

## **AGENDA**

**TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING  
Tuesday, February 18, 2014 - 6:00 P.M.**

Persons desiring disability-related accommodations should contact the City Clerk no later than ten days prior to the need for the accommodation. A copy of any writing that is a public record relating to an open session item of this meeting is available at City Hall, 115 South Robinson Street, Tehachapi, California, 93561.

### **CALL TO ORDER**

### **ROLL CALL**

### **INVOCATION**

Participation in the invocation is strictly voluntary. Each City Councilmember, city employee, and each person in attendance may participate or not participate as he or she chooses.

### **PLEDGE TO FLAG**

### **CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT**

All items listed with an asterisk (\*) are considered to be routine and non-controversial by city staff. Consent items will be considered first and may be approved by one motion if no member of the council or audience wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in listed sequence with an opportunity for any member of the public to address the city council concerning the item before action is taken. Staff recommendations are shown in caps. Please turn all cellular phones off during the meeting.

### **AUDIENCE ORAL AND WRITTEN COMMUNICATIONS**

The City Council welcomes public comments on any items within the subject matter jurisdiction of the Council. We respectfully request that this public forum be utilized in a positive and constructive manner. Persons addressing the Council should first state their name and area of residence, the matter of City business to be discussed, and the organization or persons represented, if any. To ensure accuracy in the minutes, please fill out a speaker's card at the podium. Comments directed to an item on the agenda should be made at the time the item is called for discussion by the Mayor. Questions on non-agenda items directed to the Council or staff should be first submitted to the City Clerk in written form no later than 12:00 p.m. on the Wednesday preceding the Council meeting; otherwise response to the question may be carried over to the next City Council meeting. No action can be taken by the Council on matters not listed on the agenda except in certain specified circumstances. The Council reserves the right to limit the speaking time of individual speakers and the time allotted for public presentations.

1. General public comments regarding matters not listed as an agenda item.

**TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING  
TUESDAY, FEBRUARY 18, 2014 - 6:00 P.M. - PG. 2**

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**CITY CLERK REPORTS**

Tehachapi City Council Unassigned Res. No. 07-14  
Tehachapi City Council Unassigned Ord. No. 14-03-717  
Tehachapi Redevelopment Successor Agency Unassigned Res. No. 01-14  
Tehachapi Public Financing Authority Unassigned Res. No. 01-14

- \*2. ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY**
- \*3. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation regular meeting on February 3, 2014 – **APPROVE AND FILE**
- \*4. The City is in possession of items that have become outdated or inoperable and no longer serve a useful purpose for City business. Prior to scrapping, donating or selling these items, the City Council must authorize their disposition – **ADOPT A RESOLUTION AUTHORIZING DISPOSITION OF PERSONAL PROPERTY**

**FINANCE DIRECTOR REPORTS**

- \*5. Disbursements, bills, and claims for January 29, 2014 through February 12, 2014 – **AUTHORIZE PAYMENTS**
- \*6. City of Tehachapi Treasurer's Report through January 2014 – **RECEIVED REPORT**

**PUBLIC WORKS DIRECTOR REPORTS**

- \*7. Resolution for participation in the Recycling Market Development Zone Program which makes loans and assistance available to recycling businesses in the area – **ADOPT A RESOLUTION SUPPORTING RE-DESIGNATION OF THE KERN COUNTY/LANCASTER RECYCLING MARKET DEVELOPMENT ZONE**
- \*8. Agreement with Golden Hills Community Services District to lease 600 acre-feet of ground water pumping rights retroactive from January 1, 2014 – December 31, 2014 – **APPROVE THE AGREEMENT WITH THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT AND AUTHORIZE THE MAYOR TO SIGN**

**POLICE CHIEF REPORTS**

- 9. Reclassification of one police officer position to police sergeant - **APPROVE AND ADOPT THE PROPOSED RECLASSIFICATION OF ONE POLICE OFFICER POSITION TO POLICE SERGEANT AND ALLOW STAFF TO PROCEED WITH A PROMOTIONAL RECRUITMENT**
- 10. Job description for Code Enforcement Officer and revision of part-time salary schedule – **APPROVE AND ADOPT THE PROPOSED JOB DESCRIPTION FOR CODE ENFORCEMENT OFFICER AND THE ASSOCIATED PART-TIME SALARY RANGE REVISIONS FOR CODE ENFORCEMENT OFFICER AND COMMUNITY SERVICE OFFICER**

**COMMUNITY DEVELOPMENT DIRECTOR REPORTS**

11. Submittal of a Sustainable Communities Planning Grant application to fund the update of the city's Zoning Code (Consistency Zoning) to reflect and implement the new General Plan – **ADOPT A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION84) AND ALLOW THE CITY MANAGER TO SIGN THE APPLICATION AND ALL FUTURE TRANSACTIONS WITH REGARD TO SAID GRANT**

**CITY ENGINEER REPORTS**

12. Program Supplement Agreement and Resolution for the construction phase of the Challenger Drive Extension Project – **ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. 018-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184R, PROJECT NO. RPSTPL-5184 (018)**

**ASSISTANT CITY MANAGER REPORTS**

- \*13. Agreement for the removal of the four 65 kilowatt Nordtank wind turbines located at the City's waste water treatment facility – **APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF TEHACHAPI AND COMPUTRONICS FOR THE REMOVAL OF THE FOUR 65 KW NORDTANK WIND TURBINES, SUBJECT TO APPROVAL OF CITY MANAGER AND CITY ATTORNEY**

**CITY MANAGER REPORTS**

- \*14. Replacement of current City Employee Manual to conform with new state and federal statutes and rules and regulations – **ADOPT A RESOLUTION REPEALING AND REPLACING THE EXISTING RULES AND REGULATIONS FOR ADMINISTRATION OF ITS PERSONNEL SYSTEM**
15. Report to Council regarding current activities and programs – **VERBAL REPORT**

**COUNCILMEMBER ANNOUNCEMENTS OR REPORTS**

16. Lung Association Report Card – **INFORMATIONAL REPORT FROM COUNCILMEMBER WIGGINS**

On their own initiative, a Councilmember may ask a question for clarification, make a brief announcement, provide a reference to staff or other resources for factual information, take action to have staff place a matter of business on a future agenda, request staff to report back at a subsequent meeting concerning any matter, or make a brief report on his or her own activities. (Per Gov't. Code §54954.2(a))

**TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING  
TUESDAY, FEBRUARY 18, 2014 - 6:00 P.M. - PG. 4**

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**CLOSED SESSION**

1. Approval of closed session minutes from February 3, 2014.
2. Conference with legal counsel re potential litigation pursuant to Government Code Section 54956.9(d)(2)(BNSF).

**ADJOURNMENT**

## MINUTES

**TEHACHAPI CITY COUNCIL REGULAR MEETING,  
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,  
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND  
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING  
Monday, February 03, 2014 – 6:00 P.M.**

**NOTE:** Sm, Gr, Wi, Ni and Za are abbreviations for Council Members Smith, Grimes, Wiggins, Nixon and Zamudio, respectively. For example, Gr/Sm denotes Council Member Grimes made the motion and Council Member Smith seconded it. The abbreviation Ab means absent, Abd abstained, Ns noes, and NAT no action taken.

### ACTION TAKEN

<p><b><u>CALL TO ORDER</u></b></p> <p>Meeting called to order by Mayor Smith at 6:00 p.m.</p> <p><b><u>ROLL CALL</u></b></p> <p>Roll call by City Clerk Denise Jones</p> <p>Present: Mayor Smith, Mayor Pro-Tem Wiggins, Councilmembers Grimes, Nixon and Zamudio</p> <p>Absent: None</p> <p><b><u>INVOCATION</u></b></p> <p>By Pastor Ron Barker from the First Baptist Church.</p> <p><b><u>PLEDGE TO THE FLAG</u></b></p> <p>Led by Mayor Pro-Tem Wiggins</p> <p><b><u>CONSENT AGENDA</u></b></p> <p>Approved consent agenda</p> <p><b><u>AUDIENCE ORAL COMMUNICATIONS</u></b></p> <ol style="list-style-type: none"> <li>1. General public comments regarding matters not listed as an agenda item were received from:             <ol style="list-style-type: none"> <li>a. No public comment received.</li> </ol> </li> <li>2. Mayor Smith and Councilmember Grimes presented Certificates of Recognition to the Veterans of Tehachapi Community Theatre.</li> </ol>	<p style="text-align: center;">Approved Consent Agenda Gr/Ni Ayes All</p>
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**CITY CLERK REPORTS**

\*3. **ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY.**

All Ord. Read By Title Only  
 Gr/Ni Ayes All

\*4. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation special meetings on January 21, 2014 and January 27, 2014 - **APPROVED AND FILED.**

Approved & Filed  
 Gr/Ni Ayes All

**FINANCE DIRECTOR REPORTS**

\*5. Disbursements, bills and claims for January 16, 2014 through January 29, 2014 – **AUTHORIZED PAYMENTS.**

Authorized Payments  
 Gr/Ni Ayes All

6. Formal commitment of an amount of fund balance to be set aside specifically for emergency contingencies as required by the Governmental Accounting Standards Board Statement No. 54 (GASB54) – **FINANCE DIRECTOR HANNAH CHUNG GAVE REPORT; COUNCILMEMBER GRIMES COMMENTED THAT THIS IS ROUTINE; APPROVED THE AMENDMENT TO THE FUND BALANCE POLICY FOR THE GOVERNMENTAL FUNDS; ADOPTED RESOLUTION NUMBER 04-14 APPROVING THE CITY OF TEHACHAPI’S EMERGENCY CONTINGENCY COMMITMENT OF FUND BALANCE FOR THE GENERAL FUND AND REPEALING RESOLUTION NO. 27-13.**

Adopted Res. No. 04-14  
 Approving The City Of Tehachapi’s Emergency Contingency Commitment Of Fund Balance For The General Fund & Repealing Resolution Number 27-13  
 Gr/Wi Ayes All

\*7. California Government Code Section 53646(a) requires council members to review and approve the Investment Policy each year. Staff has reviewed the current policy and made adjustments accordingly – **APPROVED RESOLUTION NUMBER 05-14 ADOPTING AN INVESTMENT POLICY AND REPEALING RESOLUTION NUMBER 04-13.**

Approved Res. No. 05-14  
 Adopting An Investment Policy & Repealing Resolution Number 04-13  
 Gr/Ni Ayes All

**AIRPORT MANAGER REPORTS**

8. New Commercial Hangar Ground Lease 43W with Michael W. Haney, MH Aviation Inc. – **AIRPORT MANGER TOM GLASGOW GAVE REPORT; APPROVED THE NEW COMMERCIAL HANGAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TEHACHAPI AND MICHAEL W. HANEY COMMENCING JANUARY 1, 2014.**

Approved The New Commercial Hangar Ground Lease Agreement Between C.O.T. & Michael W. Haney Commencing January 1, 2014  
 Wi/Ni Ayes All

**POLICE CHIEF REPORTS**

9. Update from Community Service Officer, Teri Cryer – **CHIEF KERMODE INTRODUCED TERI CRYER; INFORMATION ONLY.**

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**COMMUNITY DEVELOPMENT DIRECTOR REPORTS**

10. Adoption of an ordinance that was introduced at the January 21, 2014 special meeting, amending Ordinance No. 671 of the City of Tehachapi and Tehachapi Municipal Code Section 15.04.160 adopting new state construction codes – **CITY ATTORNEY TOM SCHROETER GAVE REPORT; ADOPTED, BY TITLE ONLY, ORDINANCE NUMBER 14-02-716 OF THE CITY COUNCIL OF THE CITY OF**

Adopted, By Title Only, Ord. No. 14-02-716 Of The City Council Of The City Of Tehachapi Adopting Ordinance Number G-8442 Of The Board Of Supervisors Of The County Of Kern, State Of California Amending Chapters

**ACTION TAKEN**

**TEHACHAPI ADOPTING ORDINANCE NUMBER G-8442 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA AMENDING CHAPTERS 17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.26, 17.28, 17.32, 17.34, 17.36, 17.40, 17.44, 17.48, AND 17.52 OF TITLE 17 OF THE ORDINANCE CODE OF THE COUNTY OF KERN CONCERNING BUILDING REGULATIONS, BUILDING CODE, MECHANICAL CODE, HOUSING CODE, PLUMBING CODE, ELECTRICAL CODE, GRADING CODE, FIRE CODE, WILDLAND-URBAN INTERFACE CODE, DANGEROUS BUILDINGS CODE, BUILDING RELOCATION, MOBILE HOMES AND ACCESSORY STRUCTURES, FLOOD PLAIN MANAGEMENT, AND ENERGY CODE AND AMENDING SECTION 1 OF ORDINANCE NO. 671 OF THE CITY OF TEHACHAPI AND TEHACHAPI MUNICIPAL CODE SECTION 15.04.160.**

17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.26, 17.28, 17.32, 17.34, 17.36, 17.40, 17.44, 17.48, & 17.52 Of Title 17 Of The Ordinance Code Of The County Of Kern Concerning Building Regulations, Building Code, Mechanical Code, Housing Code, Plumbing Code, Electrical Code, Grading Code, Fire Code, Wildland-Urban Interface Code, Dangerous Buildings Code, Building Relocation, Mobile Homes & Accessory Structures, Flood Plain Management, & Energy Code & Amending Section 1 Of Ord. No. 671 Of C.O.T. & Tehachapi Municipal Code Section 15.04.160  
 Ni/Wi Ayes All

**COMMUNITY OUTREACH COORDINATOR REPORTS**

11. Current progress of the Tehachapi GranFondo – **COMMUNITY OUTREACH COORDINATOR MICHELE VANCE GAVE REPORT; INFORMATION ONLY.**

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**CITY ENGINEER REPORTS**

12. Alta Estates Tract 6216 Landscape Improvements Project Notice of Completion – **APPROVED THE NOTICE OF COMPLETION FOR THE TRACT 6216 LANDSCAPE IMPROVEMENTS PROJECT AND DIRECTED STAFF TO RECORD SAME.**

Approved The Notice Of Completion For The Tract 6216 Landscape Improvements Project & Directed Staff To Record Same  
 Gr/Za Ayes All

**CITY ATTORNEY REPORTS**

\*13. The League of California Cities Attorneys' Spring Conference is scheduled for May 7 - 9, 2014. The City Attorney typically attends this conference to obtain updates on municipal law and to network with other attorneys. The cost is typically split between the City Attorney's three cities and the City's share will be approximately \$324.00 – **APPROVED THE CITY ATTORNEY'S REQUEST FOR \$324.00 TO ATTEND THE LEAGUE OF CALIFORNIA CITIES ATTORNEYS' SPRING CONFERENCE.**

Approved The City Attorney's Request For \$324.00 To Attend The League Of California Cities Attorneys' Spring Conference  
 Gr/Ni Ayes All

**CITY MANAGER REPORTS**

14. Letter to Congressman McCarthy supporting renewal and full federal funding for the special diabetes program – **CITY MANAGER GREG GARRETT GAVE REPORT; APPROVED AND AUTHORIZED THE MAYOR TO SIGN A LETTER SUPPORTING RENEWAL AND FULL FEDERAL FUNDING FOR THE SPECIAL DIABETES PROGRAM.**

Approved & Authorized The Mayor To Sign A Letter Supporting Renewal & Full Federal Funding For The Special Diabetes Program  
 Wi/Gr Ayes All

15. Utility rates for 2014 – **CITY MANAGER GREG GARRETT GAVE REPORT; ADOPTED RESOLUTION NUMBER 06-14 WAIVING AUTOMATIC RATE INCREASES FOR WATER, SEWER, REFUSE, AND RECYCLING FOR CALENDAR YEAR 2014.**

Adopted Res. No. 06-14 Waiving Automatic Rate Increases For Water, Sewer, Refuse, & Recycling For Calendar Year 2014  
 Za/Ni Ayes All

16. Report to Council regarding current activities and programs – **VERBAL REPORT.**

**COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS**

1. Councilmember Ed Grimes reported on his trip to Sacramento.
2. Mayor Pro-Tem Wiggins passed along Mr. Hall's comments about working with City staff.
3. Councilmember Nixon announced that there will be a meeting at the airport.
4. Mayor Smith congratulated Councilmember Nixon on her appointment to LAFCO.

**CLOSED SESSION**

1. Conference with legal counsel regarding potential litigation per Government Code Section 54956.9(d)(2),(e)(4)
2. Conference with Real Property Negotiator (City Manager) Regarding Price and Terms of Payment for Real Property Located at 315 N. Mojave Street and Adjoining Lot Per Government Code Section 54956.8.

**ADJOURNMENT**

The City Council/Boards adjourned at 7:36 p.m. to a Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority and Tehachapi City Financing Corporation Regular Meeting to be held on Tuesday, February 18, 2014, at 6:00 p.m.

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DENISE JONES, CMC  
City Clerk, City of Tehachapi

Approved this 18<sup>th</sup> day  
Of February, 2014.

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PHILIP SMITH  
Mayor, City of Tehachapi



APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

# COUNCIL REPORTS

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: CITY CLERK

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**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                ASHLEY WHITMORE, DEPUTY CITY CLERK

**DATE:**                FEBRUARY 13, 2013

**SUBJECT:**            DISPOSITION OF PROPERTY

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## BACKGROUND

The City is in possession of vehicles, supplies and equipment that have become outdated or inoperable and no longer serve a useful purpose for City business. Prior to scrapping, donating or selling these items, the City Council must adopt a resolution authorizing their disposition.

A brief description of the items to be disposed of or donated can be found below.

1. Agricultural seeding apparatus
2. Ground service equipment tractor (Airport tug)

## RECOMMENDATION

**ADOPT RESOLUTION AUTHORIZING DISPOSITION OF PERSONAL PROPERTY**

**RESOLUTION NO. 34-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF TEHACHAPI AUTHORIZING DISPOSITION OF  
PERSONAL PROPERTY**

WHEREAS, the City of Tehachapi ("City") has in its possession numerous items of personal property which are either outdated or inoperable, a list of which is attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, as to those items listed as "Outdated", they are not able to be updated and therefore have no value for continued use; and

WHEREAS, as to those items identified as "Inoperable", they are either irreparable or cannot be made operable at a cost which justifies doing so; and

WHEREAS, pursuant to Government Code Section 37350, the City Council of the City of Tehachapi has the authority to sell, give or otherwise dispose of said personal property in any manner that it chooses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEHACHAPI that the personal property described in Exhibit "A" shall be sold at public bids, donated, or disposed of at the landfill in a manner as is authorized by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this 18th day of February, 2014.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
PHILIP SMITH, Mayor,  
City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
Denise Jones, City Clerk  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on February 18, 2014.

\_\_\_\_\_  
Denise Jones, City Clerk  
City of Tehachapi, California

EXHIBIT "A"  
Page 1 of 1

- |   |                                       |
|---|---------------------------------------|
| 1. Agricultural seeding apparatus                 | In major disrepair                    |
| 2. Ground Service Equipment Tractor (Airport Tug) | High emission vehicle<br>in disrepair |

# Accounts Payable

## Checks by Date - Detail By Check Date

User: annamarie  
 Printed: 2/12/2014 - 10:16 AM



		Check Amount
Check No:	0 Check Date:	
Vendor:	0015 211 Praxair Distribution Inc.	
48309326	PW\Acetylene	135.03
		135.03
Check No:	0 Check Date:	
Vendor:	0017 American Business Machines	
191638	Fin\shipping chgs-black toner	8.00
		8.00
Check No:	0 Check Date:	
Vendor:	0027 Atco International	
IO395305	Swr\Foamacide	139.75
IO395305 UT	Use Tax	-9.75
		130.00
Check No:	0 Check Date:	
Vendor:	0035 BC Laboratories, Inc.	
B163110	Wtr\samples Curry Resv #1 & #2 & Curry Well	75.00
B163110-1	Wtr\samples Fig Hickory & Mulberry	36.00
B163284	Swr\samples Influent & Effluent	255.00
B163341	Wtr\samples Mojave Well	15.00
B163342	Wtr\samples Curry Resv	15.00
B163552	Swr\samples Influent & Effluent	325.00
B163917	Swr\samples Influent & Effluent	325.00
B164016	Wtr\samples Pinon & Mojave Wells	50.00
B164016-1	Wtr\samples Tanglewood Brentwood & Oakwoo	36.00
B164457	Wtr\samples Curry Resv	15.00
B164458	Wtr\samples Mojave & Dennison Wells	30.00
B164473	Wtr\samples Wahlstrom & Dennison Wells	50.00
B164473-1	Wtr\samples Hayes & Fair Oak	36.00
B164530	Swr\samples Influent & Effluent	325.00
B164718	Wtr\samples Mojave & Dennison Wells	30.00
B164719	Wtr\samples Curry Resv	15.00
		1,633.00
Check No:	0 Check Date:	
Vendor:	0041 Benz Propane Company, Inc.	
238263334	PW\800 Enterprise delivery chg	287.99
238263335	Wtr\750 Enterprise delivery chg	1,393.89
		1,681.88
Check No:	0 Check Date:	
Vendor:	0061 BSK Associates	
0069124	Valley Bl Widening	45.00
0069216	TPD\Compaction Testing & prof svcs	602.50
0069220	Tractor Supply Compaction Testing & Retest	1,174.00

		Check Amount
0069222	Wells Elem School-Encroachment Permit	249.50
		<hr/> 2,071.00
Check No:	0 Check Date:	
Vendor:	0182 P&J Electric	
4661	Swr\Service Call - Troubleshoot PLC 1	250.00
		<hr/> 250.00
Check No:	0 Check Date:	
Vendor:	0223 Kern County Auditors Office	
12312013	Parking Citation Revenue Dec 2013	22.00
		<hr/> 22.00
Check No:	0 Check Date:	
Vendor:	0300 Mission Linen & Uniform Service	
140114591	PW\linen maintenance	104.52
140114592	Swr\dust mop & mats	39.30
140115929	PW\linen maintenance	129.40
140115930	Swr\dust mop & mats	39.30
140116874	PW\linen maintenance	104.52
140116875	Swr\dust mop & mats	39.30
140117489	PW\linen maintenance	99.10
140117490	Swr\dust mop & mats	39.30
		<hr/> 594.74
Check No:	0 Check Date:	
Vendor:	0304 Mojave Sanitation	
2275190	Swr\800 Ent Way-Kern Cty Gate Fees 3 Yd Bin	30.75
2275665	Swr\800 Ent Way-storage container	87.62
		<hr/> 118.37
Check No:	0 Check Date:	
Vendor:	0362 RSI Petroleum Products	
0268605	PW\fuel	1,328.06
0268761	PW\fuel	654.03
0268926	PW\fuel	989.09
		<hr/> 2,971.18
Check No:	0 Check Date:	
Vendor:	0424 Greater Tehachapi Chamber of Commerce	
7503	GG\Monthly Chamber Luncheon 3 @ \$15.00	45.00
7504	GG\Installation Dinner Tickets 6 @ \$50.00	300.00
		<hr/> 345.00
Check No:	0 Check Date:	
Vendor:	0441 Vulcan Materials Company	
70091237	PW\Credit on Orig Inv# 70000416	-3.73
70091238	PW\Credit on Orig Inv# 70002395	-5.36
70230399	Strts\3/8" FINE PG64-10	418.56
70230400	Strts\3/8" FINE PG64-10	415.79
70233615	Swr\3/8" 6SKAEPM Daracel min load buckeye	583.46
70238013	Strts\6.SSK Shot Delay time min load buckeye fi	824.43
		<hr/> 2,233.15
Check No:	0 Check Date:	
Vendor:	0450 USA Bluebook	
254994	Swr\HM Cal Gas	260.82

Check No:	0	Check Date:		260.82
Vendor:	0476	WITTS Everything for the Office		
131040-0		CD\binders & rubberbands		8.57
131081-0		PD\paper		68.78
131108-0		GG\organizer		35.64
131135-0		GG\paper binders markers tape pens sharpies bat		202.41
131192-0		GG\paper		21.91
131272-0		GG\Velcro by the foot & stow cart		42.87
131287-0		GG\Sturdyboard color print large format		55.88
				<hr/>
				436.06
Check No:	0	Check Date:		
Vendor:	0478	Zee Medical Service		
34-220065		GG\Safety Supplies		62.14
				<hr/>
				62.14
Check No:	0	Check Date:		
Vendor:	0509	Safety-Kleen Systems, Inc.		
62625756		PW\30G Parts Washer - Solvent		334.73
				<hr/>
				334.73
Check No:	0	Check Date:		
Vendor:	0543	BSE Rents		
7983		Constr\Flr Brsh 24" Flaged Plast		17.16
				<hr/>
				17.16
Check No:	0	Check Date:		
Vendor:	0610	Abate-A-Weed, Inc.		
585626		PW\roundup		161.24
585626-1		Wtr\roundup		161.24
				<hr/>
				322.48
Check No:	0	Check Date:		
Vendor:	0620	Mountain Gardens Nursery		
51622		PW\Weed Herbicide		71.89
				<hr/>
				71.89
Check No:	0	Check Date:		
Vendor:	1032	Jack Davenport Sweeping Services, Inc.		
101139		Strts\Sweeping Svc Jan 2014		8,640.00
				<hr/>
				8,640.00
Check No:	0	Check Date:		
Vendor:	1116	Mountain Paint & Auto Body		
01362		PD\Replace left rear window TE-08		391.30
				<hr/>
				391.30
Check No:	0	Check Date:		
Vendor:	1155	RRM Design Group		
1113031-1213		TPD Landscape Architecture Svcs		4,275.00
1113033-1213		City Hall Tenant Imp & Renovation		2,818.75
				<hr/>
				7,093.75
Check No:	0	Check Date:		
Vendor:	1286	M&M's Sports Uniforms & Embroidery		

