their detailed military compensation (i.e. copy of pay stub or direct deposit receipt).

#### **Benefits Provided**

Wage Continuation – The City will pay the wage differential between current employee's City gross base pay and employee's total gross military compensation pay (including all entitlements, allowances and other cash benefits such things as uniform allowance, housing allowance, combat pay, hazardous pay, etc.) for up to a total of 365 calendar days (including the state mandated 30 days of pay – Military and Veterans Code 395.01). City base pay does not include specialty assignment pay, uniform allowance, overtime, or any other additional compensation. Per California Public Employees Retirement (PERS) Law section 20630, compensation paid to employees on military leave is not reportable compensation for CalPERS retirement.

In order to receive the supplemental wage differential, the employee must submit all required documentation detailing the period of leave and all military compensation. The employee shall provide Military Leave and Earnings Statements (LES) upon receipt. Wage supplements will be calculated with any applicable deductions or withholdings applied to the difference and any necessary adjustments or corrections will be made accordingly. Employees will

continue to be paid bi-weekly. For calculation of overtime, military leave is not considered as hours worked.

Medical, Dental, and Vision – The City will provide continued medical, dental and vision coverage for the employee and his/her dependents covered under the City's plans prior to the employee being called to involuntary active duty for a period not to exceed a total of 365 (including the state mandated 30 days – Military and Veterans Code 395.01) calendar days. The City will continue to contribute up to the maximum City contribution for employees in the respective bargaining unit and the employee will continue to pay for any premiums in excess of the maximum City contribution.

**Employees on Probation**

The City will follow the applicable Personnel Rules and Regulations along with the applicable MOU.

**Merit or Step Increases**

The City will follow the applicable Personnel Rules and Regulations along with the applicable MOU.

**Re-employment Rights of Employees Returning from Military Leave**

The City of Manhattan Beach will follow California and Federal Law with regard to re-employment.