

ORDINANCE 2004-14

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON
TO ESTABLISH SECTION 2.50 OF THE AMERICAN CANYON
MUNICIPAL CODE, CREATING A PERSONNEL SYSTEM**

WHEREAS, Government Code Section 45000 and 45001 authorize the City Council to establish by ordinance a Personnel System; and

WHEREAS, City Municipal Code 2.08.060 establishes the City Manager as the administrative head of the government, including personnel oversight of all City employees (except the City Attorney, City Clerk and City Treasurer); and

WHEREAS, the City Council now wishes to set forth the basic elements of a Personnel System, including the delegation of responsibility to the City Manager to define the specific practices and procedures therein;

NOW THEREFORE BE IT ORDAINED THAT the City Council declares as follows:

Chapter 2.50, Personnel System, as set forth in the attached exhibit and made a part of this ordinance by reference, is added to the American Canyon Municipal Code. This Ordinance shall become effective on the 31st day from the date of its final passage.

APPROVED AND ADOPTED at a regular meeting of the City Council on the 19th day of August, 2004.

The foregoing ordinance was introduced by title only and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of August, 2004 and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California held on the 19th day of August, 2004 by the following vote:

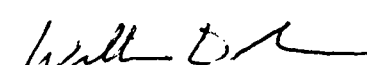
AYES: Luporini, Shaver, Anderson, Colcleaser, Garcia
NOES: None
ABSENT: None
ABSTAIN: None



Lori Luporini, Mayor

ATTEST:


Kay Woodson, City Clerk

APPROVED AS TO FORM:


William D. Ross, City Attorney

City of American Canyon Code Amendment Personnel System– Chapter 2.50

Article I. General Provisions and Administration

- 2.50.010 Statement of Purpose
- 2.50.020 Authority
- 2.50.030 Administration
City Manager Responsibility
City Human Resources Practices and Procedures
Delegation of Responsibility
Amendments
Emergency Provisions
- 2.50.040 Prevailing Policies
At-Will Employees
State and Federal Regulations
Employer-Employee Relations
Agreements
- 2.50.050 Departmental Cooperation

Article II. Personnel Policies

- 2.50.060 Equal Opportunity
Employer/ Discrimination-Free
Workplace
- 2.50.070 Healthy and Safe
Workplace
Safety
Violence in the Workplace
Alcohol and Controlled Substance
Abuse
Sexual Harassment
- 2.50.080 Classification System
- 2.50.090 Compensation Plan
- 2.50.100 Employee Benefits
- 2.50.110 Recruitment and Selection
Employee Performance Evaluation
- 2.50.130 Employee Discipline
Employee Rights

Article I. General Provisions and Administration

Statement of Purpose

This chapter outlines the personnel policies that govern employment with the City of American Canyon. It is designed to ensure consistent, fair, and uniform treatment of all city employees, and to attract, develop, motivate, and retain high-performing employees. These personnel policies provide city management with a foundation and policy for the management of human resources. Administrative Human Resources Practices and Procedures provide departments with specific procedural guidelines for carrying out personnel and other City policies. Departments may adopt additional practices and procedures with the approval of the city manager or designee.

2.50.020 Authority

This section implements the authority granted in Sections 45000 et. seq. of the Government Code of the state of California, for the City Council of the City of American Canyon to establish and enable a personnel system as the Council determines for the best interests of the public service. The Council shall approve all subsequent additions, amendments and revisions to the provisions contained in this chapter.

The policies contained in this chapter supersede Resolution 95-07 and any and all previously issued City policies, procedures, rules, or instructions related to matters discussed herein.

2.50.030 Administration

City Manager Responsibility. Pursuant to Section 2.08.060 of the City of

City of American Canyon Code Amendment
Personnel System– Chapter 2.50

American Canyon Code, the city manager shall be is responsible for the development, implementation and control, and modification of the human resource practices and procedures which implement and ensure compliance with the provisions and intent of this chapter. In the event any provision of this chapter requires clarification, the city manager may issue administrative instructions clarifying the intent of said provision as adopted by the Council.

City Human Resources Practices and Procedures. The city manager shall adopt, and as necessary, modify, the City Human Resources Practices and Procedures which incorporate the provisions of this chapter to provide direction to all city employees on human resource management.

Delegation of Responsibility. The city manager may delegate some or all of the human resource responsibilities and duties authorized in this section.

Amendments. Amendments to the personnel policies in this chapter shall be adopted by resolution of the Council. Personnel practices and procedures shall be adopted by the city manager or designee. In either case, reasonable advanced written notice, at least 30 days, shall be given to each recognized employee organization affected by any ordinance, rules, resolution, or regulation, or amendment thereof, proposed to be adopted by the Council or the city manager. This section (2.50.030.D) is optional if not within the scope of representation. Upon request, the city manager or designee shall provide the opportunity to meet with any employee organization regarding amendments affecting wages, hours and other terms and conditions of

employment, as specified in Chapter 2.52, Employer/Employee Relations, and as specified as being a matter within the scope of representation.