Check Amount

30243	PD\Tailoring sew on patches & hem shirt	15.86
30305	PD\Tailoring sew on patches & hem pants	15.86
		<hr/>
		31.72
Check No:	0 Check Date:	
Vendor:	1413 Kern Turf Supply, Inc.	
322946	PD Bldg\Polar Barrier	263.38
		<hr/>
		263.38
Check No:	0 Check Date:	
Vendor:	1440 Deluxe For Business	
2029689064	GG\Payroll DD	275.93
		<hr/>
		275.93
Check No:	0 Check Date:	
Vendor:	1505 Benz Construction Services	
2277198	PW\800 Enterprise Toilet rental & Svc	55.75
		<hr/>
		55.75
Check No:	0 Check Date:	
Vendor:	1506 San Joaquin Safety Shoes	
62664	Swr\Boots-JParks	182.74
62734	Wtr\Jacket Boots Bibs-DMiller	507.37
		<hr/>
		690.11
Check No:	0 Check Date:	
Vendor:	1674 Springbrook Software	
02042014	Fin\2014 Conference\HChung	595.00
02042014 1	Fin\2014 Conference\CCopus	595.00
		<hr/>
		1,190.00
Check No:	0 Check Date:	
Vendor:	1724 Banks Pest Control, Inc.	
395303	PD\Bimonth service	72.00
		<hr/>
		72.00
Check No:	0 Check Date:	
Vendor:	1801 HD Supply Waterworks, LTD	
B946155	Wtr\curb stop wrench	60.47
B956611	Strts\monument lid	137.60
B956677	Wtr\brass elbows couplings	470.72
B956758	Wtr\Drill	159.47
B976417	Wtr\traffic valve box lid utility box meter box	2,996.92
		<hr/>
		3,825.18
Check No:	0 Check Date:	
Vendor:	1866 Bear Valley CSD	
02-2014	PD\Feb 2014 Dispatch Service	35,381.95
		<hr/>
		35,381.95
Check No:	0 Check Date:	
Vendor:	1982 SSD Systems	
1009668-A	Air\314 Hayes St Alarm Monitoring 2/1-2/28/14	35.00
1009668-A-1	Air\100 Com Way Alarm Monitoring 2/1-2/28/14	16.50
1009668-A-10	Wtr\750 Ent Way Cellular Primary 2/1-2/28/14	14.05
1009668-A-11	GG\115 S Robn Alarm Monitoring 2/1-2/28/14	33.00
1009668-A-2	Constr\100 Com Way Alarm Monitoring 2/1-2/28/14	16.50

1009668-A-3	PW\800 Ent Way Alarm Monitoring 2/1-2/28/14	30.00
1009668-A-4	Air\314 Hayes St Radio Back-up Monitoring 2/1	22.00
1009668-A-5	Swr\750 Ent Way Alarm Monitoring 2/1-2/28/14	35.00
1009668-A-6	Swr\750 Ent Way Cellular Monitoring 2/1-2/28/14	14.95
1009668-A-7	Swr\750 Ent Way Info-Pak 2/1-2/28/14	9.05
1009668-A-8	Wtr\750 Ent Way Alarm Monitoring 2/1-2/28/14	25.00
1009668-A-9	Wtr\750 Ent Way Info-Pak 2/1-2/28/14	9.95

261.00

Check No:	0	Check Date:	
Vendor:	2111	Swift Napa Auto Parts	
782595	Air\fuse & fuse holder	8.89	
782878	PW\radiator	267.66	
798315	PW\hoses & ends socket sets	180.14	
798700	Swr\nneutral safety switch	76.91	
798791	Strts\battery & core dep	280.55	
799175	PW\gas cap air filters & oil filters	95.60	
799236	PW\air filters	324.61	
801987	PD\spade terminal	4.29	

1,238.65

Check No:	0	Check Date:	
Vendor:	2478	DataProse Inc.	
DP1400242-1	Refuse\Printing	105.06	
DP1400242-2	Wtr\Printing	262.66	
DP1400242-3	Swr\Printing	157.60	
DP1400242-4	Refuse\Postage	203.29	
DP1400242-5	Wtr\Postage	508.25	
DP1400242-6	Swr\Postage	304.95	

1,541.81

Check No:	0	Check Date:	
Vendor:	2776	Consolidated Electrical Dist.	
428532	Swr\WWTP Access Control-concrete box lid cor	89.57	
428532-1	Wtr\WWTP Access Control-concrete box lid cor	89.57	

179.14

Check No:	0	Check Date:	
Vendor:	2827	SymbolArts	
0206716-IN	PD\Badge B54 State Seal	48.00	

48.00

Check No:	0	Check Date:	
Vendor:	2902	Sim Sanitation, Inc	
26917	Air\Monthly Std & Handicap Unit Rental	82.00	

82.00

Check No:	0	Check Date:	
Vendor:	2933	Ditch Witch Central California	
Q09450	Wtr\Hammerhead 3" ctmnt piercing tool	6,081.31	

6,081.31

Check No:	0	Check Date:	
Vendor:	2971	J. Gardner & Associates, LLC	
8076	PD\Jr Police Badges	181.25	

181.25

Check No:	0	Check Date:		
Vendor:	2989	My Fleet Center.com		
454681		PW\trans fluid exchange		138.06
				<hr/>
				138.06
Check No:	0	Check Date:		
Vendor:	3004	Motor City Auto Center		
GCCS668386		PW\Fuel Level Sensor & Neutral Pos Switch		853.09
				<hr/>
				853.09
Check No:	0	Check Date:		
Vendor:	3006	Boy Scouts of America		
022014		PD\Explorer Renewal 3/2014-02/2015		472.00
				<hr/>
				472.00
Check No:	0	Check Date:		
Vendor:	3045	Precision Supply		
35443		Swr\Good Grip Yellow		150.77
35443-1		Wtr\Good Grip Yellow		150.77
35443-2		PW\Good Grip Yellow		75.39
				<hr/>
				376.93
Check No:	0	Check Date:		
Vendor:	3051	Tehachapi Transmissions, Inc.		
5288		PD\tire pressure mon sensor TE-12		115.01
				<hr/>
				115.01
Check No:	0	Check Date:		
Vendor:	3066	AECOM Technical Services, Inc.		
37410906		TPD\constr admin & expenses		10,602.04
37411062-A		CD\Bldg Plan Ck-Hosp Pre-Fab Bldg		2,533.83
37411062-B		CD\Bldg Plan Ck-Tara Ct residence		1,428.21
37411067-1		Challenger bid Engineering Assistance		1,396.09
37411067-2		CD\Tractor Supply On-Site Insp		3,358.80
37411067-3		TPD On Site Inspection		4,866.82
37411067-4		Teh Hosp On Site Inspection		1,096.75
37411067-5		Tract 10997 On Site Inspection		548.37
37411073		Safe Routes to School @ Pinon & Curry		6,877.25
37411082		TPD Comm Conduit Project		1,058.17
37411092		WWTP\Antidegradation Memo		1,387.50
37411098		Swr\Recycled Water Pump Station Design		13,030.84
37411101		Event Center Infrastructure Project		2,972.66
37411108		Tucker Rd Rehab Project		6,506.75
37411114		Tompkin Elem Imp & Curry Median		370.00
37414425		TPD\constr admin & expenses		5,384.68
				<hr/>
				63,418.76
Check No:	0	Check Date:		
Vendor:	3088	All Valley Towing II		
6281		PD\towing Unit TE12		250.00
6350		PD\towing Unit TE07		180.00
				<hr/>
				430.00
Check No:	0	Check Date:		
Vendor:	3093	Kern County Animal Services		
12312013		GG\Qtrly billing Oct - Dec 2013		8,750.00

			Check Amount
Check No:	0	Check Date:	8,750.00
Vendor:	3135	Juan A. Acuna	
203962		Swr\pump concrete	180.00
			180.00
Check No:	0	Check Date:	
Vendor:	3272	Tehachapi Window Tinting	
601198		Air\Window Tinting @ Airport Terminal	758.00
			758.00
Check No:	0	Check Date:	
Vendor:	3281	Statewide Traffic Safety & Signs Inc.	
1767/D		Strts\2-Way signs	31.18
1775/D		Strts\2-Way signs	274.13
1808/D		Strts\Mast Arm Sign - Valley Blvd	586.07
1821/D		Strts\Light Barricade Solar Led Battery D Cell	497.40
A35800		Strts\Credit re Inv #914 - Paid twice	-263.35
			1,125.43
Check No:	0	Check Date:	
Vendor:	3363	RSINet	
1812		Air\Data Service Oct - Dec 2013	180.00
			180.00
Check No:	0	Check Date:	
Vendor:	3370	Information Technology Services	
4439		PD\CJIS Access-License Fee Oct Nov Dec	210.00
			210.00
Check No:	0	Check Date:	
Vendor:	3437	Tehachapi Lifestyle Magazine	
2464		GG\inside front cover ad	1,550.00
			1,550.00
Check No:	0	Check Date:	
Vendor:	3491	Bakersfield Memorial Hospital	
0678917		PD\Medical Exam	693.00
			693.00
Check No:	0	Check Date:	
Vendor:	3566	Volvo Rents	
735593-0001		PW\Artic Boom Lift	581.82
			581.82
Check No:	0	Check Date:	
Vendor:	3607	Central Valley Asphalt	
R12008-5		Teh Blvd Rehab & HSIP\Progress Pay #5	2,959.57
R12008-5 -1		Teh Blvd Rehab & HSIP\Progress Pay #5	10,164.27
			13,123.84
Check No:	0	Check Date:	
Vendor:	3671	Star CPR & Advanced Life Support	
012214		PW\First Aid & CPR/AED Training	192.00
012214-1		CD\First Aid & CPR/AED Training	144.00
012314		GG\First Aid & CPR/AED Training	691.00

		Check Amount
012314-1	PD\First Aid & CPR/AED Training	144.00
012314-2	Air\First Aid & CPR/AED Training	96.00
		<hr/>
		1,267.00
Check No:	0 Check Date:	
Vendor:	3682 Sobel Development Company, Inc.	
01302014	Wtr\Reimburse for 2" electronic meter	485.00
		<hr/>
		485.00
Check No:	0 Check Date:	
Vendor:	3683 Kern County Concrete Pumping Inc.	
1024	Strts\Valley Blvd Culvert	490.00
		<hr/>
		490.00
Check No:	0 Check Date:	
Vendor:	3685 J McLoughlin Engineering Co.	
0266227	Hydrant Meter Refund	708.25
		<hr/>
		708.25
Check No:	0 Check Date:	
Vendor:	3686 NCM Engineering Corporation	
TEHA1401-01	Engineering Svcs re: HSIP E Teh Imp Project	2,675.00
		<hr/>
		2,675.00
Check No:	0 Check Date:	
Vendor:	3687 Superior Construction	
0266226	Wtr\Hydrant Meter Deposit Refund	781.19
		<hr/>
		781.19
		<hr/>
Date Totals:		180,585.24
		<hr/>
Report Total:		180,585.24
		<hr/> <hr/>

# Accounts Payable

## Checks by Date - Detail By Check Date

User: annamarie  
 Printed: 1/29/2014 - 4:24 PM



			Check Amount
Check No:	39691	Check Date: 01/29/2014	
Vendor:	2963	AT&T	
5030241		PD\T1 Line	305.79
5041307		PD\Subscriber Access line	178.97
			484.76
Check No:	39692	Check Date: 01/29/2014	
Vendor:	2113	Fuel Controls, Inc.	
80098		Air\fuel	19,213.95
			19,213.95
Check No:	39693	Check Date: 01/29/2014	
Vendor:	1846	Haaker Equipment Company	
SCI06579		Strts\Service Charge	8.17
			8.17
Check No:	39694	Check Date: 01/29/2014	
Vendor:	1962	Kern County Sheriff's Office Civil Section	
CV274860 1-2014		Writ of Sale Case No. S-1500-CV-274860	2,000.00
			2,000.00
Check No:	39695	Check Date: 01/29/2014	
Vendor:	3681	San Joaquin Council of Governments	
01282014		GG\Jay Schlosser-CA ALUC reg fee	150.00
01282014 1		GG\Chris Kirk-CA ALUC reg fee	150.00
01282014 2		CD\Dave James-CA ALUC reg fee	150.00
01282014 3		Air\Tom Glasgow-CA ALUC reg fee	150.00
			600.00
Check No:	39696	Check Date: 01/29/2014	
Vendor:	0372	Southern California Edison	
01172014		Strts\800 S Curry St #A	46.43
01212014		GG\115 S Robinson St	819.02
01212014-1		PD\129 E F St	818.09
01212014-10		Air\9999 1/2 Hayes St	105.48
01212014-11		Air\316 S Mojave St	53.33
01212014-12		Air\314 N Hayes St PAPI	81.69
01212014-13		Air\409 Bryan Ct	163.11
01212014-14		Air\West End Teh Airport	44.42
01212014-15		Air\314 N Hayes St #B	313.93
01212014-16		Air\NE Cor Teh Airport	31.29
01212014-17		Air\314 N Hayes St #G3	38.12
01212014-18		Air\Dennison s/o Hwy 58	183.52
01212014-19		Air\314 N Hayes St	157.59
01212014-2		GG\303 E D St	80.98
01212014-3		GG\108 Pinon St	4.85
01212014-4		PW\100 Comm Way	229.39

01212014-5	PW\101 Comm Way	165.07
01212014-6	PW\800 Enterprise	101.72
01212014-7	PW\800 Enterprise Shop	251.74
01212014-8	Swr\800 Enterprise Maintenance	332.41
01212014-9	Air\314 N Hayes St	202.98
01232014	GG\311 E D St	71.30
01232014-1	GG\104 S Robinson St	153.42
01232014-2	Strts\113 S Mojave St	187.56
01232014-3	Parks\114 S Green St	208.57
01232014-4	LLD\318 E E St - Clearview	116.05
01242014	LLD\329 1/2 D St - Mill St Cottages	123.83
01242014-1	Strts\213 S Curry St A	21.15
01242014-2	GG\200 W Teh Blvd	31.36
01252014	GG\109 E Teh Blvd	80.54
01252014-1	GG\1125 Capital Hills	27.17
01252014-2	GG\111 W I St	65.29
01252014-3	Strts\209 1/2 E Teh Blvd	27.59
01252014-4	Strts\333 1/2 E Teh Blvd	202.33

5,541.32

Check No: 39697 Check Date: 01/29/2014  
 Vendor: 3615 Michelle Vance  
 01162014 GG\Mileage Reimb - CA OHV Grant Class

144.77

144.77

Check No: 39698 Check Date: 01/29/2014  
 Vendor: 3011 Verizon Wireless  
 9718360738-1 GG\mobile broadband  
 9718360738-2 Fin\mobile broadband  
 9718360738-3 Wtr\mobile broadband  
 9718360738-4 Swr\mobile broadband

38.01

29.65

15.01

15.01

97.68

Date Totals: 28,090.65

Report Total: 28,090.65

# Accounts Payable

## Checks by Date - Detail By Check Date

User: annamarie  
 Printed: 2/11/2014 - 5:02 PM



			Check Amount
Check No:	39749	Check Date: 02/11/2014	
Vendor:	2113	Fuel Controls, Inc.	
80332		Airport\Fuel	18,813.33
			18,813.33
Check No:	39750	Check Date: 02/11/2014	
Vendor:	1822	Ed Grimes	
01272014		Council\Meal Allowance	-3.22
01272014-1		Council\Mileage Reimbursement	369.60
			366.38
Check No:	39751	Check Date: 02/11/2014	
Vendor:	2807	Denise Gutierrez-Brown	
01142014		PD\Mileage Reimbursement	81.43
01142014-1		PD\Meal Allowance	-5.00
			76.43
Check No:	39752	Check Date: 02/11/2014	
Vendor:	1967	Kern County Recorder-Assessor's Office	
01292014		GG\Rec Release of Mem of Delinq TOT	11.00
			11.00
Check No:	39753	Check Date: 02/11/2014	
Vendor:	2854	Christopher B. Kirk	
020614		GG/auto use-personal/mileage/ACIP mtng w-F/	281.12
			281.12
Check No:	39754	Check Date: 02/11/2014	
Vendor:	1071	Main Street Tehachapi, Inc.	
01082014		GG\Sponsor Valentines Wine & Chocolate Tastir	250.00
			250.00
Check No:	39755	Check Date: 02/11/2014	
Vendor:	2892	Mountain Maintenance Group Inc.	
4578-1		GG\Cleaning 1/21-23 27-30	560.00
4578-2		PD\Cleaning 1/19-23 26-30	750.00
4578-3		Depot\Cleaning 1/23-27 30-2/2	500.00
4578-4		Air\Cleaning 1/23 & 30	170.00
4578-5		WWTP\Cleaning 1/21 23 28 & 30	340.00
4578-6		Comm Way\Cleaning 1/23 & 30	170.00
			2,490.00
Check No:	39756	Check Date: 02/11/2014	
Vendor:	0372	Southern California Edison	
01282014		Traffic Signal 801 Mtn View Ave	56.73
01292014		Strts\Teh Bl w/o Green	18.59
01292014-1		Strts\103 Teh Bl	105.09

01292014-2	Strts\101 E Teh Bl #B	244.15
01292014-3	Strts\110 S Mill St	167.25
01292014-4	Strts\Curry & D	18.59
01292014-5	Wtr\358 E D St	1,568.89
01292014-6	Swr\800 Enterprise	5,308.94
01292014-7	Swr\880 Enterprise	1,977.15

9,465.38

Check No: 39757 Check Date: 02/11/2014  
 Vendor: 3455 Tehachapi Tourism Commission  
 02112014 Reimbursement of ck deposited in error

10,000.00

10,000.00

Check No: 39758 Check Date: 02/11/2014  
 Vendor: 3684 United Rentals  
 02062014 Wtr\Shoring Trench Jacks & Accessory Tools

4,429.00

4,429.00

Check No: 39759 Check Date: 02/11/2014  
 Vendor: 3011 Verizon Wireless

9718570902-1	GG\Mobile Broadband	38.01
9718570902-2	Air\Mobile Broadband	38.01
9718570902-3	GG\Mobile Broadband	38.01
9718570902-4	Air\Mobile Broadband	29.65
9718570902-5	PW\Mobile Broadband	29.65
9718570902-6	GG\Mobile Broadband	29.65
9718570902-7	CD\Mobile Broadband	38.01
9718570902-8	Wtr\Mobile Broadband	15.01
9718570902-9	Swr\Mobile Broadband	15.01
9718671193-1	Wtr\Mobile Broadband	15.01
9718671193-2	Swr\Mobile Broadband	15.01

301.03

Date Totals: 46,483.67

Report Total: 46,483.67





APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

# COUNCIL REPORTS

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: PUBLIC WORKS

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**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                JON CURRY, INTERIM PUBLIC WORKS DIRECTOR

**DATE:**                JANUARY 14, 2014

**SUBJECT:**            RESOLUTION TO PARTICIPATE IN THE RECYCLING MARKET DEVELOPMENT ZONE PROGRAM

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## BACKGROUND

The Recycling Market Development Zone (RMDZ) is a State Incentive Program that makes loans and assistance available to recycling businesses. Under the program, local communities, separately or in partnership, apply for designation as an RMDZ. Loans are made with State funds and are available only to companies located in an adopted RMDZ. The program includes technical and financial incentives consisting of low-interest loans, engineering and technical support, siting and permitting assistance, and help locating recycled content feedstock. The Kern County Waste Management Department administers the program at a local level and serves as the liaison with CalRecycle.

Cities and Counties must renew participation in the RMDZ Program every 10 years. . The 11 incorporated Cities have been a part of the RMDZ program since 1994 as a joint applicant with Kern County and renewed the program in 2004.

## RECOMMENDATION

Adopt Resolution for participation in the Recycling Market Development Zone Program

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF TEHACHAPI  
SUPPORTING RE-DESIGNATION OF THE KERN  
COUNTY/ LANCASTER RECYCLING MARKET  
DEVELOPMENT ZONE**

---

**WHEREAS**, the California Public Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) Program throughout the State to provide incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

**WHEREAS**, all California jurisdictions must meet waste diversion rates mandated by the California Integrated Waste Management Act; and

**WHEREAS**, the Kern County/Lancaster RMDZ Program includes unincorporated County of Kern, the Cities of Arvin, Bakersfield, Delano, California City, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, Wasco and City of Lancaster in Los Angeles County; and

**WHEREAS**, the Kern County/Lancaster RMDZ Program designation will expire on March 30, 2014; and

**WHEREAS**, the Kern County/Lancaster RMDZ Program is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions to meeting the established landfill reduction goals; and

**WHEREAS**, the City of Tehachapi desires existing and new recycling-based manufacturing businesses locating within the Kern County/Lancaster RMDZ to be eligible for the technical and financial incentives associated with the RMDZ Program; and

**WHEREAS**, the renewal of the Kern County/Lancaster RMDZ Program is still necessary to facilitate local and regional planning, coordination, support of existing recycling-based manufacturing businesses, as well as attract private sector recycling business investments to the region; and

**WHEREAS**, the current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets; and

**WHEREAS**, the California Legislature has defined environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)]; and

**WHEREAS**, CalRecycle has adopted a goal to continuously integrate environmental justice concerns into all of its programs and activities; and

**WHEREAS**, the County of Kern and the Cities of Arvin, Bakersfield, Delano, California City, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, Wasco and City of Lancaster in Los Angeles County have agreed to submit an application to CalRecycle requesting renewal as a RMDZ; and

**WHEREAS**, the County of Kern has agreed to act as Lead Agency for the proposed renewal of the RMDZ; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the County of Kern has determined that this re-designation is exempt from CEQA; and

**WHEREAS**, the City of Tehachapi finds there are no grounds for the City of Tehachapi to assume the Lead Agency role or to prepare an environmental document.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Tehachapi as follows:

1. That the foregoing recitals are true and correct.
2. That the Kern County/Lancaster RMDZ Program renewal application to include the City of Tehachapi is hereby approved.
3. That the City agrees to administer the Kern County/Lancaster RMDZ program in a manner that seeks to ensure the fair treatment of people of all races,

cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ, including minority and low income populations.

RESOLVED, APPROVED AND ADOPTED by the City of Tehachapi on this 18<sup>th</sup> day of February, 2014, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
PHILIP A. SMITH, Mayor,  
City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
DENISE JONES, CMC, City Clerk of the  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on February 18, 2014.

\_\_\_\_\_  
DENISE JONES  
City Clerk of the City of Tehachapi, California



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: PUBLIC WORKS

---

**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                JON CURRY, INTERIM PUBLIC WORKS DIRECTOR

**DATE:**                FEBRUARY 1, 2014

**SUBJECT:**            WATER RIGHTS LEASE WITH GOLDEN HILLS CSD FOR 2014

---

## BACKGROUND

This water rights lease agreement with the Golden Hills Community Services District is for 600 acre-feet of ground water pumping rights. This will allow the City to pump an additional 400 acre-feet in calendar year 2014. This agreement would be retroactive from January 1<sup>st</sup>, 2014 through December 31<sup>st</sup> 2014. By leasing these rights, staff will have better opportunity, in regards to water production, for carryover water heading into 2015.

Fiscal Impact: \$29,280.00 (This is a budgeted item).

## RECOMMENDATION

**APPROVE THE AGREEMENT WITH THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT AND AUTHORIZE THE MAYOR TO SIGN**



21415 Reeves Street  
P.O. Box 637  
Tehachapi, CA 93581

(661) 822 3064 Tel.  
(661) 822 8284 Fax  
[www.goldenhillsd.com](http://www.goldenhillsd.com)

## WATER LEASE AGREEMENT

THIS LEASE made this \_\_\_\_ day of \_\_\_\_\_ 2014, by and between the CITY OF TEHACHAPI ("Lessee") and the GOLDEN HILLS COMMUNITY SERVICES DISTRICT ("Lessor"),

### WITNESSETH:

WHEREAS, Lessee wishes to lease 600 acre feet of Lessor's water rights (the "Water Rights") located in the Tehachapi-Cummings County Water District (the "District") and pursuant to the rules and regulations of the District; and

WHEREAS, Lessor is agreeable to leasing the Water Rights to Lessee under the terms and conditions described hereinafter.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth hereinafter, the parties agree as follows:

1. The parties incorporate the foregoing recitals as if fully set forth herein verbatim.
2. In consideration of a cash payment to Lessor in the amount of \$29,280.00 (the "Fee") from Lessee payable upon execution of this Agreement, Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the Water Rights. Such payment is due as follows: entire sum thirty (30) days after approval by the District. The parties agree that lease of the Water Rights to Lessee will give Lessee pumping rights of 400.00 acre feet.
3. The term of this Agreement shall be one year, effective January 1, 2014 and terminate December 31, 2014.
4. For any water available under the Water Right not utilized in a given year by Lessee, Lessee may carry over such unused quantity as authorized by the District's Rules and Regulations.

5. The parties acknowledge and understand that they will need to execute that certain document entitled "Temporary Assignment or Lease of Water Rights" in the form required by the District, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof in order to authorize the District to temporarily allocate the Water Rights to Lessee (the "Temporary Assignment"). The parties agree that nothing in the Temporary Assignment shall be deemed to amend this Agreement and as between the parties, this Agreement shall be the final and only Agreement between the parties and shall supersede any prior or contemporaneous Agreement between the parties with regard to the subject matter herein.
6. This Agreement may not be amended except by a writing executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first hereinabove written.

---

City of Tehachapi

---

WILLIAM C. FISHER, General Manager  
Golden Hills Community Services District

# Golden Hills CSD

# INVOICE

PO Box 637  
Tehachapi, CA 93581-0637  
Phone 661-822-3064 Fax 661-822-8284

Invoice # WCF 012914  
DATE: January 29, 2014

**Bill To:**

**Ship To:**

City of Tehachapi  
115 South Robinson Street  
Tehachapi, CA 93561

**Comments or special instructions:**

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
600 ac-ft	Leased water rights	\$48.80	29,280.00
SUBTOTAL			\$29,280.00
SALES TAX			n/a
SHIPPING & HANDLING			n/a
<b>TOTAL DUE</b>			<b>\$29,280.00</b>

Make all checks payable to Golden Hills CSD  
If you have any questions concerning this invoice, contact Bill Fisher

**THANK YOU FOR YOUR BUSINESS!**

**TEHACHAPI CUMMINGS COUNTY WATER DISTRICT**

**Temporary Assignment or Lease of Water Rights**

For a valuable consideration, receipt of which is hereby acknowledged GOLDEN HILLS COMMUNITY SERVICES DISTRICT ("Assignor"), does hereby assign and transfer to CITY OF TEHACHAPI ("Assignee") for a period of twelve (12) months, commencing on January 1, 2014 and terminating on December 31, 2014, the quantity of 600.00 acre feet of water rights and 400.00 acre feet of allowed pumping allocation adjudicated to Assignor or his predecessor in the judgment in the case of "Tehachapi-Cummings County Water District vs. City of Tehachapi, et al," Kern County Superior Court No. 97210, together with the right to carry over.

Said assignment is made upon the following conditions:

- (1) Pumping from the underground, surface divisions, and any water rights involved in this transaction are subject to the provisions and limitations contained in the judgment as amended from time to time in the above referenced case.
- (2) Assignee shall put all waters utilized pursuant to said transfer to reasonable beneficial use; and
- (3) Assignee shall pay all Watermaster charges and assessments on account of the water production hereby assigned or lease.

DATED: \_\_\_\_\_

ASSIGNOR

ASSIGNEE

GOLDEN HILLS COMMUNITY SERVICES DISTRICT

CITY OF TEHACHAPI

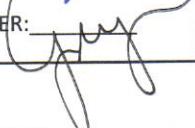
By: \_\_\_\_\_  
William C. Fisher, General Manager  
Golden Hills C.S.D.

By: \_\_\_\_\_  
City of Tehachapi

**(ATTACH ACKNOWLEDGMENTS)**

A true copy hereof must be filed with Watermaster within 15 days of execution.



APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

# COUNCIL REPORTS

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: POLICE DEPARTMENT

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**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                JEFF KERMODE, CHIEF OF POLICE

**DATE:**                FEBRUARY 12, 2014

**SUBJECT:**            RECLASSIFICATION OF ONE POLICE OFFICER POSITION TO POLICE SERGEANT

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## BACKGROUND

As Council may be aware, there are many day to day administrative responsibilities associated with police department operations. Currently, many of those responsibilities are personally handled by the police chief, while some are collateral assignments for the two patrol sergeants. Unfortunately, it is difficult to delegate many ongoing tasks due to the nature of patrol supervision and the lack of a day to day presence during the "normal" workweek.

In an effort to provide more consistent and efficient handling of administrative responsibilities, and to ensure a smooth transition between police chiefs, staff is recommending the upgrade of one Police Officer position to Police Sergeant. This third sergeant position would be an "administrative" sergeant, rather than a patrol sergeant. The position would become responsible for a variety of duties such as those on the attached document. The intent is that sergeants could rotate through this position on a two year basis and develop management skills not normally associated with patrol. If and when City management determines that there is sufficient need and qualified candidates, the position could be upgraded to a true "second in command" lieutenant position.

The reclassification would result in an increased sergeant presence during nighttime hours, as there would be less of a patrol sergeant need during the administrative sergeant's work hours. There should also be no reduction in patrol staffing, since one of the patrol sergeant positions would fill the patrol "cover" shift that would be vacated by the reclassification.

## FISCAL IMPACT

The fiscal impact would be dependent upon who was promoted into the position, however it would be an approximate 5% increase in salary for an existing police officer or senior police officer. This increase could be adjusted for in the mid-year budget and planned into the 2014-2015 budget.

## **OPTIONS**

- Approve and adopt the proposed reclassification of one Police Officer position to Police Sergeant and allow staff to proceed with a promotional recruitment.
- Do not approve the proposed reclassification and promotional recruitment.

## **RECOMMENDATION**

- **APPROVE AND ADOPT THE PROPOSED RECLASSIFICATION OF ONE POLICE OFFICER POSITION TO POLICE SERGEANT AND ALLOW STAFF TO PROCEED WITH A PROMOTIONAL RECRUITMENT.**

Attachments: List of Potential Administrative Sergeant Duties

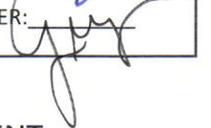
## **Potential List of Administrative Sergeant Duties**

- Media Relations
- Investigative Supervision
- SRO Supervision
- Crime Prevention Supervision
- Code Enforcement Supervision
- Department Training Manager & POST Compliance
- Department Scheduling
- Grant Administration
- Equipment Purchasing & Inventory
- Vehicle Fleet Management
- Internal Affairs Investigations
- Department Policy Manual Revisions and Updates (Lexipol)
- Liaison with Kern County Animal Control
- Special Events Liaison
- Special Permits: Massage Permits, Secondhand Dealer Permits, etc.
- Budget Support
- Attend meetings on behalf of Chief when necessary

This list is just a potential list of duties and is not intended to be the actual list of duties, nor is it intended to be all inclusive.



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: 
CITY MANAGER: 

**MEETING DATE:** FEBRUARY 18, 2014    **AGENDA SECTION:** POLICE DEPARTMENT

---

**TO:** HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:** JEFF KERMODE, CHIEF OF POLICE

**DATE:** FEBRUARY 12, 2014

**SUBJECT:** ADOPTION OF JOB DESCRIPTION FOR CODE ENFORCEMENT OFFICER AND REVISION OF PART-TIME SALARY SCHEDULE

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## BACKGROUND

As Council may be aware, in June 2008, the position of Code Enforcement Officer had been transferred into the Police Department and staff proposed a new job description for Community Service Officer, a generalist non-sworn position that included Code Enforcement duties. Two issues have recently arisen relating to the Code Enforcement Officer and Community Service Officer positions.

First, following the departure of our most recent Code Enforcement Officer, a recruitment was conducted that failed to generate any qualified candidates. An analysis of the pay range and job qualifications revealed that the City's part-time salary range for Code Enforcement was significantly below the market point in other communities. Based upon the expected job qualifications, staff believes that a salary increase is necessary to attract a qualified candidate to our area. As such, staff is recommending that the attached Job Description for Code Enforcement Officer be adopted by Council along with the associated proposed revision of the part-time salary schedule.

The second issue is that at the time Council adopted the job description for Community Service Officer, no part-time salary range was adopted. As a result, the current Community Service Officer assigned to Crime Prevention is actually being paid under the existing part-time salary range for Code Enforcement Officer. As such, staff is recommending that the proposed part-time salary range for Community Service Officer be adopted by the Council. The proposed range is based upon the existing full-time salary range for the same position.

### **Proposed Part-Time Salary Ranges: Code Enforcement & Community Service Officer**

	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
Community Service Officer	17.91	18.81	19.75	20.74	21.78
Code Enforcement Officer	20.92	21.97	23.07	24.22	25.43

## **FISCAL IMPACT**

Based upon the revision of the salary range, the hourly rate for the existing Community Service Officer would increase from \$16.16 to 17.91. Sufficient funds exist in the current budget to absorb this increase. The impact of the increased salary range for Code Enforcement is dependent upon when the position is filled, but would also be absorbed by the current budget.

## **OPTIONS**

- Approve and adopt the proposed job description for Code Enforcement Officer and the associated part-time salary range revisions for Code Enforcement Officer and Community Service Officer.
- Direct staff to modify proposed job description and salary range revisions.
- Do not approve the proposed actions.

## **RECOMMENDATION**

- **APPROVE AND ADOPT THE PROPOSED JOB DESCRIPTION FOR CODE ENFORCEMENT OFFICER AND THE ASSOCIATED PART-TIME SALARY RANGE REVISIONS FOR CODE ENFORCEMENT OFFICER AND COMMUNITY SERVICE OFFICER.**

Attachments: Job description for position of Code Enforcement Officer.

**Title:** Code Enforcement Officer

**Definition:**

Under the direction of the Chief of Police, this position is distinguished from the classification of Building Inspector in that it focuses on inspections and investigations normally outside of the scope of that classification. Investigations and inspections that normally fall within the scope of the classification normally deal with enforcement of the City's other codes (e.g. zoning, abatement, housing, business.) In the conduct of daily business, the classification is authorized to gain compliance by education, persuasion, negotiation, or the issuance of citations for violations. As liaison between the Police Department and the City Building Inspector, aid the City through attempted resolution of citizen problems outside of the legal system.

**Essential Job Duties:**

The following tasks are essential for this position:

1. Investigate routine complaints from the public, City departments, or other public agencies, prepare and process appropriate corrective orders, and acts to gain necessary compliance with appropriate zoning, housing, and local codes and ordinances.
2. Enforce a variety of codes and ordinances; however, coordinates with other departments and agencies to assess jurisdiction in terms of code violations being pursued and in assisting the public in obtaining solutions to code violations.
3. Deliver and post stop-work orders when appropriate. Issue correction notices and citations. Prepare, document, and track procedures set forth in the City Municipal Code for the abatement of public nuisances.
4. Work with the City Attorney and local courts with legal action is necessary. Provide court testimony when required.
5. Maintain a close working relationship with City departments, County departments and agencies, as well as state agencies to facilitate the City's codes enforcement program and obtain assistance in the prosecution of investigations. Works in cooperation with City, County and State agencies in the course of daily work.
6. Set deadlines, track cases, and document the procedures taken by the City to hold responsible parties accountable to abating code violations.
7. Prepares and maintain a comprehensive file system of investigations and inspections, prepares and provides timely and comprehensive reports.
8. Interact with the public in potentially volatile situations. Resolves disputes in a tactful and productive manner, being ever cognizant of the diversity of the community in terms of customs, language and beliefs.
9. Conduct school safety programs and community education programs with respect to issues of law enforcement cognizance. Work with City businesses to enhance their awareness of crime prevention and resolve related problems.
10. Perform related duties as assigned.

**Skills and Ability to:**

Must have knowledge of Uniform Codes related to housing, abatement of dangerous buildings, and applicable City municipal codes. Applicable laws and ordinances regulating building construction and zoning. Legal procedures and tactics, their related documents, and courtroom procedures. Equipment and procedures used to research property ownership. State and local laws and ordinances governing building construction, condition, use, and occupancy. Safety and fire prevention methods in construction. Principles, practices, and techniques of investigation and inspection. Correct use of oral and written English, and proper spelling, punctuation, and composition. The community's diversity of customs and beliefs. Uses of personal computers.

Must be skilled in reading, interpreting and enforcing complex codes and regulations. Conducting effective and timely investigations. Compiling and preparing clear and concise reports; and organizing and maintaining accurate records and files documenting investigations and inspections suitable for reference in litigation. Preparing cases for court. Dealing with the public under stressful, contentious, and confrontational conditions. Recognizing dangerous situations and reacting appropriately. Organizing and prioritizing assigned work. Establishing and maintaining effective working relationships with those contacted in the course of work. Communicating tactfully and effectively with the public and employees. Using initiative and making sound and independent judgments within established parameters and guidelines. Respond effectively to oral as well as written instructions.

Must have the ability to handle routine compliance cases independently and deal with the more volatile and complex cases under immediate supervision. Communicate clearly and concisely in oral and written English. Prepare clear and concise reports, correspondence, and other written materials. Read, understand, and apply established required codes and City policies, procedures, practices, and regulations. Follow oral and written instructions. Maintain confidentiality. Establish and maintain accurate records. Make rapid and sound independent judgments. Operate a personal computer and related programs, including spreadsheet and word processing programs.

Must possess an appropriate California Driver License with a driving record acceptable to the City. Possession of a Certificate from the Southern California Association of Code Enforcement Officers and/or a PC 832 Certificate is desirable.

May be required to drive a City vehicle in the course of work.

Provide proof of US citizenship or, if an alien, either lawful admission for permanent residence or authorization for appropriate work from the Immigration and Naturalization Service.

Bilingual fluency in English and Spanish is desirable.

Be bondable.

**Education, Training and Experience:**

Any combination of experience and education that would be likely to provide the required knowledge, skills, and abilities could be qualifying, as determined by the City. A typical way to obtain the knowledge, skills, and abilities is:

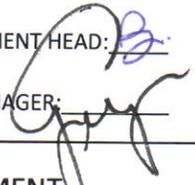
- Two (2) years of experience in working with issues involving building codes or related law, planning, code enforcement, zoning, building construction, building permit issuance, or related field.
- Graduation from an accredited high school or an equivalent certificate or diploma recognized by the State of California. Possession of an Associate's Degree, or two full academic years of attendance at an accredited college or university, with major work in engineering, architecture, construction technology, administration of justice, or another related field, may be substituted for one year of experience.

**Physical Requirements and Working Conditions:**

- Require vision (which may be corrected) to read small print.
- Require the mobility to stand, stoop, climb stairs, walk on uneven ground, ladders, traverse narrow walkways, work at heights, kneel, reach, bend, and work in confined places. Require mobility of arms to reach and dexterity of hands to grasp and manipulate small objects.
- Must possess the manual dexterity to use keyboard equipment.
- May be subject to confrontational contacts with the public where personal safety is an issue.
- Required to drive an automobile.
- Require the ability to stand for long periods.
- Perform lifting, pushing and/or pulling which does not exceed 50 pounds and is an infrequent aspect of the job.
- Is subject to inside and outside environmental conditions.

# COUNCIL REPORTS

APPROVED

DEPARTMENT HEAD: CITY MANAGER: **MEETING DATE:** February 18, 2014 **AGENDA SECTION:** COMMUNITY DEVELOPMENT

---

**TO:** HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:** DAVID A. JAMES, COMMUNITY DEVELOPMENT DIRECTOR

**DATE:** FEBRUARY 4, 2014

**SUBJECT:** SUBMITTAL OF A SUSTAINABLE COMMUNITIES PLANNING GRANT APPLICATION TO FUND THE UPDATE OF THE CITY'S ZONING CODE (CONSISTENCY ZONING) TO REFLECT AND IMPLEMENT THE NEW GENERAL PLAN

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## BACKGROUND

Staff is seeking approval from the City Council (Council) to apply for a Sustainable Communities Planning Grant to fund the update of the City's zoning code. As the Council is aware the new General Plan, known as General Plan 2035, was adopted on April 16, 2012. The new General Plan can be characterized as a form based General Plan and represents a significant departure from the previous more conventional General Plan. As the City Council is also aware, State planning law requires that City's and County's maintain internal consistency between their General Plan and zoning code. This process is termed consistency zoning. The General Plan 2035 is such a departure from the previous General Plan that the current zoning code is no longer relevant and internally consistent with the General Plan 2035. As such planning staff has been working with Lisa Wise Consulting towards bringing the zoning code into conformance with the General Plan through the consistency zoning process. The Sustainable Communities Grant is funded by Prop. 84 and it is anticipated that proposals funded will be not less than \$50,000 nor greater than \$500,000. As the Council is aware the General Plan 2035 is committed to Smart Growth Principles and Smart Growth strategies are intended in turn to facilitate sustainability. Our General Plan is already adopted and therefore will not qualify retroactively for the grant. However as indicated the City has embarked on the consistency zoning effort to implement the General Plan. In this regard the General Plan adoption is only half the story, so to speak, and given that the new zoning code will be the enabling document of the General Plan the consistency zoning effort is a qualified expenditure for Proposition 84 funding. The deadline to submit the grant is Friday February 28, 2014.

## FISCAL IMPACT

The consistency zoning effort is a line item in the amount of \$84,000 in the Fiscal Year 2013/14 budget. If the grant is awarded the City's contribution will be a 10% match or \$8,400. If awarded the grant the unspent balance of funds already allocated to the consistency zoning effort can be returned to the general fund.

**OPTIONS**

- To approve the submittal of the Sustainable Communities Grant Application.
- To deny the submittal of the Sustainable Communities Grant Application submittal.

**RECOMMENDATION**

**TO ADOPT A RESOLUTION AND APPROVE THE SUSTAINABLE COMMUNITIES GRANT APPLICATION AND ALLOW THE CITY MANAGER TO SIGN THE APPLICATION AND ALL FUTURE TRANSACTIONS WITH REGARD TO SAID GRANT.**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program show above; and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Tehachapi:

1. Approves the filing of an application for the Sustainable Communities Planning Grant in order to become a sustainable community;
2. Certifies that applicant understands the assurances and certification in the application, and
3. Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so, and
4. Certifies that the Proposal will comply with any applicable laws and regulations.

5. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment request and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this 18<sup>th</sup> day of February 2014.

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
PHILIP SMITH, Mayor  
of the City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
DENISE JONES  
City Clerk of the City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on February 18, 2014.

\_\_\_\_\_  
DENISE JONES  
City Clerk of the City of Tehachapi, California



**Kern Council  
of Governments**

February 6, 2014

The Department of Conservation  
Division of Land Resources Protection  
801 K Street  
Sacramento, CA 95814

To Whom It May Concern:

The City of Tehachapi is applying for a Sustainable Communities Grant pursuant to Proposition 84 in the amount of \$84,000 to offset the cost of preparing a Consistency Zoning document towards bringing the Zoning Code into conformance with the General Plan. Kern Council of Governments would like to go on record in support of this grant application and offer the following for your consideration.

In the way of background the City of Tehachapi recently adopted their General Plan 2035 reflecting a form based general plan approach with an emphasis on infill development, walkability and sustainability. The City of Tehachapi was recently awarded a Kern Council of Governments Regional Award of Merit in the Local Government category in recognition of the City's efforts to employ sustainable planning and development practices. Please see attached notice dated January 8, 2014. From a regional perspective the City of Tehachapi's General Plan also reflects the desires articulated by the Greater Tehachapi community in terms of its conformance with the Regional Blueprint process. The consistency zoning effort likewise will be form based and given that the new form based consistency zoning code will be the enabling document of the General Plan it represents a qualified expenditure for Proposition 84 funding.

Thank you for your consideration in this matter. Should you have any questions and/or concerns please do not hesitate to contact me at (661) 861-2191.

Sincerely,

A handwritten signature in black ink that reads "Ahron Hakimi".

Ahron Hakimi  
Executive Director

February 19, 2014

The Department of Conservation  
Division of Land Resources Protection  
801 K Street  
Sacramento, CA 95814

To Whom It May Concern:

The City of Tehachapi respectfully request your favorable consideration for a Proposition 84 grant in the amount of \$84,000 to offset the cost of preparing a consistency zoning document towards bringing the zoning code into conformance with the recently adopted 2035 General Plan. To that end I have enclosed a resolution supporting this request adopted by the City Council on February 18, 2014.

The aforementioned 2035 General Plan can be characterized as form based with an emphasis on infill development, walkability and sustainability. This consistency zoning effort will likewise be form based and will be the enabling document of the General Plan.

Thank you for your consideration in this matter.

Sincerely,

Philip Smith  
Mayor



APPROVED
DEPARTMENT HEAD: <i>[Signature]</i>
CITY MANAGER: <i>[Signature]</i>

# COUNCIL REPORTS

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: CITY ENGINEER

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**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                JOHN (JAY) SCHLOSSER, P.E., CITY ENGINEER

**DATE:**                FEBRUARY 11, 2014

**SUBJECT:**            PROGRAM SUPPLEMENT AGREEMENT & RESOLUTION

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**BACKGROUND:**

As the Council may be aware, the City has been allocated funding and has received an Authorization to Proceed from the California Department of Transportation (Cal Trans) for the Federal Transportation Improvement Program in connection with the construction of a two-lane road extension of Challenger Drive from east of Zurich Street to Dennison Road. According to the Master Agreement between the City and Cal Trans, the City is obligated to approve and sign a Program Supplement Agreement on a project-by-project basis for certain programs that do not fall under that Master Agreement. At this time, an agreement for the CONSTRUCTION phase of this project is needed.

Attached to this memorandum is Program Supplement Agreement No. 018-N for the Challenger Drive Extension Project as well as a Resolution authorizing the Mayor to execute same. This is a necessary step that must occur in order to receive state reimbursement for any funds expended on the construction of this project.

**RECOMMENDATION:**

**ADOPT RESOLUTION, AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. 018-N TO ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 09-5184R, PROJECT NO. RPSTPL-5184(018).**



**SPECIAL COVENANTS OR REMARKS**

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

**SPECIAL COVENANTS OR REMARKS**

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
8. This PROJECT is programmed to receive funding from the State Transportation Improvement Program (STIP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. The start of reimbursable expenditures is restricted to the later of either 1) the effective date of the Master Agreement, 2) the effective date of the PROGRAM SUPPLEMENT, or 3) the effective

**SPECIAL COVENANTS OR REMARKS**

date of the component specific allocation.

9. STATE and ADMINISTERING AGENCY agree that additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE approved Allocation Letter and Finance Letter. ADMINISTERING AGENCY agrees that STATE funds available for reimbursement will be limited to the amount allocated by the California Transportation Commission (CTC) and/or the STATE.

10. This PROJECT is subject to the timely use of funds provisions enacted by Senate Bill 45 (SB 45), approved in 1997, and subsequent CTC guidelines and State procedures approved by the CTC and STATE, as outlined below:

Funds allocated for the environmental & permits, plan specifications & estimate, and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and complete the construction or vehicle purchase contract within 36 months of award.

11. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. An approved time extension will revise the timely use of funds criteria, outlined above, for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components, made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof.

Documentation for approved supplementary allocations, time extensions, and fund transfers between components, will be a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

12. This PROJECT will be administered in accordance with the CTC STIP guidelines, as adopted or amended, and the STATE Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP), the Local Assistance Program Guidelines, and the Local Assistance Procedures Manual. The submittal of invoices for project costs shall be in accordance with the above referenced publications and the following.

13. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits, plans specifications & estimate, and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion to make the final payment to the contractor and prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

**SPECIAL COVENANTS OR REMARKS**

14. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.



**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEHACHAPI AUTHORIZING THE MAYOR TO SIGN AND EXECUTE PROGRAM SUPPLEMENT AGREEMENT NO. 018-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184R, PROJECT NO. RPSTPL-5184 (018)**

WHEREAS, the Congress of the United States has enacted the Intermodal Surface Transportation Efficiency Act of 1991 to fund programs which include, but are not limited to, the Surface Transportation Program (RSTP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Activities Program (TEA), and the Bridge Replacement and Rehabilitation Program (HBRR)(collectively "the Programs"); and

WHEREAS, The legislature of the State of California has enacted legislation by which certain Federal funds may be available for use on local transportation facilities of public entities qualified to act a recipients of these federal funds in accordance with the intent of Federal Law; and

WHEREAS, before Federal-aid will be made available for a specific project, the City of Tehachapi (Administering Agency) and the California Department of Transportation (Caltrans) are required to enter into an agreement relative to prosecution of said project and maintenance of the completed facility; and

WHEREAS, the ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184R, (Master Agreement) has no force or effect with respect to any Program project unless and until a project-specific Program Supplement to this Master Agreement has been executed;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows: that the Mayor of the City of Tehachapi is herewith authorized to sign and execute the PROGRAM SUPPLEMENT AGREEMENT NO. 018-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS, AGREEMENT NO. 09-5184R, FOR PROJECT NO. RPSTPL-5184 (018), between the City of Tehachapi and Caltrans.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this 18<sup>TH</sup> day of February, 2014.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Philip Smith, Mayor  
City of Tehachapi, California

ATTEST:

\_\_\_\_\_  
DENISE JONES, City Clerk  
City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on February 18, 2014.

\_\_\_\_\_  
DENISE JONES, City Clerk  
City of Tehachapi, California



APPROVED

DEPARTMENT HEAD: \_\_\_\_\_

CITY MANAGER: \_\_\_\_\_

# COUNCIL REPORTS

**MEETING DATE:** FEBRUARY 18, 2014 **AGENDA SECTION:** ASSISTANT CITY MANAGER

---

**TO:** HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:** CHRIS KIRK, ASSISTANT CITY MANAGER

**DATE:** FEBRUARY 13, 2014

**SUBJECT:** WIND TURBINE REMOVAL

---

## BACKGROUND

As the Council will recall, on October 14, 2013, the Council authorized the disposition of the four 65 kilowatt Nordtank wind turbines located at the City's wastewater treatment facility and directed staff to solicit proposals for their removal. The City has subsequently contacted Computronics, a local wind industry company and has received a proposal for their removal.

Computronics has proposed to remove the turbines at a price of \$2,450 each (\$9,800 total). Barring a change in the current marketplace, Computronics intends to deconstruct them and sell them for scrap. The work proposed does not include the removal of the foundations or associated electrical infrastructure and staff is of the opinion that this work is not necessary.

## RECOMMENDATION

**APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY AND COMPUTRONICS FOR THE REMOVAL OF THE FOUR 65 KW NORDTANK WIND TURBINES, SUBJECT TO APPROVAL OF CITY MANAGER AND CITY ATTORNEY**



# COUNCIL REPORTS

APPROVED
DEPARTMENT HEAD: _____
CITY MANAGER: _____

*[Handwritten signature]*

MEETING DATE: FEBRUARY 18, 2014    AGENDA SECTION: FINANCE DIRECTOR

---

**TO:**                    HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:**                GREG GARRETT, CITY MANAGER

**DATE:**                FEBRUARY 6, 2014

**SUBJECT:**            REPLACEMENT OF CURRENT CITY EMPLOYEE PERSONNEL MANUAL

---

## BACKGROUND

Upon review of the current City Employee Personnel Manual ("Manual"), staff found that it was outdated and certain sections in the Manual were no longer in conformance with state and federal statutes and rules and regulations. As it requires significant amendments, the new Manual was rewritten in its entirety. The newly written Manual was reviewed and modified not only by the City's management team but also by an attorney with Liebert Cassidy Whitmore, a Law Firm which specializes in labor and employment law.

The new Manual will replace the current Manual in its entirety and will be in effect immediately, except to the extent that the implementation of any such new rules for a group of represented employees who are a part of the City of Tehachapi Blue Collar/Trade Bargaining Unit has not yet satisfied any meet and confer obligations as required under the Meyers-Milias-Brown Act, Cal. Gov't Code §§ 3500, *et. seq.* ("MMBA"). As a result, this resolution will supersede Resolutions 3-99 and any amendments thereafter, except to the extent the implementation of any such new rules for covered employees in the City of Tehachapi Blue Collar/Trade Bargaining Unit has not yet satisfied any meet and confer obligations as required under the MMBA. In such circumstances where the implementation of any rule in the new Manual has not yet satisfied the meet and confer obligations under the MMBA, the City will revert back to the requisite rules in the current Manual.

## FISCAL IMPACT

There is no fiscal impact.

## RECOMMENDATION

Adopt the proposed resolution repealing and replacing the existing rules and regulations for administration of its personnel system.

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEHACHAPI REPEALING AND REPLACING THE EXISTING RULES  
AND REGULATIONS FOR ADMINISTRATION OF ITS PERSONNEL  
SYSTEM**

WHEREAS, the City Council of the City of Tehachapi ("City Council") is authorized and directed under the provisions of Ordinance No. 393 to adopt rules and regulations for the administration of the personnel system created in the Ordinance; and

WHEREAS, the City Council previously adopted Resolution No. 03-99 which adopted rules and regulations for the administration of the personnel system and thereafter from time to time adopted amendments thereto; and

WHEREAS, the City Council finds that, upon review of its rules and regulations, significant amendments are required to sufficiently update them to conform with state and federal statutes and rules and regulations that have been adopted and imposed on municipalities over the past several years; and

WHEREAS, the City Council finds that the most efficient and expeditious means for updating its rules and regulations is to repeal the existing rules and regulations and replace them with a completely new set of rules and regulations to the extent the implementation of any such new set of rules and regulations has satisfied any meet and confer obligations as required for covered employees under the Meyers-Milias-Brown Act, Cal. Gov't Code §§ 3500, *et. seq.* ("MMBA").

WHEREAS, the City Council finds that to the extent that the implementation of any of the new set of rules and regulations has not yet satisfied the meet and confer obligations as required for covered employees under the MMBA, the existing rules and regulations as adopted in Resolution No 03-99 will prevail and remain in effect until such time as the new set of rules and regulations has been properly implemented for such covered employees in accordance with the MMBA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tehachapi as follows:

76679.1 TE020-001

1. That the foregoing recitals are true and correct.
2. That the rules and regulations adopted by Resolution No. 03-99 and as thereafter amended are hereby superseded by the new set of rules and regulations implemented by this Resolution, except where any of the new set of rules and regulations has not yet satisfied the meet and confer obligations as required for covered employees under the MMBA.
3. That the rules and regulations attached hereto as Exhibit "A" and by this reference made a part hereof are hereby adopted and shall henceforth be the rules and regulations for administration of the City's personnel system, except as otherwise provided in this Resolution.

PASSED AND ADOPTED by the City Council of the City of Tehachapi at a regular meeting this 18th day of February, 2014.

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
PHILIP SMITH, Mayor of the City of  
Tehachapi, California

ATTEST:

\_\_\_\_\_  
DENISE JONES, City Clerk  
of the City of Tehachapi, California

I hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Tehachapi at a regular meeting thereof held on February 18, 2014.

\_\_\_\_\_  
DENISE JONES  
City Clerk of the City of Tehachapi, California

76679.1 TE020-001



# Employee Personnel Manual

2014

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## **Section 1 – Introduction and Purpose**

The City Council is authorized and directed under the provisions of Title 2, Chapter 40.050 (adopted as Ord. No. 393) to adopt rules and regulations for the administration of the personnel system created in said chapter

These rules and regulations are designed to facilitate efficient and economical service to the public and provide a fair and equitable system of personnel management in the municipal government. These rules and regulations set forth policies and procedures to ensure similar treatment for those who compete for original and promotional employment and define certain obligations, rights, privileges, benefits and prohibitions which are placed upon all City employees.

### **A. Equal Employment Opportunity**

No person applying for employment with the city or employed by the City shall be discriminated against by reason of his/her actual or perceived age, ancestry, citizenship status, color, creed, disability (mental or physical), exercise of rights relating to Family Care and Medical Leave, gender identity, marital status, medical condition, national origin, political affiliation (political beliefs), pregnancy, race, religion, sex, sexual identity, sexual orientation (heterosexuality, homosexuality, or bisexuality), veteran status, or any other classification protected by law.

### **B. Violation of Rules and Regulations**

Violation of provision(s) of these rules shall constitute grounds for disciplinary action including, but not limited to, dismissal, rejection, demotion, reduction in salary, suspension, or written reprimand. A violation shall not make disciplinary action mandatory, but shall be considered as appropriate in view of all circumstances.

### **C. City Manager**

The Personnel Officer of the City is the City Manager. The City Manager may delegate any personnel powers or duties to another employee of the City, or may recommend to the City Council that certain personnel powers be performed under contract by a qualified individual or firm. The City Manager shall:

1. Prepare and recommend to the City Council, personnel rules and revisions thereto.
2. Administer the provisions of the rules.
3. Appoint all department heads and employees, provided the City Manager may delegate to any other department head or employee the authority to hire or discharge any employees.

D. **Amendment and Revision of Rules and Regulations**

The City council may amend these rules and regulations by resolution with not less than five (5) days notice to employees. Employees at the Council meeting shall be given an opportunity to present their support or objection to the proposed amendment or revision

E. **Administrative Rules and Regulations**

These rules and regulations do not preclude the City Manager or individual City departments from developing and administering supplemental personnel rules as long as they do not conflict with these rules and regulation, other Council resolutions and ordinance, or existing laws.

F. **Application of Rules and Regulations**

If a provision of these guidelines conflicts with a provision of an applicable collective bargaining agreement entered into by the City of Tehachapi and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling unless the provisions of these guidelines have been negotiated for and implemented more recently.

G. **Employment of Relatives**

These rules shall not prohibit the employment or assignment of relatives in the same or different department except as outlined below. For the purpose of this section, a “relative” shall be defined as any person who is related by blood, marriage, or domestic partnership within the third degree. Specifically, a relative is a spouse, domestic partner, parent, grandparent, great grandparent, child, grandchild, great grandchild, sibling, niece, nephew, aunt, or uncle (including step, adoptive and in-law relatives).

1. No person who is a relative of any City Council member, the City Manager, any department head or any other individual having appointive power shall be appointed to a paid position with the City service while their relative is serving in one of the aforementioned capacity.
2. No relatives shall be employed in positions where one has supervisory responsibility over the other or where both would report to the same supervisor. Upon recommendation of the department head(s), exceptions to this rule may be granted by the City Manager
3. No relatives shall be employed in positions where one would have access to confidential and privileged information concerning the other. Upon recommendation of the department head(s), exceptions to this rule may be granted by the City Manager, where, in the judgment of the City Manager, the access to confidential and privileged information would not be detrimental to City operations.

4. In the case of a violation of this rule, remedy may be sought through transfer or demotion within the City service or termination of one party, as recommended by the department head. All actions intended to remedy violations of this section are subject to the review and approval of the City Manager.

H. **Conflicting Rules**

1. **Memorandum of Understanding**

Where a conflict exists between items stated in a provision of these rules and regulation and an applicable adopted memorandum of understanding (MOU) with a recognized majority representative, to the extent of such conflict, the memorandum of understanding shall prevail, unless the provisions of these guidelines has been negotiated for and implemented more recently.

2. **State Law**

Where a conflict exists between items stated in these rules and regulations and existing California state law, the state statutes shall prevail.

I. **Not a Contract**

These rules and regulations do not create any contract of employment, either expressed or implied, or any rights in the nature of a contract.

## **Section 2 – Selection and Appointment**

A. **Announcement of Vacancies**

Notices of employment opportunities in the City will be first announced in house, via electronic mail or posting on employee bulletin boards, allowing current employees the opportunity to apply for the position. However, the City Manager has the discretion to begin open recruitment outside of City employ at any time. All announcements will be posted in the City offices and publicized in any other ways necessary to attract the best qualified candidates.

The City Manager or designee shall, at least 10 calendar days prior to the final filing date, issue an appropriate notice regarding the position. The content of the notice shall include a minimum of the title and pay for the position, the nature of the work to be performed, minimum qualifications, the method of applying and the closing date for the application.

B. **Applications**

Job applications must be made on an official City application form. All applications must be completed in full and signed by the person applying. The Personnel Officer or designee will not process any application which is not fully completed and signed. The City will not accept faxed or emailed applications.

The City Manager or designee may reject an application, if the applicant:

1. Has made false statements of any material fact, or practiced any deception or fraud on the application or declarations;
2. Is found to lack any of the requirements, certifications, or qualifications for the position involved;
3. Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation, if disabled;
4. Is a current user of illegal drugs;
5. Is a relative of an employee, and is subject to the Employment of Relatives Policy in Section 1-G;
6. Has been convicted of a crime, either a misdemeanor or felony, that relates to the position duties that the applicant would perform;
7. Used or attempted to use political pressure or bribery to secure an advantage in the process;
8. Directly or indirectly obtained information regarding examinations;
9. Failed to submit the employment application correctly or within the prescribed time limits;
10. Has had his or her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is job related;
11. For any material cause which in the judgment of the City Manager or designee would render the applicant unsuitable for the position, including a prior resignation from the City, termination from the City, or a significant disciplinary action.

C. **Selection Process**

The method used to select employees shall be impartial and shall relate to those subjects which fairly measure the abilities to execute the duties and responsibilities of the classification in which the vacancy exists. Selection procedures consist of one or more of the methods listed below.

1. **Application**

Information the applicant supplies on the City's application, and any attachments thereto will be reviewed under the supervision of the City Manager or designee and the applicable department supervisor. The same criteria and point system is utilized for all applicants for the same position. The City Manager or designee will determine

the total number of applicants who meet the minimum qualifications for the position. The chosen applicants will then be given further examination.

**2. Examinations**

The selection techniques used in the examination process will be impartial, practical, and related to those subjects that fairly measure the relative capabilities of the applicant examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations may consist of, but are not limited to, such techniques as written tests, personal interviews, skills and performance tests, review of performance evaluations, evaluation of daily work performance, evaluation of work samples. Failure in one part of the examination, or the failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of the examination.

**3. Interview**

The City Manager may assemble and appoint interview boards. These boards may be comprised of private citizens, experts in the field, members of another agency, City officers and City employees. Interviewers mark on forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewer's remarks will be translated into a numerical score. Scoring sheet and interviewer's remarks are confidential.

**4. Retention of Applications**

Applications will be retained for one year and will be considered if the position applied for becomes available.

**5. Removal of Application**

Applications may be removed by the City Manager or designee for any of the following reasons:

- a) appointment to the position for which the application was originally established;
- b) request by the applicant for removal;
- c) failure to continue to meet any of the minimum standards established for the position;
- d) failure to contact the City Manager or designee within five (5) working days from the date of notice of an interview or offer of appointment.

**D. Appointment Process**

All appointments to position vacancies will be made in accordance with these rules and regulations. The power to appoint and dismiss City employees are vested in the City Manager.

1. **Vacancy**

The vacancy will be filled by appointment of an eligible candidate from an appropriate selection process except as provided in 2 below.

2. **Emergency**

In an emergency which threatens life, property, or the operation of necessary municipal services, the City Manager may employ an individual without an appropriate selection process for not more than thirty (30) calendar days.

E. **Conditional Offer of Employment**

An offer of employment is contingent upon the results of the following:

1. **Reference checks**

Prior to conducting reference inquiries a prospective employee will be required to sign a release allowing the City to acquire information about the applicant from former employers.

2. **Fitness for Duty Examination/drug screen**

Applicants who have been offered a position with the City are required to participate in a fitness for duty examination and drug screen. Each job classification has specific physical standards that are reasonably related to job requirements. The City is notified only that the prospective employee is medically qualified, conditionally qualified or disqualified; no other medical information will be released.

3. **Fingerprints and criminal background check**

All persons employed by the City will be fingerprinted and law enforcement records checked for past criminal activities. Information thus obtained will be confidential. Employment of, and continuation of service of employees with a criminal conviction must have the approval of the City Manager. Convictions (including pleas of guilty and nolo-contendere) may disqualify an applicant from employment with the City. In determining whether an individual with a conviction is disqualified, the City Manager will consider the following factors:

- a) the employment classification to which the person is applying, including its sensitivity,
- b) nature and seriousness of the conduct
- c) the length of time since the conduct,
- d) the age of the individual at the time of conduct,
- e) circumstances surrounding the conduct,
- f) contributing social or environmental conditions, and
- g) the presence or absence of rehabilitation or efforts at rehabilitation.

4. **Eligibility to Work**

Federal law requires the City to verify that all new employees are citizens or otherwise legally eligible to work in the United States of America. You'll need to provide

documents verifying your eligibility to work. Please call the Finance Department for a full list of acceptable documents.

5. **Pay**

A new appointee shall receive the minimum salary for the class to which the position is allocated, except that in hiring exceptionally qualified personnel, the City Manager may approve appointments at a salary above the minimum for the class.

6. **Orientation**

Each new employee shall be scheduled for an orientation session with the City Manager or designee(s). This orientation session shall be conducted so that the new employee can receive an introduction to the City, its history, its operations, its personnel policies, and a review of employee benefits. During this period, employees are also asked to complete new-hire paper work.

F. **Probation Period**

The purpose of probation is to permit the employer to observe the employee on the job and to evaluate performance. Probation is a part of the promotional, training, testing and selection process. The probation period begins on the date of appointment. It is the responsibility of the supervisor to communicate with the employee in regards to his/her progress.

1. **Duration of period**

The probationary period is not less than twelve (12) months. Employees who receive promotional appointments must serve another probationary period of at least twelve (12) months. The probationary period is automatically extended by the length of any authorized leave(s) of absence of one work week or more.

2. **Separation Without Cause**

At any time during the probationary period, the employment relationship may be terminated without cause and without right of appeal, grievance or hearing. The probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected from regular appointment.

3. **Regular Appointment Requires Recommendation**

No probationary employee will receive a regular appointment without a written recommendation from the department director. If the recommendation is not filed, the probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected for regular appointment.

4. **Promoted Employees**

A promoted employee who does not successfully complete the probationary period will be reinstated to his or her former position or to a comparable position if one is available. If, however, the employee is discharged for cause, the employee has no right to reinstatement.

G. **Regular Employment**

1. **Regular Full-Time (non exempt)**

An employee who successfully completes the probationary period and who regularly works forty (40) hours per week, or the maximum number of hours scheduled by a department or division.

2. **Regular Part-Time (non exempt)**

An employee who successfully completes the probationary period and who works less than 1,000 hours per fiscal year. Regular Part-Time employees do not earn, accrue or participate in any City employee benefit plans, or paid or unpaid leave, except as required by law.

3. **Temporary, Provisional or Seasonal (non exempt)**

An employee who is assigned to work on a particular project or on a job of limited or definite duration is a temporary, provisional or seasonal employee. A temporary, provisional or seasonal employee:

- does not hold regular status
- does not serve a probationary period
- can be dismissed from City employment at any time without cause, right of appeal, grievance or hearing, and
- is not entitled to earn, accrue or participate in any City employee benefit plans, or paid or unpaid leaves, except as required by law.

4. **FLSA-Exempt - "At Will"**

An employee who meets one or more of the duties test exemptions from overtime under FLSA (e.g. executive, administrative, professional, computer employee) and who is paid on a salary basis, meaning that he or she is compensated in a predetermined amount that is not reduced, regardless of the quality of work actually performed, except as required by the City's principles of public accountability for partial-day absences, is FLSA exempt. An FLSA-exempt employee is not entitled to overtime compensation. Employees in this category are expected to maintain similar hours of work as their City office maintains. Exempt employees are considered "at will". "At will" refers to any City employee who: (1) does not hold regular status, (2) serves at the pleasure of the Council, City Manager or appointing authority, and (3) can be terminated at any time without cause and without the opportunity to appeal.

## **Section 3 – Classification & Compensation Plans**

A. **Classification Plan**

1. **Creation of classifications**

The City Council, upon recommendation by the City Manager, shall create a classification plan for City employees. Each position shall be allocated to a class

identified by class title. Positions shall have the same class title when they conform to the same specification or when the positions' descriptions are sufficiently similar as to qualifications, educational requirements, responsibilities, level of supervision, and other characteristics.

## **2. Specification of classes**

A class may include more than one position. Each class will have a specification, which includes: a concise, descriptive title, a brief definition, a description of the essential job duties and responsibilities, a statement of special requirements, and a statement of desirable qualifications.

## **3. Reclassification**

The City Manager is responsible for reviewing the duties and responsibilities of positions and recommending to the City Council the creation of new classes and the abolition of existing classes. The City Manager shall review classifications and make determinations in the following situations:

- a) Upon the recommendation of the Supervisor or upon the request of an employee, the City Manager has the right to reallocate a position to a different class whenever its duties change materially, provided the reclassification can be accomplished within budget limitations. The City Manager has the discretion to determine when the duties have materially changed which warrant a reclassification. To process reclassifications in a timely manner, the following process will be followed:
  - i. Supervisor or employee submits a request of reclassification to the Finance Department
  - ii. Within fifteen (15) working days, the Finance Department makes an initial determination whether the employee's ongoing job duties and responsibilities warrant a position reclassification. Once completed, the Finance Department forwards its recommendations to the City Manager.
  - iii. Within fifteen (15) working days the City Manager affirms or modifies the Finance Department's recommendations. As a general guideline, the City Manager will provide the following conclusions to the employee and his or her supervisor: re-assign work duties so the employee is no longer working outside of classification, appoint employee to existing classification with greater responsibility, or create a new classification that more accurately reflects the employee's ongoing job duties and responsibilities.
- b) When the duties of a position so change that no appropriate class for it exists, the City Manager must prepare an appropriate class specification for it and submit it to the City Council for approval.
- c) Reclassification of a position may not be used to circumvent the rules and regulations concerning demotion, promotion or compensation.

## B. Salary Ranges, Plans and Compensation

### 1. **Meet and confer**

The City will meet and confer regarding changes to salary rates or salary ranges affecting existing employees represented by a recognized employee organization. After meeting and conferring, the City Manager will prepare the pay plan, which establishes a flat rate or salary range for each class.

### 2. **Changes to salary ranges**

When the City Council changes a salary range for a class, all employees' salaries in the class will be adjusted to the corresponding step in the new range.

### 3. **Transfer/Promotion to another class**

An employee whose position is moved from one class to another class that has the same salary range does not receive a change in salary. When an employee is moved from one class to a class with a higher maximum salary, the employee's salary in the higher class will be the minimum for that class, unless that minimum is lower than, or the same as, the employee's salary at the time of the move. In that event, the employee will receive the next high step within the pay range of the higher class. In this event the employee's anniversary date will be the same as the effective date of transfer/promotion for purposes of conducting performance reviews and making corresponding salary adjustments.

### 4. **Demotions**

When an employee is demoted (moved from one class to a class with a lower maximum salary), the City Manager will set the employee's salary within the range of the class to which the employee has been demoted. In this event, the employee's anniversary date will be the same as the effective date of demotion for purposes of conducting performance reviews and making corresponding salary adjustments. The employee's original hire date will continue to determine his or her eligibility for other types of benefits and leave accruals.

### 5. **Reclassification**

An employee whose position is reclassified from one class to a class with a lower maximum salary retains his/her original anniversary date. A reclassified employee retains the salary of the higher class if the employee's salary at the time of reclassification does not exceed the maximum salary for positions of the lower class. If the salary does exceed that maximum, the employee will continue to receive his/her present salary until such time as the maximum salary for the class exceeds his/her rate of pay. COLA increases are made to the position not the individual; therefore, if the COLA does not increase the maximum salary in his/her current class above his/her present salary the employee will continue to receive his/her present salary.

## 6. **Special Compensation**

### a. **Special Assignment Pay**

The Chief of Police shall have full authority and discretion to assign members to the below listed assignments. The City agrees to pay an additional (5%) above base pay to non-probationary Police Officers and Senior Officers working in the following capacities:

1. School Resource Officer
2. Kern Narcotics Task Force
3. Field Training Officer when a trainee is assigned.

### b. **Peace Officer Standard Training (POST) Certificate Pay**

Upon verification of having earned the following POST Certificates, an employee shall be paid as follows:

5% of base pay for a POST Intermediate Certificate

5% of base pay for a POST Advanced Certificate, in addition to Intermediate pay

5% of base pay for a POST Supervisory Certificate, in addition to Intermediate and Advanced pay. Only available to Sergeants and above

### c. **Canine Premium Pay**

Employees that are regularly assigned responsibility for canine handling and care shall receive four (4) hours per pay period paid at the premium rate equal to time and one half (1½) of the employees rate.

## C. **Employee Performance Review and/or Evaluation**

The performance evaluation process is intended to improve productivity and foster communication between supervisors and employees. Evaluations should be conducted annually and should be based upon position-specific performance elements and work standards. The evaluation must indicate clearly whether overall performance is superior, satisfactory or substandard. The review process must provide for employee feedback and face-to-face communication. Results of the performance review will be utilized to determine employee's training and development needs.

### 1. **Salary adjustments**

Results of the employee's current performance review will be used to determine salary adjustments. Employees whose work performance is satisfactory will be eligible, but not guaranteed, for advancement to the next higher step (not to exceed the maximum) of the salary range. Employees who receive a less than satisfactory rating will not be eligible for salary advancement.

2. **Employee review and response**

Employee will be provided with a copy of his/her performance at the evaluation interview. Employees have the right to respond in writing to the evaluation report should they so desire. Said responses should be submitted to the review not later than thirty (30) days after the evaluation interview. Contents of an employee's performance evaluation are not subject to the grievance procedure.

3. **Copies kept in personnel file**

The employee's complete, original, and signed performance evaluation – including any written comments provided by the employee – is filed in the employee's official personnel file kept in the Finance Department

D. **Pay Period**

The pay period for all employees is semi-monthly on the 15<sup>th</sup> and the last day of the month. When the 15<sup>th</sup> or the last day of the month falls on a weekend or holiday, paychecks will be available the prior workday. All paychecks are to be distributed to the departments and delivered to the employee by noon the 15<sup>th</sup> or the last day of the month. The time period to be reported for the semi-monthly paycheck paid on the 15<sup>th</sup> shall be for time worked from the 26<sup>th</sup> of the month through the 10<sup>th</sup> of the month and the time period to be reported for the semi-monthly paycheck paid on the last day of the month shall be for time worked from 11<sup>th</sup> of the month through the 25<sup>th</sup> of the month.

1. **Workweek**

The workweek begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. on Saturday, and is forty (40) hours.

2. **Hours of Work**

Many City offices are closed every Friday. Employees in these offices are on a 4/10 schedule. Under this schedule an employee works Monday through Thursday 7:00 a.m. to 5:30 p.m.

Some City services are provided 24 hours a day, seven days a week, or on other non-standard schedules, so there is considerable variation in working days and hours depending on individual assignments and public service needs. Employees in some operations work weekends and may be assigned to different shifts. These hours of work are defined in Department Policies.

3. **Time sheets**

All employees are required to keep a time sheet and accurately record hours worked and report any sick, vacation or special time taken off during each pay period. Time worked should be recorded down to one quarter of an hour increments. If you have worked more than half of one quarter of an hour round up as one quarter of an hour and if less than half round down. Time sheets must be signed by the employee and their supervisor.

4. **Mandatory and Voluntary Deductions**

Certain deductions will be taken from your paycheck. Mandatory deductions include things like taxes (based on the last W-4 form you submitted), Social Security and Medicare contributions, State Disability Insurance, court-ordered wage garnishments, and your required PERS retirement contributions. Voluntary deductions may be taken for insurance benefits, deferred compensation contributions, and medical/dependent care reimbursement accounts.

5. **Direct deposit**

All paychecks are directly deposited to the employee's bank account on file.

6. **Discrepancy**

Every effort is made to ensure that paychecks are accurate, but discrepancies may occur. Please review your pay stub each payday to make sure it is correct. If you believe it is not, please inform the payroll office so that it can be reviewed and if necessary corrected.

E. **Overtime**

Overtime hours must be approved in advance by the employee's direct supervisor or Department Head. The supervisor will authorize such overtime work and will notify the City Manager upon such authorization. Overtime is to be kept to a minimum, consistent with maintenance of essential City services. All non-exempt employees will be paid overtime as required by applicable law and in accordance with any provisions in applicable memoranda of agreement. Working overtime without advance approval is grounds for discipline. Overtime is to begin when an eligible employee has actual hours worked that exceed his/her workweek as defined in Section 3, D-1. Holidays observed by closing City offices shall be credited as actual hours worked. Sick, vacation, compensatory and banked holiday hours taken off during the workweek will not be credited as actual hours worked.

F. **Compensatory Time Off**

Subject to applicable memorandum(s) of agreement or the outline of certain employment conditions for non-exempt employees, compensatory time off (CTO) may be granted in lieu of overtime pay for overtime work performed by eligible employees at the rate of 1.5 hours for each hour of overtime as defined in Section 3, E. Compensatory time off is subject to an accrual cap of eighty (80) hours.

1. **Approval of overtime**

Employees must obtain pre-approval before working any overtime. The Supervisor will authorize such overtime work and will notify the City Manager upon such authorization. The Supervisor is responsible for arranging his/her department so that compensatory time off can be taken.

2. **City reserves the right to pay overtime in lieu of accruing CTO**

At the discretion of the City, certain personnel may be paid for all or a portion of overtime worked in lieu of accruing CTO. The City can elect to pay employees for overtime worked if it is determined that an employee cannot reasonably take the CTO without hindering the performance of essential City functions.

3. **Pay-out of accrued CTO**

The City retains the right to pay out unused CTO at all times selected by the City. The employee may request payout of accrued CTO with approval of his/her Department Head. Employees separating from City service shall be compensated for all accrued, unused compensatory hours at the employee's current rate of pay.

4. **Use of CTO**

Employees who wish to use CTO must obtain prior authorization of their Supervisor or Department Head. The City's policy is to permit the use of CTO within a reasonable period after the request for use is made. Use of CTO on the specific dates requested by an employee will be permitted as much as reasonably practicable taking into account the operational needs of the department. To facilitate scheduling, employees are encouraged to provide as much advance notice as possible of the dates they desire to use CTO.

G. **Compensation for Call Back, Court Stand-by, Court Appearance, DMV Hearings or Firearms Qualification Time**

1. **Call Back Pay**

Call Back pay is paid for an employee who is called in for unscheduled or emergency work after the employee has returned home or on an employee's day off. Call back is not paid when the work is scheduled at least 24 hours in advance, or when the work is contiguous with regularly scheduled hours. Travel time to and from the work location will not be compensable.

When an employee is called back to work, he/she shall be paid a minimum one-half of an hour (.5) at one and one-half (1.5) times the employee's hourly rate of pay upon arriving at the work location. Any time worked in excess of one-half an hour shall be paid at one and one-half (1.5) times the employee's hourly rate of pay in fifteen (15) minute increments.

Employees called back on a City holiday shall be paid a minimum of two (2) hours at one and one-half (1.5) times the employee's hourly rate of pay.

2. **Court Stand-by**

Any Police Officer, Senior Officer or Sergeant required to remain at his/her residence and/or promptly available by phone while in an off-duty status because he/she is put "on-call" for court appearance, shall be paid for two (2) hours at the employee's regular rate of pay. In the event that a morning on-call status continues beyond the court's noon recess, the employee shall be paid an additional two (2) hours at the employee's

regular rate of pay. If the employee is not placed off-call forty-eight (48) hours prior to 0900 the morning of the subpoena appearance date, the employee shall be paid for two (2) hours at the employee's regular rate of pay.

**3. Court Appearance**

Any Police Officer, Senior Officer or Sergeant who is off-duty and is required to appear in court after he/she is placed "on-call", shall be paid for actual hours required for court appearance at one and one-half (1.5) times the employee's hourly rate of pay, or for two (2) hours if the actual hours required are two (2) hours or less at one and one-half (1.5) times the employee's hourly rate of pay. When such court appearance requires the employee to be in attendance before and after the court lunch recess, such lunchtime will be included in determining the employee's court appearance time. Any Police Officer, Senior Officer or Sergeant required to respond to court while in an off-duty status and not previously having been placed "on-call" will be paid a minimum of two (2) hours at one and one-half (1.5) times the employee's hourly rate of pay.

**4. DMV Hearings**

Any Police Officer, Senior Officer or Sergeant who participate in a DMV hearing while off-duty shall be paid for actual hours required for DMV hearing attendance at one and one-half (1.5) times the employee's hourly rate of pay, or for two (2) hours if the actual hours required are two (2) hours or less at one and one-half (1.5) times the employee's hourly rate of pay. If the hearing scheduled during the employee's off-duty time is cancelled and the employee is not notified forty-eight (48) hours prior to the scheduled time, the employee will receive the minimum two (2) hours at one and one-half (1.5) times the employee's hourly rate of pay.

**5. Firearms Qualifications**

Police Officers, Senior Officers and Sergeants not assigned to shifts that overlap normal shooting range hours shall be paid for actual hours spent qualifying at the range at one and one-half time (1.5) times the employee's hourly rate of pay. It is expressly understood that Police Officers, Senior Officers and Sergeants will be required to qualify at the discretion of the City, but that such requirement will be no less than every other month.

**H. Meal Period**

A thirty (30) minute non-compensated meal period shall be provided to all regular full-time employees. This meal period should be taken at the approximate mid-point of the shift, unless department rules indicate otherwise. The meal period may not be used to shorten the workday.

**I. Rest Period**

A fifteen minute compensated rest period will be provided to all employees for each five (5) hour period of service. The rest period shall be taken at a time designated by the employee's supervisor. The rest periods may not be combined nor may they shorten the workday or

extend the meal period. If the employee works through their rest period, he/she is not entitled to overtime.

J. **City Business Travel**

1. **City Vehicle**

City vehicles and gas cards are available and should be used by employees for City business travel. Arrangements may be made through employee's supervisor to reserve a vehicle and gas card. If a vehicle is not available, supervisor may approve use of personal vehicle and mileage reimbursement as described in J-2.

2. **Mileage**

It is the policy of the City that employees utilizing personal vehicles for City use will be paid car mileage allowance as stated in the "Local Travel Policy" and "Out of Town Travel Policy". The mileage reimbursement rate to operate privately-owned vehicles will be the allowable IRS rate in effect at the time the expense is incurred. The mileage distance should be calculated from destination to destination.

3. **Allowance**

Certain city employees, as determined by the City Manager based on travel requirements of the employee's position, receive a monthly car allowance that shall be determined by the City Manager for each position but shall not exceed \$400.00 per month, provided, however, that if the employee is provided with a City vehicle, no monthly allowance shall be payable. This allowance shall be for reimbursement of travel within Kern County and the Greater Antelope Valley. Mileage for travel outside Kern County, the Greater Antelope Valley and over 100 miles shall be reimbursed at the allowable IRS rate in effect at the time the expense is incurred. Employee has the option to use a City vehicle and gas card for travel outside Kern County or the Greater Antelope Valley.

K. **Travel/Work Hours**

1. **Commute Time**

Travel time to and from work is commute time, which is not compensable, even if the employee is asked to report to different work locations on different days. Travel from home to the first work site of the day or from the last work site of the day to home is considered commute time. In addition, travel from home to a work site other than the employee's regular work location on emergency basis (such as on-call/pager duty) will not be compensated unless the employee must travel a substantial distance (i.e., significantly more than the normal home to work commute) to address the emergency.

4. **Travel During the Work Day**

Travel during the workday, after the employee has reported to work, is hours worked for the City. However, travel from the employee's last work location to home is not compensable. Supervisors should not require employees who will be traveling during

the work day to report to their normal work site at the start or the end of their shift unless it is truly necessary for the employee to report to such location.

#### 5. **Overnight Travel**

Overnight travel is considered hours worked by the employee if it occurs:

- a) During regular work hours; or
- b) On an off day during the employee's normal work hours; or
- c) Outside of work hours, if the employee has to drive to the location. If the employee travels on public transportation or as a passenger in an automobile, the time is non-compensable. Supervisors should schedule overnight travel for employees on public transportation outside of their normal work hours if possible. If the employee is offered public transportation for travel outside of normal work hours and declines the offer, the travel time is non-compensable. See Exhibit "A" regarding compensability of overnight travel.

#### 6. **Special One Day Assignment Outside the City**

If an employee is required to travel out of the City for a special assignment, and the time spent traveling is significantly longer than the employee's normal commute, a portion of the travel time should be counted as hours worked. If the employee is driving to the location, only the time in excess of the employee's normal commute shall be considered hours worked. Travel to attend a training program that is a regular and contemplated part of an employee's position shall not be considered a special assignment.

#### L. **Training/Work Hours**

An employee is not required to be compensated for attendance at a training program if all of the following four requirements are met:

- attendance is voluntary;
- the training program occurs outside of normal working hours;
- the employee does not perform productive work; and
- the training is not directly related to the employee's current job.

Attendance is considered voluntary only if the employee's working conditions are not adversely affected if he or she does not attend the training. If a supervisor suggests that an employee's future advancement or performance evaluation will be affected if the employee does not attend the training, attendance would not be voluntary. See Exhibit "B" regarding compensability of training time.

#### 1. **Classes Offered at a School or College**

If an employee voluntarily enrolls in a class outside of work hours that is offered at a school, college or vocational institute, the training is not considered hours worked as long as the employee does not perform any productive work. Additionally, if the City

offers such a class to its employees outside of the normal work hours, or pays for the employees to attend such a class, it will not be hours worked.

2. **State Mandated Certifications**

If state law requires that an employee obtain a certification for his or her job, and the employee voluntarily attends the necessary training to obtain such certification outside of normal work hours, the time spent at that training is not counted as hours worked.

3. **Coming Back to Work After Training Day**

All employees who attend training are required to return to their regular work location if, at the end of the training day, after traveling back to their regular City work location, there would be at least one half hour left in their work day.

## **Section 4 – Attendance and Leaves**

A. **Absence Control**

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited. An employee is required to seek advance permission from his/her supervisor for any foreseeable absence or deviation from regular working hours.

1. **Employee's Duty to Notify of Late Arrival or Absence**

An employee who is unexpectedly unable to report for work as scheduled must notify his/her immediate supervisor no later than the scheduled work time and report the expected time of arrival or absence. If the employee's immediate supervisor is not available, the employee must notify the department head. An employee who fails to timely notify the supervisor of absences, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

2. **Excessive Tardiness/Absenteeism**

Excessive tardiness occurs when an employee is late to work or returning from breaks more than three (3) times during any 30-day period. Excessive absenteeism occurs when the number of absences exceeds three (3) days in any three-month period. Excessive tardiness or absenteeism may be grounds for discipline, up to and including termination. Abuse of, or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

B. **Holidays**

The City recognizes certain days each year as City Holidays. The purpose of this policy is to designate the holidays and define the guidelines for employees regarding these holidays.

## 1. **Designated Holidays**

The City allows eight (8) hours of time off with pay for each of the following designated holidays to regular full-time and FLSA Exempt employees. Beginning January 1, 2015, the City will allow ten (10) hours of time off, with pay for each of the following designated holiday to regular full-time and FLSA Exempt employees:

- a) New Year's Day – January 1
- b) Martin Luther King Day – 3<sup>rd</sup> Monday in January
- c) President's Birthday – 3<sup>rd</sup> Monday in February
- d) Memorial Day – Last Monday in May
- e) Independence Day – July 4
- f) Labor Day – 1<sup>st</sup> Monday in September
- g) Veterans' Day – November 11
- h) Thanksgiving Day – Designated Thursday in November
- i) The Friday after Thanksgiving in November
- j) Christmas Eve Day – December 24
- k) Christmas Day – December 25

The City allows four (4) hours of time off, with pay for the following designated holiday to regular full-time and FLSA Exempt employees. Beginning January 1, 2015, the City will allow five (5) hours of time off, with pay for the following designated holiday to regular full-time and FLSA Exempt employees.

- a) ½ of New Year's Eve Day – December 31

Two (2), eight (8) hour floating holidays to be taken at the convenience of the City as determined by each Department Head. These hours are posted to the employee's holiday bank on the first pay period of January and prorated for employees employed thereafter. Beginning January 1, 2015, there will no longer be floating holidays.

## 2. **Eligibility**

Regular full-time and FLSA Exempt employees are eligible for holiday pay immediately upon hire. Holiday pay eligibility shall further depend upon the employee working the workday preceding, and the workday following the holidays.

## 3. **Required work on holiday**

An employee who works on a holiday shall be paid for actual hours worked at one and one-half time (1 ½) and shall be compensated for the holiday hours listed above.

## 4. **Holiday falls on scheduled day off**

Any miscellaneous employee whose regularly scheduled day off falls on a day designated as a holiday above shall bank holiday hours equal to the number of holiday hours normally paid. Safety employees will be paid of regular pay as designated above.

5. **Banked Holidays**

An employee may take his/her banked holidays at any time during the year, subject to the advance approval of the employee’s supervisor. Banked holiday hours are not considered actual hours worked for overtime purposes. At no time may an employee have a total banked holiday accrual balance in excess of 120 hours.

C. **Vacation**

Vacation time is a benefit for regular full-time and FLSA Exempt employees. Vacations are granted to employees as a way of recognizing their work throughout the year. Vacations are meant to give the employee an opportunity to relax with family and friends and to return to the job refreshed and ready to take on new challenges. The purpose of this policy is to define actual rates and procedures relating to vacation (annual leave).

1. **Vacation Accrual**

Regular full-time and FLSA Exempt employees accrue vacation based on their years of continuous service with the City at the following rates:

Years of Continuous Service	Hours Accrued Per Pay Period
0-5	3.34
5-10	5.00
10+	5.34
11+	5.67
12+	6.00
13+	6.34
14+	6.67

2. **Accrual of Vacation for Reinstated Employees**

Former City of Tehachapi employees who are reinstated within six (6) months shall receive years-of-service credit for their prior years with the City.

3. **Scheduling**

The times during the calendar year at which an employee shall take his vacation shall be determined by each department head respectively with due regard for the wishes of the employee and particular regard for the needs of his/her department.

4. **Illness while on Vacation**

If an employee is sick while on vacation, he/she may use sick leave time instead of vacation time if he/she furnishes his/her supervisor with a health care provider’s statement.

5. **Holiday while on Vacation**

If a paid City holiday (as defined in this section) occurs during an employee’s vacation, it shall not be charged against the employee’s vacation hours.

**6. Pay in lieu of Vacation Time**

An employee may request to be paid for his/her vacation hours in lieu of accruing the time during his/her employment with the City. The employee’s request for compensation in lieu of vacation will be granted in the case of hardship as determined by the City Manager. For the purpose of this provision, “hardship” shall include, without limitation, family illness or death, acute financial hardship, or payment of necessary medical expenses.

**7. Payment at Termination**

Upon termination of employment, an employee who has successfully completed his/her probationary period will be paid for all accrued but unused vacation at the employee’s rate of pay at termination.

**8. Maximum Accrual**

At no time may an employee have a total vacation accrual balance in excess of 1.5 times his/her current annual accrual rate. When the employee reaches the maximum accrual he/she shall cease earning vacation leave until the balance falls below the maximum accrual.

Years of Continuous Service	Maximum Accrual
0-5	120 hours
5-10	180 hours
10+	192 hours
11+	204 hours
12+	216 hours
13+	228 hours
14+	240 hours

**D. Sick Leave**

Sick leave is defined as absence because of illness, injury, care of a sick member of the employee’s immediate family, or doctor and dental appointments when it is not feasible to schedule them on the employee’s own time. An employee’s immediate family member for the purpose of sick leave includes the following:

- current spouse
- registered domestic partner
- children, including child under guardianship, adopted and stepchildren
- parents and step parents
- parents and step parents of his/her current spouse

The City Manager has discretionary authority to extend sick leave coverage because of the illness, injury or care of a person other than the immediate family members of the employee listed above, when he/she determines the relationship of such person to the employee warrants use of sick leave.

Employees may take up to half of their annual accrual (48 hours) of sick leave in any year for the care of a sick family member. (California Kin Care law)

1. **Accrual**

Regular full-time and FLSA Exempt employees receive up to 96 hours of sick leave annually at the rate of four (4) hours per pay period.

2. **No future draws**

An employee may not draw on future unearned sick leave benefits.

3. **Reinstated Employees**

Former City of Tehachapi employees who are reinstated to full-time employment within six (6) months will have their unused sick leave balance restored.

4. **Notification**

An employee who is ill or injured and unable to report to work must notify his/her supervisor prior to the beginning of his/her work shift. If this is not possible, the employee must contact the supervisor at the beginning of the work shift. If conditions make it impossible for the employee to call the supervisor personally, the employee must make arrangements for someone to call for him/her. Employees using any sick leave may be asked to furnish a doctor's statement to their supervisor. Employees' using more than forty (40) hours consecutive sick leave must furnish a statement from their doctor.

5. **Illness while on Vacation**

Employees who become sick while on vacation may use sick leave time instead of vacation time if he/she furnishes his/her supervisor with a doctor's statement.

6. **Forfeiture of unused Sick Leave at termination**

Except as otherwise provided herein, employees leaving the City's employ shall forfeit all unused sick leave benefits as of the termination date.

7. **Compensation at Retirement**

An employee retiring from the City of Tehachapi, and having been accepted by the Public Employee's Retirement System (CalPERS) for service or disability retirement benefits, may elect to have all of his/her unused sick leave converted to CalPERS service credit or may elect to be compensated for 50% of his/her unused sick leave at his/her rate of pay on his/her retirement date and the remaining 50% converted to CalPERS service credit.

E. **Family Medical Leave Act and California Family Rights Act**

1. **Employee Eligibility**

State and Federal family and medical leave laws (CFRA/FMLA respectively) provide up to twelve (12) workweeks (twenty-six (26) workweeks to care for an injured service

member) of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of service with the City that need not be consecutive. If the leave only qualifies under FMLA, the 12 months of nonconsecutive service must have accumulated within the previous seven years. There is no such time limitation under CFRA.
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

## 2. **Reasons for FMLA/CFRA Leave**

FMLA/CFRA leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner with a serious health condition (CFRA only);
- For a serious health condition that makes the employee unable to perform his/her job (FMLA/CFRA);
- Any period of incapacity or treatment due to pregnancy or prenatal care (FMLA only);
- For any "qualifying exigency" (as defined by FMLA regulation) because an employee's spouse, son, daughter, or parent is on active military duty or has been notified of an impending call or order to active duty in a foreign country or in support of a contingency operation involving the United States Armed Forces (FMLA only); or
- To care for a spouse, son, daughter, parent, or "next of kin" service member or veteran in the preceding five years of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during a 12-month period that begins on the first date of such leave) (FMLA only).

## 3. **Duration of FMLA/CFRA Leave**

### a) **General**

Eligible employees may receive up to a total of twelve (12) workweeks (twenty-six (26) workweeks to care for an injured service member) of unpaid leave during a 12-month period

### b) **Calculation of Leave Period**

For the purposes of calculating the 12-month period during which twelve (12) weeks of leave may be taken, the City uses a "rolling" 12-month period measured backward from the date an employee uses any FMLA and /or CFRA

leave. Under the “rolling” 12-month period, each time an employee takes FMLA and/or CFRA leave the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding 12 months.

For example, if an employee has taken eight (8) weeks of leave during the past 12 months, an additional four (4) weeks of leave could be taken. If an employee used four (4) weeks beginning February 1, 2013, four (4) weeks beginning June 1, 2013, and four (4) weeks beginning December 1, 2013, the employee would not be entitled to any additional leave until February 1, 2014. However, beginning on February 1, 2014, the employee would be entitled to four (4) weeks of leave, on June 1, 2014 the employee would be entitled to an additional four (4) weeks, etc.

c) **When Leave runs concurrently**

Under most circumstances, leave under FMLA and CFRA will run at the same time and the eligible employee will be entitled to a total of twelve (12) weeks of family and medical leave in the designated 12-month period. Some exceptions to this general rule are identified below:

i. **Leave to Care for a Covered Service Member – FMLA Only**

When leave taken to care for a covered service member, the single 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of twenty-six (26) workweeks of FMLA/CFRA leave for any qualifying reason once the single 12-month period begins following the first day of covered service member leave.

ii. **Leave for Pregnancy/Childbirth/Medical Related Condition – FMLA Only**

Leave taken because of the employee’s disability for pregnancy, childbirth or related medical condition is not counted as time used under the CFRA but does count under the FMLA. Employees who take Pregnancy Disability Leave (PDL) off for pregnancy/childbirth related conditions and are also eligible for FMLA leave shall be placed on FMLA leave which will run concurrently with PDL. Once the pregnant employee is no longer disabled, however, she may apply for CFRA leave for purposes of baby bonding.

iii. **Leave for Birth/Adoption/Foster Care Placement – CFRA/FMLA**

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the City will grant a request for a CFRA leave for the birth/placement of a child of less than two weeks’ duration on any two occasions requested by an employee. Any leave taken must be concluded within one (1) year of the birth or placement of the child with the employee.

#### 4. **Required Procedures for Requesting FMLA/CFRA Leave**

The following procedures shall apply when an employee requests family leave:

- Please contact the Personnel Officer or his/her designee as soon as you realize the need for family/medical leave.
- If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the City at least 30 days before leave is to begin. The employee must consult with his/her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to City operations. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent or spouse.
- If the employee cannot provide 30 days' notice, the City must be informed as soon as is practical
- If the FMLA/CFRA request is made because of the employee's own serious health condition, the City may require, at its expense, a second opinion from a health care provider that the City chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the City.
- If the second opinion differs from the first opinion, the City may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on City and the employee.
- The City requires the employee to provide certification within fifteen (15) days of any request for family and medical leave under state and federal law, unless it is not practicable to do so. The City may require recertification from the health care provider if additional leave is required.

a) **Additional requirements when an employee requests family/medical leave to care for a sick child, spouse or parent**

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

b) **Additional requirements when an employee requests family/medical leave to care for an injured service member who is a child, spouse, parent, or "next of kin"**

Employees who request a leave to care for an injured service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

c) **Additional requirements when an employee requests family/medical leave for a “qualifying exigency” related to military**

Employees who request leave due to a “qualifying exigency” related to military service must be supported by a certification of its necessity.

d) **Family/medical leave is limited when both parents are employed by the City**

When both parents are employed by the City, and request simultaneous leave for the birth or placement for adoption or foster care of a child or to care for a child who is an injured service member, the City will not grant more than a total of twelve (12) workweeks (twenty-six (26) workweeks to care for an injured service member) of family/medical leave for this reason.

e) **Additional requirements when an employee requests family/medical leave for his/her own serious health condition**

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

The City will require certification by the employee’s health care provider that the employee is fit to return to his/her job. Failure to provide certification by the health care provider of the employee’s fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

5. **Benefits during FMLA/CFRA Leave**

An employee taking FMLA/CFRA leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave for a maximum of 12 workweeks (26 workweeks for injured service member leave) at the level and under the conditions of coverage as if the employee had continued in employment of the duration of such leave. The City will continue to make the same premium contributions as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under the FMLA (for pregnancy disability leaves) or under the FMLA/CFRA (for all other family care and medical leaves). In some instances, the City may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Length of service, as it affects various employee benefits such as vacation time, shall continue to accrue for the duration of any leave of absence. However, vacation and sick leave credits will not accrue during the period the employee is on leave regardless if they are being compensated using accruals. While on an extended leave, an employee must have at least one actual hour worked in a pay period to accrue vacation and sick credits

An employee shall not be paid or allowed to bank time for holidays occurring during his/her extended leave of absence.

PERS contributions and service credits will not continue during the period the employee is on unpaid leave. Application can be made to PERS at the time of return for evaluation of service credit based on the reason of the leave of absence. Any unpaid leave over two months in a fiscal year will affect service credit computations.

The City will allow an employee to continue participation in the health insurance program while utilizing earned compensation, sick leave, vacation, or banked holidays at the regular employee/employer contributions. The City will allow an employee to continue participation in the health insurance program when on an unpaid leave of absence at the employee's expense. The employee will need to submit a check for the premium to the Finance Department by the first of each month in order to continue participation in the health insurance program. The health insurance program includes the medical, dental, vision and life insurance coverage normally afforded to employees. This coverage is limited to a maximum of six (6) months total regardless if leave is paid or unpaid, except as otherwise required by law. At this time the employee would be subject to COBRA.

#### **6. Compensation during FMLA/CFRA Leave**

Paid leave will be substituted for unpaid leave in the following circumstances;

Accrued sick leave is required to be used during FMLA/CFRA leave for the employee's own serious health condition, or, up to a limit of that which is accrued over six months of the work year, to attend to the illness of a child, parent, or spouse of the employee.

Accrued vacation, compensatory time or banked holidays are required to be used when accrued sick leave is exhausted under the FMLA/CFRA leaves above, and for any other FMLA/CFRA qualifying event, except leave that is also pregnancy disability leave.

#### **7. Job reinstatement following FMLA/CFRA Leave**

##### **a) In general**

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he/she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

b) **Key employees**

Reinstatement after family/medical leave may be denied to certain salaried “key” employees under the following conditions:

- an employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the City’s operations;
- The employee is notified of the City’s intent to refuse reinstatement at the time the City determines the refusal is necessary; and
- If leave has already begun, the City gives the employee a reasonable opportunity to return to work following the notice described previously.

8. **Intermittent Leave**

Employees may take FMLA/CFRA leave intermittently in blocks of time, or by reducing their normal weekly schedule if the leave is for the serious health condition of the employee’s child, parent, spouse, “next of kin” (injured service member leave only), or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

F. **Pregnancy Disability Leave (PDL)**

Any employee with appropriate doctor certification may request accommodations, including but not limited to an unpaid leave of absence due to conditions related to pregnancy, childbirth, or related medical conditions. The City will provide such accommodations unless the requested accommodations would constitute an undue hardship. Possible accommodations that may be considered include without limitation:

Upon the request of an employee and recommendation of the employee’s physician, the employee’s work assignment may be changed if necessary to protect the health and safety of the employee and her child. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached. Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job she is performing, as is the case with any other temporary transfer due to temporary health reasons.

The duration of the pregnancy disability leave will be determined by the advice of the employee’s physician, but employees disabled by pregnancy may take up to four (4) months of unpaid leave. Part time employees are entitled to leave on a pro-rata basis. The four (4) months of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave taken due to conditions related to pregnancy, childbirth or related medical conditions does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

## 1. Procedures for requesting PDL Leave

### a) Notification

Any female employee planning to take pregnancy disability leave should advise the Personnel Officer or his/her designee as early as possible. The individual should make an appointment with the Personnel Officer or his/her designee to discuss the following conditions:

- Employees who need to take pregnancy disability leave must inform the City when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the Personnel Officer or his/her designee regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the City. Any such scheduling is subject to the approval of the employee's health care provider;
- If 30 days' advance notice is not possible, notice must be given as soon as practical

### b) Medical Certification

Pregnancy disability leave usually begins when ordered by the employee's physician. The employee must provide the City with a certification from a health care provider. The certification indicating disability should contain:

- The date on which the employee became disabled due to pregnancy;
- The probable duration of the period or periods of disability; and
- A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

## 2. Compensation during PDL Leave

PDL leave provided by the City is an unpaid leave of absence. A pregnant employee may also be entitled to disability insurance payments through the California Employment Development Department (EDD) depending on its evaluation of her medical condition. Any pregnant employee taking PDL should contact the local EDD office for more information on eligibility for pregnancy disability insurance.

An employee will be required to use accrued sick time during an eligible pregnancy disability leave unless the employee is receiving disability benefits from a third party at the same time (such as EDD, therefore allowing the employee the option of using accrued sick time benefits concurrently. An employee will be allowed to use accrued vacation or personal time (separate from the use of any sick leave) during an eligible pregnancy disability leave.

## 3. Health Benefits during PDL Leave

If an employee takes pregnancy disability leave the City will maintain group health insurance coverage for up to a maximum of four months if such insurance was

provided before the leave was taken on the same terms as if the employee had continued to work. In some instances, the City may recover premiums it paid to maintain health coverage for the employee if she fails to return to work following pregnancy disability leave.

**4. Leave accruals while on PDL**

Length of service, as it affects various employee benefits such as vacation time, shall continue to accrue for the duration of any leave of absence. However, vacation and sick leave credits will not accrue during the period the employee is on leave regardless if they are being compensated using accruals. While on an extended leave, an employee must have at least one actual hour worked in a pay period to accrue vacation and sick credits

An employee shall not be paid or allowed to bank time for holidays occurring during his/her extended leave of absence.

PERS contributions and service credits will not continue during the period the employee is on unpaid leave. Application can be made to PERS at the time of return for evaluation of service credit based on the reason of the leave of absence. Any unpaid leave over two months in a fiscal year will affect service credit computations.

- 5. Job Reinstatement following PDL Leave** - Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed. An employee may only return to work following PDL when her physician provides a release allowing the employee to return to work.

**G. Workers' Compensation/Workers' Compensation Leave**

The California Workers' Compensation Law requires every employer to provide its employees with Workers' Compensation coverage. This coverage guarantees automatic benefits to employees injured on the job or who incur a job-related illness. Potential benefits include medical treatment, temporary and permanent disability payments and job displacement benefits. Immediate benefits are in the form of medical care.

The City of Tehachapi is permissively self-insured through participation in the Central San Joaquin Valley Risk Management Authority (CSJVRMA). CSJVRMA contracts with Acclamation Insurance Management Services (AIMS) to administer the Worker's Compensation benefits.

1. **Who is covered**

All City employees have protection under the Workers' Compensation Law, including part-time, temporary workers, police VIP's and reserve officers, volunteers and Council members.

2. **When it begins**

Workers' Compensation coverage begins the first minute you are on the job and continues any time you are working. You do not have to be employed for a certain length of time, nor do you have to earn a certain amount of wages before you are protected.

3. **What to do if you are injured**

In case of Life-or-Limb threatening injuries always call 911, otherwise you should immediately report all injuries to your supervisor. If medical care is needed and your supervisor is not available or the injury is before or after normal business hours, call the injury hotline Company Nurse at 1-888-770-0926. The Company nurse will gather information over the phone and will help you access appropriate medical treatment. If treatment is required, the employee will be referred to a local medical facility that will treat Workers' Compensation injuries. The doctor's office/hospital will receive a fax alerting them the employee is being sent for treatment; this fax will include the employee's personal and injury information as well as employer details and Workers' Compensation insurance information.

If you receive treatment prior to reporting the information to your supervisor or Company Nurse (such as in the case of an emergency) notify the Personnel Officer or his/her designee as soon as possible.

You may go to your own doctor, but only if you have pre-designated your doctor to treat you for a work related injury. This is done by obtaining a pre-designation form from the Personnel Officer or his/her designee. The form must be completed and turned into the Personnel Officer or his/her designee prior to a work related injury. The doctor you pre-designate must have previously directed your medical treatment, must have your medical history on file and must agree to be pre-designated by signing the pre-designation form. Please note that not all doctors are willing to provide treatment for workers' compensation injuries. Please be sure that your doctor handles workers' compensation claims. If you did not pre-designate your regular doctor before the injury, you will receive medical care from one of the doctors/hospitals designated by the City.

All injuries, regardless of severity, are covered if they are caused by your job. All job injuries are to be reported to your supervisor, even if they are minor and do not require medical treatment by a doctor.

The doctor or hospital will bill the City through AIMS. This includes the cost of the doctor, hospital, x-ray, crutches, lab work and other services and supplies the doctor prescribes to treat your injury.

#### 4. **What happens if your injury leads to time off work**

If your claim is accepted as compensable Workers' Compensation and Law provides for lost wages in the form of temporary disability – these payments may be provided as long as the doctor says you are unable to work, and you are off work for more than three (3) days. There may be further payments provided after you return to work if the doctor indicates you have permanent restrictions.

For miscellaneous employees, temporary disability payments begin after the first three (3) days you are off work due to a work related injury. The City will continue full salary during this three-day period. After the first three-day period, the City will continue salary payments in an amount which, added to temporary disability payments, will provide you with full salary for a period not to exceed another nineteen (17) working days. In no event shall City payments for a job-related injury leave exceed a combined total of twenty-two (19) working days. If workers' compensation leave continues beyond the twenty-two (19) day period, you may apply sick leave, banked holidays, compensatory time and/or accrued vacation to continue your full salary until you exhaust your leave benefits. This process is called 'integration'. If you choose not to utilize integration to supplement your income, you must notify the Personnel Officer or his/her designee in writing and submit for a leave of absence without pay. Once this decision is made you may not rescind your choice.

Sworn Police Officers eligible under Section 4850 of the Labor Code will continue full salary for payments not to exceed one (1) year. If workers' compensation leave continues beyond Section 4850, you will be eligible for temporary disability payments for an additional year and may apply sick leave, compensatory time and/or accrued vacation to continue your full salary until you exhaust your leave benefits. This process is called 'integration'. If you choose not to utilize integration to supplement your income, you must notify the Personnel Officer or his/her designee in writing and submit for a leave of absence without pay. Once this decision is made you may not rescind your choice.

Temporary disability benefit checks will be issued by AIMS. If you utilize integration, the check from AIMS will be sent to the City. You must sign the temporary disability checks over to the City. Payroll will use the temporary disability checks, along with your leaves to issue your regular pay. This process helps to keep your benefits as a City employee in force. You may not use leaves and retain the temporary disability checks at the same time.

If you have no leaves, or you use all your leaves, your temporary disability checks will be sent directly to you by AIMS and you may keep your temporary disability checks.

Workers' Compensation Leave will run concurrently with Family Medical Leave of Absence (FMLA/CFRA) to the extent permitted by law.

5. **Benefits while on Workers' Compensation**

Length of service, as it affects various employee benefits such as vacation time, shall continue to accrue for the duration of any leave of absence. However, vacation and sick leave credits will not accrue during the period the employee is on leave regardless if they are being compensated using accruals. While on an extended leave, an employee must have at least one actual hour worked in a pay period to accrue vacation and sick credits

An employee shall not be paid or allowed to bank time for holidays occurring during his/her extended leave of absence.

PERS contributions and service credits will not continue during the period the employee is on unpaid leave. Application can be made to PERS at the time of return for evaluation of service credit based on the reason of the leave of absence. Any unpaid leave over two months in a fiscal year will affect service credit computations.

The City will allow an employee to continue participation in the health insurance program while utilizing earned compensation, sick leave, vacation, or floating holidays at the regular employee/employer contributions. The City will allow an employee to continue participation in the health insurance program when on an unpaid leave of absence at the employee's expense. The employee will need to submit a check for the premium to the Finance Department by the first of each month in order to continue participation in the health insurance program. The health insurance program includes the medical, dental, vision and life insurance coverage normally afforded to employees. This coverage is limited to a maximum of six (6) months total regardless if leave is paid or unpaid, except as otherwise required by law. At this time the employee would be subject to COBRA.

Sworn Police Officers eligible under Section 4850 of the Labor code will continue full benefits not to exceed one (1) year.

H. **Extended Medical Leave of Absence for non-work related injuries/illness**

The City of Tehachapi at the City Manager's discretion may grant extended medical leave for a period of up to six (6) months, or as required as reasonable accommodation under state and federal law, for regular full-time and FLSA Exempt employees who are temporarily disabled and unable to perform the duties of the job due to non-work related temporary disabilities (other than pregnancy, childbirth, and related medical conditions). Any employee who is granted an extended medical leave of absence must concurrently utilize any available earned compensation, sick leave, vacation, or floating holidays. If the employee is eligible for FMLA/CFRA leave his/her extended medical leave of absence for a non-work related injury/illness will run concurrently with his/her available FMLA/CFRA leave.

**1. Required procedures for requesting Extended Medical Leave of Absence for non-work related injuries/illness**

An employee requesting an extended medical leave of absence for a non-work related temporary disability should submit, to the Personnel Officer or his/her designee, a doctor's written certificate of the employee's inability to work that includes an estimated length of time that the employee may remain disabled. The Personnel Officer or his/her designee will provide him/her with a form for his/her doctor to complete, showing the date that the employee was disabled and the estimated date he/she will be able to return to work.

Leave up to six (6) months may be granted, however, the actual length of the leave and specific time(s) which it begins and ends will be based upon the employee's individual medical condition and ability to perform the job, or as required as a reasonable accommodation under state and federal law. An extended medical leave for a non-work related temporary disability begins on the first day that his/her doctor certifies he/she is unable to work, and ends when his/her doctor certifies that he/she is able to return to work per the terms of this policy. An employee returning to work from an extended medical leave of absence due to a non-work related temporary disability must present a doctor's certificate declaring the employee's fitness to return to work.

**2. Returning to Work**

The employee shall return to work immediately upon completion of the leave. If the employee does not return to work on the expiration date of his/her extended medical leave of absence due to a non-work related temporary disability, his/her employment shall be terminated, unless an extension has been requested in writing, accompanied by the required doctor's certification set forth above, and granted prior to the expiration date of the leave of absence. If applicable, the City will abide by any and all PERS Disability Retirement procedural obligations prior to separation of employment based on the inability to reasonably accommodate a continued extended medical leave of absence.

If returning from an extended medical personal leave of absence, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. The City makes no guarantees of reinstatement, and your return to work will depend on your qualifications for existing openings.

**3. Benefits while on extended leave**

Length of service, as it affects various employee benefits such as vacation time, shall continue to accrue for the duration of any leave of absence. However, vacation and sick leave credits will not accrue during the period the employee is on leave regardless if they are being compensated using accruals. While on an extended leave, an employee must have at least one actual hour worked in a pay period to accrue vacation and sick credits

An employee shall not be paid or allowed to bank time for holidays occurring during his/her extended leave of absence.

PERS contributions and service credits will not continue during the period the employee is on unpaid leave. Application can be made to PERS at the time of return for evaluation of service credit based on the reason of the leave of absence. Any unpaid leave over two months in a fiscal year will affect service credit computations.

The City will allow an employee to continue participation in the health insurance program while utilizing earned compensation, sick leave, vacation, or floating holidays at the regular employee/employer contributions. The City will allow an employee to continue participation in the health insurance program when on an unpaid leave of absence at the employee's expense. The employee will need to submit a check for the premium to the Finance Department by the first of each month in order to continue participation in the health insurance program. The health insurance program includes the medical, dental, vision and life insurance coverage normally afforded to employees. This coverage is limited to a maximum of six (6) months total regardless if leave is paid or unpaid, except as otherwise required by law. At this time the employee would be subject to COBRA.

I. **Fitness for Duty Policy**

1. **Conditional Offer of Employment Examination**

After a conditional offer of employment has been extended to an applicant, the City may, in compliance with all applicable laws, require the applicant to submit to a fitness for duty examination prior to conferring appointment.

2. **Current Employee Examinations**

The Personnel Officer or his/her designee may require an employee to submit to a fitness for duty examination to determine if the employee is able to perform the essential functions of his or her job when: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of his or her job; and 2) there is reason to question the employee's ability to safely or efficiently complete work duties.

3. **Role of Health Care Provider**

A City-selected health care provider will examine the employee at City expense. The City will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether: 1) the employee is fit to perform essential job functions; 2) there are any reasonable accommodations that would enable the employee to perform essential job functions; and 3) the employee's continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City's request and provide

confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

**4. Medical Information**

During the course of a fitness for duty examination, the City will not seek or use information regarding the employee's medical history, diagnoses, or course of treatment without an employee's written authorization.

**5. Medical Information from the Employee's Health Care Provider**

An employee may submit confidential medical information to the City from his or her personal health care provider. If the employee provides written authorization, the Personnel Officer or his/her designee will submit the information that the employee provides to the City-paid health care provider who conducted the examination. The Personnel Officer will request the City-paid health care provider to determine whether the information alters the original fitness for duty assessment.

**6. Interactive Process Discussion**

After receipt of both the health care provider's fitness for duty report, and the analysis of the employee's personal health care information (if any) the Personnel Officer or his/her designee will arrange for a discussion or discussions, in person or via conference telephone call, with the employee and his or her representatives, (if any). The purpose of the discussions will be in good faith to fully discuss all feasible potential reasonable accommodations. During the discussions, the Personnel Officer or his/her designee will also discuss, if relevant, alternate available jobs for which the employee is qualified, or whether the employee qualifies for disability retirement or family and medical leave.

**7. Determination**

After the discussions, the Personnel Officer or his/her designee will review the information received, and determine if there is a reasonable accommodation that would enable the employee to perform essential job functions, or if the accommodations would pose an undue hardship on City finances or operations. The Personnel Officer or his/her designee will inform the employee of his or her determination. The Personnel Officer or his/her designee will use his or her discretion based upon the particular facts of each case.

**J. Reasonable Accommodation Policy**

The City provides employment –related accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

1. **Procedure**

a) **Request for Accommodation**

An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Personnel Officer or his/her designee. The request must identify: a) the job-related functions at issue; and the desired accommodation(s).

b) **Reasonable Documentation of Disability**

Following receipt of the request, the Personnel Officer or his/her designee may require additional information, such as reasonable documentation of the existence of a disability.

c) **Fitness for Duty Examination**

The City may require an employee to undergo a fitness for duty examination at the City's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination.

d) **Interactive Process Discussion**

After receipt of reasonable documentation of disability and/or a fitness for duty report, the city will arrange for a discussion, in person or via telephone conference call, with the applicant or employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

e) **Case-by-Case Determination**

The City determines, in its sole discretion, whether reasonable accommodations(s) can be made, and the types of accommodation(s) to provide. The City will not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee of its decision as to reasonable accommodation(s) in writing.

K. **Personal Leave of Absence**

The City recognizes that employees may need to take a leave of absence for reasons unrelated to their personal health or that of their family members. Accordingly, under certain conditions, an employee may be able to take a personal leave of absence.

1. **Required procedures for requesting Personal Leave of Absence**

Any regular employee may request a non-medical personal leave of absence for up to thirty (30) days by submitting a written request setting forth the reason for the leave to the Department Head. Requests will be reviewed by the Department Head, Finance Director and the City Manager for final approval. Any employee who is granted a personal leave of absence must concurrently utilize any available earned compensation, vacation, or floating holidays. Sick leave may not be used for personal leave of absence.

Extensions of a non-medical personal leave of absence beyond the allotted thirty (30) days shall be granted only under extraordinary circumstances, approved by the City

Manger, and then only if the employee requests such extension prior to the termination of the original leave of absence. Under no circumstances shall a non-medical personal leave of absence exceed six months.

## 2. **Reasons for Leave**

An employee can request a personal leave of absence for reasons such as: education, retraining, or death in the family for leave in excess of the employee's three (3) days of bereavement leave. These are only examples of possible reasons for a non-medical personal leave of absence, but all reasons for requesting such a leave of absence will be taken under consideration and all circumstances evaluated.

## 3. **Returning to Work**

The employee shall return to work immediately upon completion of his/her non-medical personal leave of absence. If the employee does not return to work on the expiration date of the leave of absence, the employee will assume to have voluntarily resigned his/her employment and shall be terminated, unless the employee has been granted an extension as set forth in subsection A above.

If returning from a non-medical personal leave of absence, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. The City makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

## 4. **Benefits While on Leave**

Length of service, as it affects various employee benefits such as vacation time, shall continue to accrue for the duration of any leave of absence. However, vacation and sick leave credits will not accrue during the period the employee is on leave regardless if they are being compensated using accruals. While on an extended leave, an employee must have at least one actual hour worked in a pay period to accrue vacation and sick credits

An employee shall not be paid or allowed to bank time for holidays occurring during his/her extended leave of absence.

PERS contributions and service credits will not continue during the period the employee is on unpaid leave. Application can be made to PERS at the time of return for evaluation of service credit based on the reason of the leave of absence. Any unpaid leave over two months in a fiscal year will affect service credit computations.

The City will allow an employee to continue participation in the health insurance program while utilizing earned compensation, sick leave, vacation, or floating holidays at the regular employee/employer contributions. The City will allow an employee to continue participation in the health insurance program when on an unpaid leave of absence at the employee's expense. The employee will need to submit a check for

the premium to the Finance Department by the first of each month in order to continue participation in the health insurance program. The health insurance program includes the medical, dental, vision and life insurance coverage normally afforded to employees. This coverage is limited to a maximum of six (6) months total regardless if leave is paid or unpaid, except as otherwise required by law. At this time the employee would be subject to COBRA.

L. **Military Leave of Absence**

It is the policy of the City of Tehachapi to grant employees military leave of absence as required by law and to provide certain benefits to employees granted such leave. Employees who wish to serve in the military and take military leave, either for training or active duty purposes, should contact the Finance Department for information about their rights before and after such leave. An employee is entitled to reinstatement upon the completion of his/her military service, provided he/she returns or applies for reinstatement within the time allowed by law.

M. **Bereavement Leave**

The City provides bereavement leave to regular full-time and FLSA Exempt employees in the event of the death of an employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee who has such a death in the family and would like to utilize bereavement leave shall contact his/her supervisor prior to the beginning of his/her work shift for approval.

An employee with such a death in the family may take up to three (3) consecutively scheduled workdays off with pay with the approval of his/her supervisor.

N. **Jury Duty Leave**

It is the civic responsibility of every citizen to serve as a juror when called upon to do so. It is the City's philosophy that a regular employee should not suffer a major loss of income in the performance of this civic responsibility.

The employee will receive his/her base pay for up to twenty (20) days of jury duty service per calendar year.

1. **Required procedure for requesting Jury Duty Leave**

Any employee requesting leave for jury duty must do the following:

- a) The employee shall present to his/her supervisor, the subpoena or other document which gives instructions to report for jury empanelment upon receipt and shall attach a copy to his/her time card.
- b) Upon selection for jury duty, the employee shall notify his/her supervisor verbally, and advise him/her of the estimated length of the trial.

- c) The employee shall report for jury duty each day as instructed by the court. At times the employees may be released from jury service during normal working hours; when this is the case, the employee shall be required to be at work, when practical.
- d) The employee's supervisor shall require an attendance slip verifying his/her actual days of service. The required attendance slip should be attached to the employee's time card to complete that record.

**O. Court Duty Leave**

The purpose of the court leave policy is to define responsibility of the City and the employee with regard to when an employee is subpoenaed to appear in court as a witness.

If an employee is subpoenaed to appear in court as a witness for the Federal, State, County or City government, his/her court duty and travel to and from court from the workplace, will be considered regular work hours.

If an employee is subpoenaed to appear in court as a witness in a private matter, he/she must take vacation, banked holiday, compensatory time off, or leave without pay. The employee shall notify his/her supervisor upon receipt of the subpoena.

If an employee is subpoenaed in an official capacity, the employee shall demand fees at the time the subpoena is accepted. In this case the employee will receive regular salary and will endorse the fees over to the City.

**1. Required procedure for requesting Court Duty Leave**

The employee shall notify his/her supervisor upon receipt of the subpoena and shall provide his/her supervisor with a copy of the subpoena. The supervisor shall notify the City Manager regarding subpoena.

**P. Leave to Vote**

The purpose of the voting policy is to define the responsibilities of the City and the employee with regards to voting. The City encourages employees to exercise their prerogative by voting in all federal, state, local, school district and special district elections. The City will provide employees who are unable to vote on their normal time off due to scheduling an opportunity to leave the work site to vote.

**1. Required procedure for requesting Leave to Vote**

An employee who is unable to vote outside his/her scheduled working hours shall give his/her supervisor reasonable advance notice – generally, at least two working days notice – of the need to take time off work to vote. The employee's supervisor shall provide the employee with the opportunity to leave the work site to vote during the employee's scheduled work time. The employee shall be paid for up to two hours of leave time for voting purposes.

**Q. School Visitation Leave**

According to State law, an employee who is a parent or guardian of a child in preschool through grade 12 may take up to forth (40) hours of unpaid leave, each school year, to attend school activities of his or her child. This type of leave is limited to eight (8) hours per month, during the school year.

An employee wishing school visitation leave must utilize any earned and available personal time-off -vacation, compensation time or banked holiday. If personal time-off is not available, the employee may take the time off as unpaid leave. Employees shall also note the City may require written documentation as proof the employee did attend a school activity.

**1. Required procedure for requesting School Visitation Leave**

An employee wishing school visitation leave must notify their supervisor in writing, of the desire for such leave as soon as possible, and must obtain permission from their supervisor, in writing before utilizing the requested leave.

**R. Time Off for Victims of Violent Crimes or Domestic Abuse**

An employee who has been a victim of a violent crime or domestic abuse may take time off to: appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; seek medical or psychological assistance; or participate in safety planning to protect against further assaults

**1. Required procedure for requesting Time Off for Victims of Violent Crimes or Domestic Abuse**

An affected employee must give the City reasonable notice that he or she is required to be absent for a purpose stated above. In cases of unscheduled or emergency court appearances or other emergency circumstances, the affected employee must, within a reasonable time after the appearance, provide the City with written proof that the absence was required for any of the above reasons. Leave under this section is unpaid unless the employee uses vacation or accrued time off.

**S. Administrative Leave**

Exempt employees designated by the City Manager receive eighty (80) hours of Administrative Leave which is posted to the employee's administrative leave bank on the first pay period of January and prorated for employees employed thereafter. Beginning January 1, 2015, employees designated by the City Manager shall accrue 3.34 hours of Administrative Leave per pay period beginning on the first pay period of January 2015. Administrative Leave shall be recorded on time sheets as it is used. Any unused Administrative Leave at the end of each year or upon employee's termination of employment shall be paid at the employee's rate of pay.

## **Section 5 – Separation and Reinstatement**

An employee may be separated from employment by resignation, dismissal, retirement, or layoff on account of lack of work or lack of funds. Other separation procedures and reinstatement procedures are set forth below.

### **A. Separation and/or Resignation**

An employee wishing to resign is required to notify his/her supervisor in writing at least two (2) weeks prior to their intended leave from City Employment. A resignation becomes final when accepted by the appointing authority (City Manager). Once a resignation has been accepted by the City Manager, it cannot be withdrawn.

### **B. Reinstatement**

Upon application of a former regular employee, who has properly resigned, the City Manager may, at his/her sole discretion, approve reinstatement of the former employee as provided below:

1. An employee separated from the City's employ for six (6) months or less may be reinstated without competitive examination to the position held at date of separation, or to any other position within the same classification for which the employee would have been eligible at the time of separation. Former regular full-time City employees returning to City service within the six (6) month period will be granted the full benefits they were receiving at time of separation as if there was no break in service.
2. An employee separated from the City's employ for over six (6) months who is reinstated shall be treated as a new employee.
3. The City will reinstate into the position from which he/she has been promoted any employee who fails during a promotion to which he/she has been promoted.
4. Any employee who resigns without proper notice or resigns during an investigation or disciplinary action will not be eligible for reinstatement.

### **C. Layoff**

Whenever it becomes necessary to reduce the number of employees due to lack of work, economic considerations, changes in mission, technological changes, or as determined by the City Manager based on other factors or when a position in the classified services is to be temporarily or permanently abolished, the City Manager will notify the Finance Director the number of employees to be laid off or the names and number of positions to be abolished. The purpose of the procedures set forth below is to establish equitable standards to regulate such layoffs. The City's decision to reduce its work force is a management right, thus no due process or grievance procedures apply, and the decision is not subject to "meet and confer"

requirements. These procedures apply only to regular employees (full or part time) and probationary employees (initial or promotional/transfer).

**1. Identification**

The City Manager on the basis of the administrative needs of the City determines the departments and positions subject to layoff.

**2. Order of layoff**

- a) Within a classification, those employees who are probationary employees in their initial probationary period will be laid off first, followed by employees in a promotional or transfer probationary period.
- b) The order of layoff for regular employees within a department will be determined considering business necessity, each employee's job performance and competence, and seniority.
  - i. "Seniority" for purposes of this Section shall be determined by adding together all time spent in City service, in whatever capacity, expressed in terms of years, months, and days. The seniority calculation shall not include disciplinary time off without pay or time spent on unpaid leave (unless federal or state law requires it to be included in the seniority calculation)
  - ii. Once seniority determinations have been made, layoffs are made in reverse seniority order (i.e. the most junior employees are laid off first).
  - iii. Ties in seniority shall be resolved by the City Manager, taking into account the past performance, disciplinary actions (if any), supervisor recommendations, and such other facts as will result in the City retaining the most qualified and efficient employees.

**3. Notice**

Employees shall be given at least ten (10) business days' written notice prior to the effective date of the pending layoff. A copy of the notice shall be retained in the employee's personnel file.

**4. Exclusions**

In certain instances, there may be exceptions made in the order of the layoff outlined above. These exclusions would be made when:

- a) specialty position when qualifications for the position could not be easily obtained through a short orientation or familiarization period.\
- b) transfer in lieu of layoff. Within the affected department or departments, a regular employee who is scheduled for layoff may be offered a voluntary reduction in classification to a lower level job classification provided he/she meets the minimum qualifications, and/or obtain proficiency through a short orientation period.
- c) a voluntary reduction by taking early retirement.

## **5. Retreat rights/voluntary demotion in lieu of layoff**

- a) An employee who would otherwise be laid off has the right to retreat to a vacant position which he or she previously held, provided the employee meets the current minimum qualifications for the position.
- b) An employee who would otherwise be laid off has the right to retreat to another position in the same classification series or to any position the employee has previously held and for which the employee is qualified that is occupied by an employee of lesser seniority. The result is that the more senior employee “bumps” the junior employee, who then is entitled to the retreat/demotion rights set forth herein.
- c) An employee who would otherwise be laid off may request to be temporarily demoted to any vacant position for which the employee is qualified.
- d) An employee who wishes to exercise any of the rights set forth in this subsection 5 must so notify the City Manager in writing within five (5) business days of receiving the notification of pending layoff.
- e) An employee who retreats or is demoted to a position as provided herein must serve the probationary period applicable to the new position unless the employee previously completed the probationary period in that position.

## **6. Reinstatement lists**

The names of regular employees who have been laid off, including those who have accepted a demotion or retreated to another position are to be placed on a layoff reinstatement list by seniority within the classification from which the employees were laid off. An employee’s name remains on this list for a period of one (1) year from date of layoff; an employee’s name may be removed for any of the following reasons:

- a) Reappointment of the employee to his/her former classification.
- b) Notification from employee that he/she is no longer interested in returning to the City.
- c) Inability to contact the employee by mail or phone at the employee’s last known address in the employee’s official personnel file.
- d) Rejection by the employee of an offer of employment within the same job classification. Failure to respond within five (5) business days of the offer shall be deemed a rejection.

## **7. Offer of reinstatement**

If the position previously held by a laid off employee becomes vacant, or if another position within the same classification series becomes vacant, then the employee with the most seniority on applicable reinstatement list shall be offered the vacant position.

## **8. Restoration of benefits upon reinstatement**

When an employee is reinstated to employment after layoff, all his or her prior service shall be counted toward the calculation of leave accruals and seniority. Any unused sick leave which the employee had accrued at the time of layoff shall be restored. If an employee is reinstated to a position in which he or she was serving a probationary

period at the time of layoff, all time on probation previously completed prior to layoff shall be counted toward determining when the probationary period ends.

## **Section 6 – Discipline and Grievance**

### **A. Discipline Policy**

Unless otherwise specified by a memorandum of understanding, the following constitutes the City's policy regarding disciplinary actions.

#### **1. Policy Coverage**

The following categories of persons can be terminated at-will and have no rights to any of the pre- or post-disciplinary processes or procedures in this policy:

- temporary employees,
- provisional or seasonal employees,
- probationary employees,
- any person who serves pursuant to a contract, and
- any person who is designated "at-will" in the City policy, document, acknowledgement, resolution or ordinance.

In addition, any regular employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) is not subject to any disciplinary penalty which is inconsistent with his or her FLSA overtime-exempt status.

#### **2. Causes for Discipline**

Regular employees may be counseled, admonished, reprimanded, suspended, demoted, discharged or incur a reduction in pay for, including but not limited to, any of the following causes of discipline:

- a) Violation of any department rules, City policy or City regulation, ordinance or resolution;
- b) Absence without authorized leave;
- c) Excessive absenteeism and/or tardiness as defined by the employee's department director, these Policies, or Memorandum of Understanding;
- d) Use of disability leave in a manner not authorized or provided for pursuant to the disability leave policy or other policies of the City;
- e) Making any false statement, omission or misrepresentation of a material fact;
- f) Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment;
- g) Unsatisfactory job performance;
- h) Inefficiency;
- i) Malfeasance or misconduct, which shall be deemed to include, but shall not be limited to the following act or omissions:

- I. Conviction of a felony. "Conviction" shall be construed to be a determination of guilt of the accused by a court, including a plea of guilty or nolo contendere, regardless of sentence, grant of probation, or otherwise.
- II. The damaging of City property, equipment, or vehicles, or the waste of City supplies through negligence or misconduct
- j) Insubordination; or insulting or demeaning the authority of a supervisor or manager;
- k) Dishonesty;
- l) Theft;
- m) Violation of the City's or a department's confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity;
- n) Misuse or unauthorized use of any City property, including, but not limited to: physical property, tools, equipment, City communication systems, City vehicles or Intellectual Property;
- o) Mishandling of public funds;
- p) Falsifying any City record;
- q) Discourteous treatment of the public or other employees;
- r) Failure to cooperate with employee's supervisor or fellow employees;
- s) Violation of the City's Drug-Free Workplace Policy;
- t) Violation of the City's Policy Against Harassment, Discrimination and Retaliation;
- u) Violation of the City's Workplace Security Policy
- v) Unapproved outside employment or activity that violates the City's policy, or other enterprise that constitutes a conflict of interest with service to the City;
- w) Any conduct that impairs, disrupts or causes discredit to the City, the employee's City employment, to the public service, or other employee's employment;
- x) Failure to comply with OSHA Safety Standards and City safety policies;
- y) Altering, falsifying, and tampering with time records, or recording time on another employee's time record; or
- z) Working overtime without prior authorization or refusing to work assigned overtime;
- aa) Carrying firearms or other dangerous weapons on City premises at any time, unless authorized to do so.

### 3. **Administrative Leave**

A department director may place an employee on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (1) when the department director believes that the employee's continued presence at the work site could have detrimental consequences for the City operations, or (2) pending investigation into charges of misconduct. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with these procedures.

### 4. **Types of Discipline**

The types of personnel actions and/or discipline are:

- a) **Counseling Memo**  
A counseling memo shall be retained in the supervisor's file, and may not be appealed under this policy.
- b) **Oral Admonishment or Reprimand**  
An oral admonishment or reprimand will be memorialized in writing and retained in the supervisor's file. An oral reprimand may not be appealed under this policy.
- c) **Written Admonishment or Reprimand**  
A department director may reprimand an employee by furnishing him/her with written statement of the specific reasons for reprimand. A copy of the reprimand will be retained in the employee's personnel file, and may not be appealed. The employee has the right to have a written rebuttal attached to the reprimand in the employee's personnel file if the rebuttal is submitted to the Finance Department within 10 working days of the date the reprimand was received.
- d) **Suspension**  
A department director may suspend an employee from his or her position for cause. Documents related to a suspension shall become part of the employee's personnel files when the discipline is final. An employee subject to suspension will receive prior written notice and appeal as provided herein.
- e) **Demotion**  
A department director may demote an employee from his or her position for cause. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. An employee subject to demotion will be entitled to prior written notice and appeal as provided herein.
- f) **Reduction in Pay**  
A department director may reduce an employee's pay for cause. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. An employee subject to a reduction in pay is entitled to prior written notice and appeal as provided herein.
- g) **Dismiss**  
A department director may dismiss an employee from his or her position for cause. Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. A dismissed employee is entitled to prior written notice and appeal as provided herein.

5. **Skelly Process – Pre-Disciplinary Procedure for Suspension, Demotion, Reduction in Pay, or Discharge**

Only regular, for-cause employees have the right to the conference and appeal processes outlined in the section.

a) **Notice of Intent to Discipline**

The employee will be provided a written notice of intent to discipline that contains the following in the event of a proposed suspension, demotion, reduction in pay or discharge:

- i. The level of discipline intended to be imposed;
- ii. The specific charges upon which the intended discipline is based
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the intended disciplines is based;
- v. Notice of the employee's rights to respond to the department director regarding the charges within 5 calendar days from the date of the Notice, either by requesting a conference, or by providing written response, or both;
- vi. Notice of the employee's right to have a representative of his or her choice at the conference, should he or she choose to respond orally; and
- vii. Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

b) **Employee's Response and the Skelly Conference**

- i. If the employee requests a conference to respond orally to the charge(s), the conference must be scheduled at least 7 calendar days after the date of the Notice. The conference will be an informal meeting with the department director, at which the employee has an opportunity to rebut the charges against him or here and present any mitigating circumstances. The department director will consider the employee's presentation before any final disciplinary action.
- ii. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to cause his or her written response to be delivered by the date and time specified on the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

c) **Final Notice of Discipline**

- i. Within 5 calendar days of receipt of the employee's timely written response or within 5 calendar days of the informal conference, the department director will (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, the department director will prepare and provide the employee with a notice that contains the following:

- The level of discipline, if any, to be imposed and the effective date of the discipline;
- The specific charges upon which the discipline is based;
- A summary of the facts upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based; and
- A statement of the nature of the employee's right to appeal.

## 6. Evidentiary Appeal to the Council

### a) Request for Appeal Hearing

A regular, for-cause employee may appeal from a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by delivering a written answer to the charges and a request for appeal to the City Manager or designee, who will forward the appeal to the Council. The written answer and request for appeal must be received no later than 10 calendar days from the date of the department director's decision. The employee should indicate whether he/she is requesting closed or open hearing.

### b) Date and Time of the Appeal Hearing

The Council will set a date for an appeal hearing within a reasonable time after receipt of a timely written answer and request for appeal. An employee who, having filed a timely written answer and request for appeal, has been notified of the time and place of the appeal hearing, and who fails to appear personally at the hearing, may be deemed to have abandoned his or her appeal. In such a case, the Council may dismiss the appeal.

### c) Identification of Issues, Witnesses and Evidence

No later than 10 days prior to the appeal hearing, each party will provide the other and the Council a statement of the issues to be decided, a list of all witnesses to be called (except rebuttal witnesses), a brief summary of the subject matter of the testimony of each witness, and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing. The city will use numbers to identify its evidence; the employee shall use alphabet letters. Neither party will be permitted to call any witness during the hearing that has not been identified pursuant to this section, nor use any exhibit not provided pursuant to this section, unless that party can show that they could not have reasonably anticipated the need for the witness or exhibit. The Council will state at the beginning of the hearing the decision as to the precise issue(s) to be decided.

## 7. Conduction of the Appeal Hearing

### a) Subpoenas

The City Manager has authority to issue subpoenas in the name of the City prior to the commencement of the hearing. Each party is responsible for

serving his/her/its own subpoenas. City employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. City employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually testify unless the City agrees to a different arrangement.

b) **Continuances**

The Council may continue a scheduled hearing only upon good cause shown.

c) **Record of Proceeding**

All disciplinary hearings may, at the discretion of the parties, be either recorded by a court reporter or tape recorder. Any party who requests a transcript of the proceedings must pay for his/her/its own copy of a transcript.

d) **The Personnel Board's Authority During the Hearing**

The Council has the authority to control the conduct of the hearing and to affirm, modify, or revoke the discipline.

e) **Conduct of Hearing**

- i. the hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner the Council, as presented by the Mayor, decides is the most conducive to determining the truth.
- ii. Any relevant evidence may be admitted if it is the type of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- iii. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but over timely objection shall not be sufficient in itself to support a finding, unless such evidence would be admissible over objection in civil actions. An objection is timely if made before submission of the case.
- iv. The rules dealing with privileges shall be effective to the same extent that they are not or hereafter may be recognized in civil actions.
- v. Irrelevant and unduly repetitious evidence may be excluded.
- vi. The Council, as presented by the Mayor, shall determine relevancy, weight and credibility of testimony and evidence.
- vii. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon request of either party.
- viii. All witnesses shall be sworn in for the record prior to testifying at the hearing. The Council or the court reporter shall request each witness to raise or her right hand and respond to the following: "Do you swear that the testimony that you are about to give at this hearing is the truth, the whole truth, and nothing but the truth?"

f) **Burden of Proof at the Hearing**

The City has the burden of proof by a preponderance of the evidence.

g) **Right to Due Process**

The employee shall have the following due process rights during the hearing:

- i. the right to be represented by legal counsel or another chosen representative, at his or her own expense;
  - ii. The right to call and examine witnesses on his or her behalf;
  - iii. The right to introduce evidence;
  - iv. The right to cross-examine opposing witnesses on any matter relevant to the issues;
  - v. The right to impeach any witness regardless of which party first called him or her to testify; and
  - vi. The right to rebut evidence against him or her.
- h) **Hearing to be closed to the Public**  
The hearing will be closed to the public unless the employee requests that it be open.
- i) **Presentation of the Case**  
The parties will address their remarks, evidence, and objections, to the Council. The Council may terminate argument at any time and issue a ruling regarding an objection on any other matter. The Council may alter the order of witnesses, limit redundant or irrelevant testimony, or directly question the witness. The hearing shall proceed in the following order unless the Council directs otherwise:
- i. The Department shall be permitted to make an opening statement.
  - ii. The employee shall be permitted to make an opening statement.
  - iii. The Department shall produce its evidence.
  - iv. The employee shall produce his or her evidence.
  - v. The Department, followed by the employee, may offer rebuttal evidence.
  - vi. Closing arguments of no more than 20 minutes shall be permitted at the discretion of the Council. The Department shall have the right to argue first, the employee may argue second, and the City may reserve a portion of its argument time for rebuttal.
- j) **Hearing Demeanor and Behavior**  
All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board.
- k) **Written Briefs by the Parties**  
The Council or the parties may request the submission of written briefs. The Personnel Board will determine whether to allow written briefs, the deadline for submitting briefs, and the page limit for briefs.

## 8. **Written Findings and Decision**

The Council shall render a statement of written findings and decision within 14 days after the hearing has been completed and the briefs, if any, have been submitted. The Council's decision is final.

9. **Proof of Service of the Written Findings and Decision**

The Personnel Board shall send its final statement of written findings and decision, along with a proof of service of mailing, to each of the parties and to each of the parties' representatives. Copies shall also be distributed to the City Manager and the Finance Department.

10. **Statute of Limitation**

The Council's written findings and decision is final. There is no process for reconsideration. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing or the written findings and decision to appeal the decision to the Superior Court in and for the County of Kern.

B. **Grievance Procedure**

Unless otherwise specified in a memorandum of understanding, the following is the City's grievance procedure for City Employees:

1. **Policy**

The goal of this grievance procedure is to make every reasonable effort to resolve applicable complaints as near as possible to the point of origin.

2. **Eligibility to File a Grievance**

A grievant is a regular employee who is personally affected by an act or omission that occurred no more than 14 calendar days prior to the initiation of the grievance, provided that the act or omission comes within the definition of "grievance" as described herein.

3. **Definition of "Grievance"**

Subject to the exclusions listed in this Policy, a grievance is defined as any dispute that : (1) is job-related, (2) is wholly or partially within the province of the City to rectify or remedy, (3) concerns terms and conditions of employment, (4) involves the interpretation, application, or alleged violation of these Policies or a current Memorandum of Understanding (MOU) between the City and a recognized employee organization representing City employees, and (5) is not subject to any other City dispute resolution process or procedure that is provided by state, ordinance, resolution or agreement.

4. **Exclusions from the Grievance Procedure**

The following matters are excluded from the definition of "grievance":

- a) Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meet and confer process or matter within the scope of representation.
- b) Requests for changes in the content of employee evaluations or performance reviews, oral or written warnings, reprimands or counseling memos;

- c) Challenges to the decision to reclassify, layoff, transfer, deny reinstatement, or deny a step or merit increase.
- d) Challenges to any disciplinary action; and
- e) Challenges to examinations or the appointment to positions.

**5. Grievance Procedure:**

The grievance procedure has the following four steps:

**Step 1: Informal Discussion**

Within 14 calendar days of the occurrence of the act(s) that constitute the grievance, an employee shall discuss the grievance with his/her immediate supervisor, who will investigate and attempt to resolve the matter. The supervisor will give the employee an oral reply within 10 calendar days after the discussion. If the employee is not satisfied with the reply, he or she may proceed to Step 2.

**Step 2: Formal Discussion**

- a) Any grievance not resolved by Step 1 may be submitted in writing to the immediate supervisor no later than 10 calendar days after the date of the supervisor's oral reply. The written grievance must identify the following.
  - i. Fully describe how the grievant is/was adversely affected by a specific act or omission which gave rise to the alleged violation, misinterpretation, or misapplication;
  - ii. Identify the specific provision of these Policies or an applicable MOU was allegedly violated, misinterpreted, or misapplied;
  - iii. The date or dates on which the violation, misinterpretation, or misapplication allegedly occurred;
  - iv. The documents, witnesses or other evidence that support the grievance;
  - v. The desired solution or remedy;
  - vi. The signature and identification of the grievant; and
  - vii. The person, if any, the grievant has chosen to be his or her representative.
- b) No grievance will be accepted for processing until all of the information listed above is provided. Within 10 calendar days after the grievant provides all of the information listed above, the immediate supervisor may, in his or her discretion, schedule a meeting with the grievant for the parties to work at resolving the grievance. The immediate supervisor shall give the grievant a written reply within 10 calendar days after receipt of the written grievance, or the meeting, whichever occurs later, and will file a copy in the grievance files. If the grievant is not satisfied with the response, he/she may proceed to Step 3.

### **Step 3: Department Director**

Any grievance not resolved at Step 2 may be submitted in writing to the department director no later than 10 calendar days after the date of the immediate supervisor's written reply. The grievant shall provide the department director with copies of the Step 2 response. Within 10 calendar days thereafter, the department director, may in his or her discretion, schedule a meeting with the grievant for the purpose of giving the parties the opportunity to resolve the grievance. The department director will give the grievant a written reply within 14 calendar days after receipt of the written grievance, or the meeting, whichever occurs later, and will file a copy in the grievance file. If the grievant is not satisfied with the response, he/she may proceed to Step 4.

### **Step 4: City Manager**

Any grievance not resolved at Step 3 may be submitted in writing no later than 10 days after the date of the department director's written reply. The grievant shall provide the City Manager with copies of the Step 2 and 3 responses. Within 10 calendar days thereafter, the City Manager may, at his or her discretion, schedule a meeting with the grievant to discuss the matter. After consideration of the facts and an investigation, if the City Manager deems one necessary, he or she will give his or her written decision to grievant.

#### **City Manager's Decision on Grievance:**

The decision of the City Manager will be final and binding. The City Manager's decision will be limited as follows:

- a) The decision shall neither add to, detract from, nor modify the language of these Policies or any applicable MOU.
- b) The decision shall be confined to the precise issue(s) the grievance has raised and that the grievant has submitted.
- c) Any monetary award in favor of the grievant may not exceed wages or benefits that the grievant has actually lost as a result of the matters alleged in the grievance. In no event shall any grievance award include any compensatory damages or attorney's fees.

### **6. Settlement of Grievance**

Any grievance will be deemed settled when it is not appealed to the next step within the specified time limit, unless an extension of time to a definite date has been mutually agreed upon in writing. Any grievance that the grievant fails to timely move to the next step shall be deemed resolved on the basis of the last disposition.

### **7. Representation**

An employee may have a representative of his or her choice present at all stages of the grievance procedure, except that no one may be represented by an employee he or she supervises, and no employee may be represented by his or her supervisor or department director. If the employee's representative is a fellow employee, that

employee will receive time off from his or her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. Forty-eight hours prior to the grievance meeting, the employee shall inform the immediate supervisor, department director or City Manager whether he or she shall be represented at the grievance meeting and shall identify the representative.

**8. No Retribution**

An employee shall not be penalized for using this procedure.

**9. Withdrawal**

A grievant may withdraw any grievance at any time, without prejudice, by giving written notice to the City representative who last took action on the grievance, and by providing a copy of the notice to the Finance Department.

**10. Resubmission**

Upon consent of the person hearing the grievance and the grievant, a grievance may be resubmitted to a lower step in the grievance procedure for reconsideration.

**11. Miscellaneous**

If an employee is given an order that he or she wishes to grieve, the employee must first comply with the order and file a grievance later, unless the employee reasonably believes that the assignment endangers the health and safety of the employee or other or if the employee reasonably believes that the requested assignment violates the employee's constitutional rights.

**12. Delegation**

The City Manager may delegate non-involved department directors of other management-level employees to act on his or her behalf in this process. The findings and recommendation they render will be advisory to the City Manager, whose ultimate decision will be final and binding.

## **Section 7 – Training and Education Reimbursement**

**A. Training**

The City may provide employees with training and continuing education opportunities as appropriate. Such opportunities may include lecture courses, demonstrations, conferences, seminars, 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 employees in the performance of their respective duties.

Participation in and successful completion of special training courses may be considered in employee advancements and promotions. Evidence of such activity shall be filed by the employee with the Finance Department for inclusion in the employee's personnel file.

## B. **Textbook and Tuition Reimbursement**

### 1. **Policy**

Employees shall be encouraged to further their academic education and training in those areas of benefit to both the employee and to the City. All regular employees will be eligible for reimbursement by the City of tuition and specific related textbooks and fees for professional and/or technical courses subject to the following section and conditions or limits prescribed in an MOU.

### 2. **Procedure**

Reimbursement may be provided for tuition fees, textbooks, lab fees, parking or other required supplies. An employee is required to have completed his/her original probationary period to be eligible for textbook and tuition reimbursement.

The employee must obtain advance approval from his/her department head and the City Manager before enrolling in a course. To request approval, an employee must complete the application portion of the Class Authorization and Reimbursement Request form and send it to the City Manager for review. The City Manager will approve or deny the request at his/her sole discretion and return the form to the employee.

Reimbursement can be requested by completing the application portion of the pre-approved Class Authorization and Reimbursement Request Form, attaching supporting documentation and submitting the form and documentation to the Finance Department. The employee must provide proof of successful completion of the course(s) with a satisfactory grade (C or better) and proof that payment of fees has been made. The employee may be required to provide detailed class or per unit fees. Reimbursement shall not be provided if the employee is drawing veteran's education benefits or is eligible to receive any other reimbursement for the same course.

Employees are eligible for reimbursement up to a \$1,000 maximum amount per calendar year.

## **Section 8 – Personnel Records**

### A. **Personnel Records**

#### 1. **General**

The City maintains a personnel file on each employee. An employee's personnel files will contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted.

## 2. **Notifying City of Changes in Personal Information**

Each employee is responsible to promptly notify the Finance Department of any changes in relevant personal information, including:

- Mailing address
- Telephone number
  
- Persons to contact in emergency
- Number and names of dependents

## 3. **Location of Personnel Files**

Personnel Files are kept in the Finance Department at City Hall.

## 4. **Medical Information**

- a) Separate Confidential Files. All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with applicable state or federal law.
- b) Information in Medical Files. The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an AUTHORIZATION FOR RELEASE OF EMPLOYEE MEDICAL INFORMATION.
- c) Access to Medical Information. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The City will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act) unless the employee signs an AUTHORIZATION FOR RELEASE OF EMPLOYEE MEDICAL INFORMATION in the form attached to this rule. The city will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the City will communicate those limitations to the person or entity to which it discloses the medical information.

## 5. **References and Release of Information in Personnel Files**

- a) Public Information. Upon request, the City will release to the public information about its employees as required by the Public Records Act. The City will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy.

- b) Reference Checks. All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be referred to the Finance Department. Information will be released only if the employee signs an AUTHORIZATION FOR RELEASE OF EMPLOYMENT INFORMATION in the form attached to this rule, except that without such authorization, the following limited information will be provided: dates of employment, and salary upon departure. Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Finance Department on a case-by-case basis.
- c) Medical Information. Medical information will be released only in accordance with subsection 4 above.

## 6. **Employee Access to Personnel File**

- a) Inspection of File. An employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the Finance Department to arrange an appointment. The review must be done in the presence of an employee of the Finance Department.
- b) Copies. On request, an employee is entitled to receive a copy of any employment-related document he or she has signed. An employee who wishes to receive such a copy should contact the Finance Department.
- c) In the event the employee wishes to have another person/representative inspect his or her personnel file, the employee must provide the person/representative with written date, time and place of the inspection in writing. It is the employee's responsibility to notify the person to whom the employee has given written authorization of the date, time and place of the inspection.
- d) Under no circumstances are the employee and/or the employee's designee permitted to add or remove any document or other item from the employee's personnel file during the inspection.

## **Section 9 – Additional Benefits**

### A. **Insurance Coverage**

The City provides certain insurance coverage to regular full-time and FLSA Exempt employees and their dependents. Additional information regarding coverage waiting periods, fees, etc. may be obtained from the Finance Department. This coverage may be continued under Federal COBRA upon certain qualifying events, *at your expense*, if certain conditions are met.

## B. Retirement Coverage

The City provides certain retirement coverage to regular full-time and FLSA Exempt employees. Additional information regarding retirement coverage may be obtained from the Finance Department.

## Section 10 – Standards of Conduct

This section applies to all officials and employees of the City. This includes contractors, emergency, temporary and provisional employees.

### A. Code of Ethics

1. Each official and employee has an obligation to the citizens, to the people's elected representatives and to fellow employees to meet the highest ethical and professional standards and to enhance the public's respect and trust for the City and its operations.
2. Employees of the City have responsibilities unique from their counterparts in private industry. Employment with the City carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.
3. Employees represent the City and the quality of City service is judged through their performance and conduct. The citizens of the City of Tehachapi have the right to expect that City employees will provide services in an efficient, thorough and courteous manner. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards and proper job performance, and in avoiding potential conflicts of interest both in fact and appearance.
4. The City, as condition of employment, expects to receive from the employee:
  - a) Initiative and a conscientious effort to perform productive work.
  - b) Cooperative, positive, responsive, and courteous relations with fellow employees, supervisors, subordinates, and the public.
  - c) A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
  - d) Compliance with all policies, regulations, rules of conduct and ordinances establish by the City.
  - e) Responsible work habits demonstrated by:
    - i. Dependability, promptness, reliable
    - ii. Keeping informed of developments and matters affecting job performance.
    - iii. Being flexible and adaptable to change.
    - iv. Accepting constructive suggestions and criticism.

- v. Neat and clean grooming and attire appropriate to the job assignment. Prescribed uniforms and safety equipment must be worn when applicable.
- vi. Effectively implementing the official policies of the City when serving in their official capacity with customers, clients, and the public and/or when identifying themselves as City employees in the course of their work.

**B. Gifts and Gratuities**

No official or employee shall accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:

- 1. Use of public office and/or employment for personal or private gain.
- 2. Preferential treatment of any person.
- 3. Loss of complete independence or impartiality.
- 4. Make a City decision outside of official channels.
- 5. Reduction of public confidence in the integrity of City government and/or its employees.
- 6. Impeding government efficiency or economy.

Employees who are designated in the City's conflict of interest code shall follow all guidelines in accordance with applicable state law.

**C. Employee Political Activities Policy**

**1. Policy**

The City prohibits:

- a) Employees and officers from engaging in political activities during work hours;
- b) Political campaigning in City buildings or on premises adjacent to City buildings; and
- c) An employee or officer from using his or her office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate.

**2. Examples of Prohibited Conduct**

- a) Participate in political activities of any kind while in uniform;
- b) Participate in political activities during working hours;
- c) Participate in political activities on City worksites;
- d) Place or distribute political communications on City property;
- e) Use equipment to make political communications;
- f) Solicit a political contribution from an officer or employee of the City, or from person on a City employment list, with knowledge that the person from whom the contribution is solicited is a City officer or employee;

- g) Favor or discriminate against any employee because of political opinions or affiliations;
- h) Interfere with any elections; or
- i) Attempt to trade job benefits for votes.

### 3. **Examples of Permitted Conduct**

- a) Express opinions on all political subjects or candidates;
- b) Become a candidate for any local, state, or national election;
- c) Contribute to political campaigns;
- d) Join and participate in the activities of political organizations;
- e) Request, during off-duty time, political contributions, through the mail or other means, from City officers or employees if the solicitation is part of a solicitation made to a significant segment of the public which may include City officers or employees;
- f) solicit or receive, during off-duty time, political contributions from a City employee organizations if the funds, when collected, were not earmarked for a clearly identifiable candidate for a federal, state or local office; or
- g) Solicit or receive, during off-duty time, political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City officers or employees.

### D. **Outside Employment**

No employee shall engage in outside employment which is inconsistent, incompatible, in conflict with or which will lessen his/her effectiveness as a City employee.

#### 1. **Approval Process**

To gain approval for outside employment, an employee must first file an Outside Employment Authorization Request form with his/her department head. Outside employment is not permitted until the employee received authorization from the department head and the City Manager.

#### 2. **Restrictions**

No City-owned equipment, vehicles, tools or supplies shall be used by any employee while the employee is engaged in any outside employment or activity. No work related to outside employment shall be performed while an employee is being compensated by the City for performing work.

Employees shall not use the influence of City employment for personal gain nor perform work subject to City inspection.

An employee will not engage in outside employment while on Industrial Disability Leave (workers' compensation leave) status with the City. Under special

circumstances of undue hardship, the City Manager may consider authorizing outside employment upon request.

**3. Revocation**

Approval may be rescinded at any time if, in the judgment of the department head, the outside employment is inconsistent with, incompatible with, in conflict with, or harmful or unfavorable to the employee's duties as a City employee.

**E. Drug and Alcohol-Free Workplace Policy**

The City of Tehachapi is concerned about employees being under the influence of alcohol, drugs and/or controlled substances at work. The purpose of this policy is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.

**1. Policy**

- a) The manufacture, distribution, dispensation, possession, or use of alcohol or any controlled substance is prohibited in both City workplaces and wherever City business is performed.
- b) A City employee is prohibited from working or being subject to call in if impaired by alcohol or any controlled substance.
- c) An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of City equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the City may require medical clearance.
- d) Compliance with this policy is a condition of City employment. Disciplinary action will be taken against those who violate this policy.
- e) Employees who are required to participate in the City's "Federally Mandated Commercial Drivers License Holders Drug/Alcohol Testing Education Program" are subject to requirements contained in this policy as well as the mandated policy.

**2. Scope of Policy**

This policy applies to all City employees when they are on City property or when performing City-related business elsewhere.

**3. Searches**

In order to promote a safe, productive and efficient workplace, the City has the right to search and inspect all City property, including but not limited to lockers, storage areas, furniture, City vehicles, and other places under the common control of the City, or joint control of the City, and employees. No employee has any expectation of privacy in any City building, property, or communications system.

#### 4. **Drug and Alcohol Testing**

Except as provided otherwise in a memorandum of understanding, or as modified for employees who are required to participate in the City's "Federally Mandated Commercial Drivers License Holders/Alcohol Testing Education Program," the City has discretion to test a current employee for alcohol or drugs in the following instances:

##### a) **Reasonable Suspicion Testing**

The City may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the City Manager, the department director, or a designee.

"Reasonable suspicion" is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol at work. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the City Manager or department director. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received.

##### b) **Post-Accident Testing**

The City may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the "reasonable suspicion" factors described above are present.

#### 5. **Employee's Responsibilities**

A City employee must:

- a) Not report to work or be on standby or on-call status while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- b) Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on City property or while on duty for the City at any location.
- c) Not directly or indirectly through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
- d) Notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
- e) Notify the department director of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;

- f) Notify the supervisor immediately of facts or reasonable suspicion when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
- g) Consent to drug or alcohol testing and searches pursuant to this policy; and
- h) Follow the City's drug and alcohol-free workplace policy.

## 6. **Management Employee Responsibilities**

City management employees must:

- a) Notify the state or federal granting agency which has funded the work or program, if any, of any criminal drug statute convictions for a violation that occurred at a site where work is/was being done with a specific grant or contract;
- b) Record factors supporting "reasonable suspicion" as defined above and consult with other management staff in order to determine whether there is reasonable suspicion to test an employee as described by this policy;
- c) Take appropriate disciplinary action up to and including termination for any criminal drug statute conviction that has a nexus to the employee's employment, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty;
- d) Take appropriate disciplinary action for any violation of this policy consistent with existing discipline procedures;
- e) Enforce this policy;
- f) Report any suspected violation of this policy to the City Manager; and
- g) Any manager or supervisor who knowingly permits a violation of this policy by any employee shall be subject to disciplinary action.

## 7. **Drug-free Awareness Program**

The following is the City's drug-free awareness program:

- a) Distribution of brochures on the dangers of drug abuse to each City employee and volunteer; and
- b) Notification to each City employee and volunteer of the availability of counseling and treatment of drug-related problems through the City's Employee Assistance Program provider.

## F. **Harassment/Discrimination/Retaliation Prevention Policy**

It is the City's intent and the purpose of this Policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in this Policy. This Policy prohibits harassment or discrimination on the basis of any of the following classifications: an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, genetic information, and physical or

mental disability (whether perceived or actual) or any other category protected by law. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy. The protection from discrimination includes protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

## 1. **Policy**

The City has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor or the City Manager.

## 2. **Definitions**

### a) **Protected Classifications:**

This Policy prohibits harassment or discrimination because of an individual's protected classification(s). "Protected Classification" includes race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizen status, uniformed service member status, marital status, pregnancy, age, medical condition, genetic information, and physical or mental disability (whether perceived or actual).

### b) **Policy Coverage:**

This Policy prohibits elected officials, officers, employees and contractors from harassing or discriminating against applicants, officers, officials, employees and contractors because: (1) an individual's protected classification, (2) of the perception of an individual's protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.

### c) **Discrimination:**

This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.

### d) **Harassment:**

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples or behavior undertaken because of an individual's protected classification:

- i. **Verbal harassment**, such as epithets (nicknames and slang terms) derogatory or suggestive comments, propositioning, jokes or slurs, or graphic verbal commentaries about an individual's body on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.

- ii. **Visual forms of harassment**, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive object, or e-mails on the basis of a protected classification. Visual harassment includes mimicking the way someone walks or talks because of their protected classification.
- iii. **Physical harassment**, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, taunting, or any physical interference with normal work or movement based on an individual's protected classification.
- iv. **Sexual harassment**, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when;
  - a. Submission to such conduct is either an expressed or implied term or condition of an individual's employment, or
  - b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment.
  - d. By definition, sexual harassment is not within the course and scope of an individual's employment with the City of Tehachapi.

### 3. **Romantic and Sexual Relationships between supervisors and subordinates**

Romantic or sexual relationships between supervisors and subordinate employees are prohibited. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

### 4. **Retaliation**

Retaliation against a person (or his or her associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this Policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) singling a person out for harsher treatment; (2) lowering performance evaluation; (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; or (4) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

## 5. **Reporting Harassment, Discrimination or Retaliation**

An applicant, employee, officer or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this policy should report the conduct immediately as outlined below so that the complain can be resolved quickly and fairly.

All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

### a) **Object to the Conduct**

Sometimes an individual is unaware that his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately. A person who believes he/she is being harassed is encouraged to use this process.

When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly, the employee should make a report in accordance with subsection 2 below or go directly to the formal reporting process.

### b) **Oral Report**

If a person who believes that this Policy has been violated does not want to confront the offending person, he/she should report the conduct to a supervisor, department head or any City management employee. The individual may also seek the advice, assistance or consultation of supervisor, department head, or any City management employee. Any supervisory or management employee who receives such a report must in turn direct it to the City Manager. The City Manager will determine what level of investigation and response is necessary.

### c) **Written Process**

An individual who believes this Policy has been violated may provide a written complaint to a supervisor, department head or any management employee who in turn must direct the complaint to the City Manager. Individuals are encouraged to use the Confidential Complaint Form for this purpose.

### d) **Option to Report to Outside Administrative Agencies**

Applicants, employees, officers and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

## 7. **City Response to Complaint of Harassment, Discrimination or Retaliation**

### a) **Investigation**

Upon receipt of a complaint or alleged harassment, discrimination or retaliation, the City Manager will be responsible for coordinating a thorough investigation

(unless he/she is named in the complaint). The City Manager may coordinate the investigation with the complainant's department head and may hire an outside investigator if the city deems it appropriate. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the City Manager. The City Manager will report the status of investigations as appropriate.

The City Manager may take interim action to diffuse volatile circumstances.

The investigator will review the complaint allegations. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the interview and that retaliation against those who report alleged harassment or discrimination or who participate in the investigation is prohibited.

The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

b) **Remedial and Disciplinary Action**

If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the City will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this Policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any supervisor or manager who condones or ignores potential violations of this Policy. Any official or contractor found to have violated this Policy will be subject to appropriate sanctions.

c) **Closure**

At the conclusion of the investigation, the City Manager will notify the complainant in general terms of the outcome of the investigation.

d) **Confidentiality**

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the City Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The city will not disclose a completed investigation report except as it deems necessary to support a

disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

## 8. Responsibilities of Employees, Management and Supervisory Employees

### a) **Employees**

In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The City hires people from a wide variety of cultural and ethnic backgrounds and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- If an employee witnesses harassment, he or she should tell the individual being harassed that the City has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.
- Maintain confidentiality as required by this Policy.
- Fully cooperate with the City's investigation of complaints made under the Policy.
- 

### b) **Managers and Supervisors**

In addition to the responsibilities listed above, managers and supervisors are responsible for the following:

- Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the City Manager.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
- Making sure no department director, supervisor or other employee retaliation through any action of intimidation, restraint, coercion or discrimination.
- Monitoring the work environment and taking appropriate action to stop potential Policy violations.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding a potential Policy violation.

**9. Mandatory Training**

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires that all of management and supervisory employees receive training on this Policy at least once every two years. The Finance Department will schedule training sessions each year to ensure that employees are able to complete the mandatory training. Attendance at the training will be documented.

**G. Policy Against Retaliation**

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of City policy or state or federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this Policy. Any elected official or contractor who violates this Policy Against Retaliation will be subject to appropriate sanctions.

**1. Policy Coverage**

This Policy Against Retaliation prohibits city officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

**2. Definitions**

- a) "Protected activity" includes any of the following:
  - Filing a complaint with a federal or state enforcement or administrative agency
  - Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the City regarding unlawful activity
  - Testifying as a party, witness, or accused regarding alleged unlawful activity
  - Associating with another employee who is engaged in any of the protected activities enumerated here
  - Making or filing an internal complaint with the City regarding unlawful activity
  - Providing informal notice to the City regarding alleged unlawful activity
  - Calling a governmental agency's "Whistleblower hotline"
  - Filing a written complaint under penalty of perjury that the agency has engaged in "gross mismanagement, a significant waste of public funds, or a substantial and specific danger to public health or safety"
- b) "Adverse action" may include, but is not limited to, any of the following:
  - Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity
  - Refusing to hire an individual because of a protected activity

- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Extending a probationary period because of protected activity
- Altering work schedules or work assignments because of protected activity
- Condoning hostility and criticism of co-workers and third parties because of protected activity

**3. Complaint Procedure**

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the City’s Harassment Complaint procedure so that the complaint can be resolved fairly and quickly.

**H. Dress Code**

Employees of the City are required to dress appropriately for the jobs they are performing. Therefore, failure to follow the dress regulations contained in this section shall be grounds for discipline.

1. All clothing must be neat, clean and in good repair.
2. Prescribed uniform and safety equipment must be worn when required.
3. Footwear must be appropriate for the work environment and functions being performed.
4. Hair must be neat, clean and well groomed.
5. Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion.
6. Jewelry is acceptable except in areas where it constitutes a health or safety hazard.
7. Good personal hygiene is required.
8. Dress must be appropriate to the work setting, particularly if the employee deals with the public.

**I. Uniform, Official Badge or Insignia**

No official or employee who wears a uniform, badge or other official insignia as evidence of his/her authority and identity shall permit such uniform or insignia to be used or worn by any other person without approval by the employee’s Department Head. The Department Head shall not grant such approval except to persons regularly and formally appointed to the position designated by the badge or insignia.

**J. Uniform/Uniform Allowance Policy**

Uniform or Uniform Allowance will be provided to each eligible employee as provided in their department policy.

K. **Tattoo Policy**

1. No tattoos are allowed anywhere on the head, face, or neck.
2. Any visible tattoos cannot be obscene, sexually explicit, discriminatory as to sex, sexual orientation, race, religion, or national origin, extremist, and/or gang-related.
3. No visible tattoos shall be larger than 4 by 6 inches.
4. Any non-conforming tattoos must be covered with clothing or a bandage while at work or removed.
5. If an employee has a question about how the tattoo policy applies to them, the matter should be immediately raised with their supervisor for consideration and determination.

L. **Piercing Policy**

1. No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except that an employee may wear one set of reasonably-sized earrings in the ear lobes.
2. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.
3. If any employee has a question about how the piercing policy is applicable to them, the matter should be immediately raised with their supervisor for consideration and determination

M. **Workplace Security Policy**

1. **Policy**

The City is committed to providing a safe and secure workplace for employees and the public. The City will not tolerate acts or threats of violence in the workplace. The workplace includes any location where City business is conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

2. **Prohibited Behavior**

- a) Employees are prohibited from engaging in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of City employment. The City has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.
- b) Employees engaged in City business are prohibited from carrying weapons in violation of any law or this policy unless weapons are required for performance of the job. Employees who have legal authority to carry a weapon shall notify the department director in writing of what type of weapon is being carried. Employees who have legal authority to carry weapons violate this policy if they: accidentally discharge or lose their weapon; use, threaten to use, or display the

weapon for a job related reason; or violate any law related to carrying a legal weapon while engaged in City business.

### **3. Definitions**

- a) "Workplace Violence" is any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:
- b) Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property.
- c) The destruction of, or threat of destruction of City property or another employee's property.
- d) Harassing or threatening phone calls.
- e) Surveillance.
- f) Stalking.
- g) Possession of offensive or defensive weapons (firearms, illegal knives, clubs, mace, pepper spray, tear gas, etc.) unless specifically required or authorized and approved by the City Manager. Weapons are defined as firearms, chemical sprays, clubs or batons, and knives, and any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm.

### **4. Incident Reporting Procedures**

- a) Employees must immediately report workplace violence to their supervisor or department director. The supervisor or department director will report the matter to the City Manager.
- b) The City Manager will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, descriptions of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
- c) The City Manager will take appropriate steps to provide security, such as:
  - i. Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
  - ii. Asking any threatening or potentially violent person to leave the site; or
  - iii. Immediately contacting an appropriate law enforcement agency.

### **5. Investigation**

The City Manager will see that reported violations of this policy are investigated as necessary.

### **6. Management Responsibility**

Each department director has authority to enforce this policy by:

- a) Training supervisors and subordinates about their responsibilities under this policy;
- b) Assuring that reports of workplace violence are documented accurately and timely
- c) Notifying the City Manager and/or law enforcement authorities of any incidents;
- d) Making all reasonable efforts to maintain a safe and secure workplace; and
- e) Maintaining records and follow up actions as to workplace violence reports.

**7. Follow-Up and Disciplinary Procedures**

An employee found in violation of this policy will be subject to disciplinary action, up to and including termination of employment. The City may also direct that an employee submit to a fitness for duty examination. In addition, employees found in violation of this policy may be subject to criminal prosecution.

**N. Use of City Property and Equipment**

**1. Policy**

- a) City property is to be used only for conducting City business unless otherwise authorized. City property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on City property (such as e- and voice-mails), vehicles and any other City property used by City employees in their work. Employees do not have a reasonable expectation of privacy in City property or equipment.
- b) City property may be monitored and searched at any time and for any reason. Messages sent or received on City equipment including cell phones may be saved and reviewed by others. As a result, City employees have no expectation of privacy in the messages sent or received on City property or equipment.
- c) Every City employee is required to adhere to all City rules and policies while on City property or using City property or equipment.

**2. Use of Communications Equipment**

**a) Minimal Personal Use of Communications Equipment Permitted**

City employees may use City telephones and e-mail for personal use provided that the use:

- i. is kept to a minimum and limited to break times or non work hours;
- ii. does not have any impact upon other City employees or operations;
- iii. allows the employee to more efficiently perform City work; and
- iv. is not abusive, illegal, or inappropriate.

**b) Inappropriate Use of Communications Equipment Prohibited**

The following are examples of inappropriate and prohibited uses of the City's communications systems:

- i. Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;
- ii. Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, medical condition (cancer or HIV/AIDS related, genetic characteristics, and physical or mental disability (whether perceived or actual);
- iii. Communication of confidential City information to unauthorized individuals within or outside the City;
- iv. Sending messages with content that conflicts with any City policies, rules or other applicable laws;
- v. Unauthorized attempts to access City data or systems;
- vi. Theft or unauthorized copying of electronic files or data;
- vii. Initiating or sustaining chain letters, and
- viii. Intentionally misrepresenting one's identity for improper or illegal acts.

### 3. **Use of City-owned Vehicles**

All City-owned vehicles are to be treated with care and consideration. It is the policy of the City to prohibit defacing such vehicles in any way, including the placement of decals or bumper stickers anywhere on the vehicle, with the exception of decals or bumper stickers required for disabled employees.

City-owned vehicles, assigned to individual employees, shall be driven from the employee's home to work site and work site to home only or de minimis personal use (such as a stop for personal errand).

Employee's who take home a City-owned vehicle must account on their time card for days vehicle is taken home and will be taxed for use per IRS Publication 15-B.

Those employees operating these vehicles on a daily basis are responsible for maintaining a clean vehicle and checking basic maintenance daily. Maintenance will be provided by the City.

All City-owned vehicles are to be driven by authorized employees only; no other individuals are permitted to drive City vehicles. Also note that under limited circumstances are individuals other than City employees to be present in City vehicles. Employees driving City-owned vehicles or riding in City-owned vehicles should not be under the influence of alcoholic beverages or any other controlled substance while in City-owned vehicles. If an employee has questions regarding this policy, the City Manager is to be contacted.

All employees who drive City-owned vehicles or personal vehicles for City purposes must notify the City Manager immediately if their driver license expires, is suspended or revoked

All employees who operate City-owned vehicles or a personal vehicle for City business must possess a valid driver's license and a driving record acceptable to both the City and the City's insurance carrier. Individuals driving a personal vehicle for City business must maintain appropriate automobile insurance.

4. **Hands-Free Phone Use While Driving**

All employees who drive either a City vehicle or personal vehicle during working hours must comply with the State of California's hands-free driving law. The City expects employees to use their cell phone/smart-phone hands-free while driving or after they have pulled off the road and parked their vehicle. Failure to comply with this law will result in disciplinary action.

5. **Membership, Credit and Gasoline Cards**

Membership, credit and gasoline cards will be issued to specific employees who either travel on a regular basis or have the need to frequently purchase supplies or services. These cards should be used only as specified in the City of Tehachapi Credit Card Policy. Misuse of these cards in any way is cause for disciplinary action, including termination.

6. **Damage, Theft or Loss of City-issued Equipment**

Employees are responsible for maintaining adequate physical protection of both the equipment issued to them by the City. Employees shall immediately notify their department head if any city owned equipment is damaged, lost or stolen.

The department head and possibly the City Manager will review the circumstances surrounding the damage or loss of City equipment and will determine if any repair/replacement cost will be charged to the employee. Employee negligence, carelessness or recklessness will result in the employee being held responsible for repair/replacement of damaged, lost or stolen equipment.

5. **Return of Property**

Upon termination of employment, all City equipment and property must be immediately returned to the employee's department head.

O. **Smoking in the Work Place**

Smoking is prohibited inside and within twenty feet of a main exit, entrance or operable window of all City facilities. Smoking is also prohibited in City vehicles and while working on any job site.



APPROVED

DEPARTMENT HEAD: \_\_\_\_\_

CITY MANAGER: \_\_\_\_\_

# COUNCIL REPORTS

MEETING DATE: FEBRUARY 18, 2014 AGENDA SECTION: CITY COUNCIL

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**TO:** HONORABLE MAYOR SMITH AND COUNCIL MEMBERS

**FROM:** SUSAN WIGGINS, COUNCIL MEMBER

**DATE:** FEBRUARY 12, 2014

**SUBJECT:** LUNG ASSOCIATION REPORT CARD

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## BACKGROUND

Tehachapi's quality of life has improved once again!

When I worked for the American Lung Association of Kern County I was upset to see that Tehachapi repeatedly received an "F" from the American Lung Association's State of Tobacco Control annual report. I brought the report up to the council last year and suggested that we as a city ban tobacco use in our public parks. We did that by adopting an ordinance, and the Tehachapi Valley Parks and Recreation District followed suit and adopted the same rule banning tobacco use in all of their district parks. Children do not need to breathe second-hand smoke or play where there are discarded cigarette butts on the ground in area parks. I had hoped to raise our grade to maybe a "D", but when the report came out Jan. 22 the City of Tehachapi not only had a "C" but had the highest score in all of Kern County. Tehachapi also scored an "A" in the category of reducing sales to tobacco products to minors. The goal of the annual report is to bring awareness to tobacco and to keep individuals from becoming addicted to tobacco. There is still more work to be done in our valley, such as protecting outside air at outdoor dining areas, worksites, and nonsmoking housing units. With that in mind I would suggest that the council consider requiring rental owners to obtain a city business license to operate rentals. Non-smoking requirements could be included in these licenses.

## Local news

# American Lung Association flunks Bakersfield over smoking policies

BY COURTENAY EDELHART  
Californian staff writer  
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Of the state's 10 largest cities, Bakersfield and Anaheim were the only ones to score an F in the American Lung Association's State of Tobacco Control 2014 report.

The report, released Wednesday, tracks progress on key tobacco control policies at the city, county, state and federal levels, and assigns grades in four key areas: tobacco prevention and control spending, smoke-free air, cigarette taxes and cessation coverage. The grades are based on tobacco control laws and regulations in effect as of Jan. 2, 2014.

Several local health officials said they weren't surprised by Bakersfield's poor showing, but Kern County Public Health Services Director Matt Constantine said, "I sure hope an F is not as good as we can get. We have to do everything we can do to address how smoking affects our health."

About 19.4 percent of Kern County adults smoked in 2012, according to Kern County Public Health Services. That's compared with 12 percent of adults statewide.

Among the county's youth, 14.2 percent smoked as of 2010, the most recent data available.

Constantine said the county is working to combat that by, among other things, sending youth decoys into retail stores to test compliance

with laws against selling tobacco products to children.

Last year 71 of the 525 stores licensed to sell tobacco products failed that test, he said.

The goal, of course, is to prevent people from becoming addicted in the first place and to reduce long-term health problems such as cancer and cardiovascular disease, Constantine said.

"Heart disease is the leading cause of death in Kern County, and smoking contributes to it, he said.

There is certainly a correlation between good public health policies and a healthier population, which is why the American Lung Association monitors them, said Vanessa Marvin, state director of advocacy for the American Lung Association.

"These grades definitely represent real health consequences," she said.

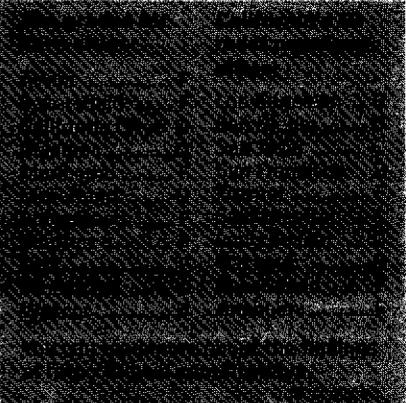
But the news isn't entirely bleak for Kern County.

Although the highest overall grade in Kern was a C for Tehachapi, there were a few bright spots in individual categories.

California City, Delano, McFarland, Tehachapi, Wasco and unincorporated Kern County all got As in the category of reducing sales of tobacco products.

The American Lung Association's Marvin also praised Tehachapi for passing an ordinance against smoking in city parks, which raised its overall grade to a C.

### LUNG ASSOCIATION REPORT CARD



The Kern County Board of Supervisors is discussing a similar policy at county parks that would limit smoking to parking lots.

But the county's overall performance was depressing.

California City, Delano, McFarland, Wasco and unincorporated Kern County were given Ds.

Every other city in Kern County flunked.

The American Lung Association slammed Bakersfield and most of the county's other cities for failing to protect outside air at outdoor dining areas, entryways and work sites, for having too few nonsmoking housing units and for robust sales of tobacco products, including near schools and parks.