Emergency Provisions. As provided in Section 3500 et seq., of the Government Code, in cases of emergency, when the City Council or the city manager determines that amendment(s) to personnel rules or policies must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practicable time following adoption by the City Council or the city manager.

2.50.040 Prevailing Policies

At-Will Employees. Employees covered by the Exempt Management Recognition and Compensation Program Resolution are employed at-will. At-will employees serve at the pleasure of the City. At-will employees have no defined or definitive employment duration, and employment may be terminated by either party with or without cause for any reason that is not prohibited by state or federal law, unless otherwise defined in a contract between the City and the at-will employee. At-will employees are not covered by this chapter to the extent that there is a conflict between this chapter and their at-will status. In the event of conflict between the individual employee employment contract or the Exempt Management Recognition and Compensation Program Resolution and the provisions of this chapter, the terms of the employment contract and/or the Exempt Management Recognition and Compensation Program Resolution shall take precedence for at-will employees.

City of American Canyon Code Amendment
Personnel System– Chapter 2.50

State and Federal Regulations. Nothing in this chapter shall be deemed to supersede applicable state or federal law or administrative regulations related to personnel matters

Employer-Employee Relations Agreements. Within the limitations of Chapter 2.52, if there is any conflict between this chapter and any memorandum of understanding or resolution authorizing pay, benefits, and other terms and conditions of employment between the City and a recognized employee organization, the provisions contained in the said memorandum of understanding or resolution shall take precedence.

2.50.050 Departmental Cooperation.

It shall be the duty of all subordinate officers and the city attorney, city clerk, and city treasurer to comply with and assist the city manager in administering the provisions of this chapter and the Human Resources Practices and Procedures efficiently, consistently and harmoniously.

Article II. Personnel Policies

2.50.060 Equal Opportunity Employer/Discrimination-Free Workplace.

It is the policy of the City that all persons are entitled to equal employment opportunity. The City does not discriminate against its employees, contractors, consultants, citizens, or applicants regardless of race, color, national origin, age, sex, sexual preference, marital status, physical handicap, medical condition, veteran status, or religious affiliation in accordance with all applicable federal and state equal opportunity laws. It is

the City's policy to treat all employees, contractors, consultants, and applicants on the basis of merit, qualifications and competence, and to remove discriminatory employment barriers when and where they are found to exist so all individuals may compete for employment opportunities on an equal basis.

Non-Discrimination/Equal Opportunity shall apply in all program areas, including but not limited to recruitment, hiring, promotions, compensation, benefits, transfers, work assignments, performance evaluations, disciplinary actions, demotions, terminations, layoffs, employee development, educational, social, and recreational programs, and the use of City facilities.

All City human resource practices and procedures shall be administered in accordance with this Equal Opportunity/Discrimination-free Workplace provision.

2.50.070 Healthy and Safe Workplace.

The City is committed to maintaining a safe and healthful workplace for all its employees, contractors, consultants, and the public in compliance with all related federal, state, and local laws. The city manager and staff shall be responsible for developing and implementing policies which protect employees and the public from potentially dangerous, violent, or harassing situations.

Safety. The City shall develop programs and systems to protect its employees, property, and the general public from hazardous conditions, dangerous materials, and unsafe conditions. It shall be the responsibility of every employee to know and observe all safety rules, to use safety equipment and devices

City of American Canyon Code Amendment
Personnel System– Chapter 2.50

provided, and to work in a manner that will safeguard the employee, co-workers, and the general public.

Violence in the Workplace. The City is intolerant of any behavior by employees, contractors or consultants which creates the risk of injury or harm resulting from violence to City employees, contractors, consultants, or the public. No City employee, contractor, or consultant shall possess weapons of any type while on duty or on City property, with the exception of on-duty law enforcement personnel, nor shall any employee, contractor, or consultant threaten or intimidate any other person with a violent action.

Alcohol and Controlled Substances. The City is committed to providing a work environment that is safe, healthy and free of any adverse effects caused by alcohol or controlled substances. The City reserves the right, with or without prior notice to the employee, to conduct drug and alcohol tests, and to search all work areas and property in which the City maintains full or joint control with the employee.

Harassment. It is the policy of the City to provide a businesslike work environment, free from all forms of employee discrimination, including incidents of sexual or any other form of harassment. Harassment by an employee or of an employee on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, sexual preference, or age will not be tolerated. No employee, contractor or consultant shall be subjected to any form of harassment by other employees, contractors, consultants or the general public. No employee shall sexually

harass anyone or suffer harassment from anyone else.

2.50.080 Classification System.

The City shall establish a classification plan to provide a fair, complete, and continuous inventory of all classifications in the city service and to provide accurate descriptions and specifications for each class. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis. Any variations in pay must be based on significant differences in responsibilities and required knowledge, skills, and abilities. The City Council shall approve the classification system. The city manager or designee shall bring recommendations for significant modifications of or additions to, the classification system to the City Council for approval.

2.50.090 Compensation Plan.

A compensation plan shall be established by resolution of the City Council. This plan shall establish the salary range and salary steps or rates of pay for each position in the city classification system in order to fairly compensate employees and maintain the city's competitiveness in the labor market. The City Council shall administer the compensation plan for the city attorney and city manager. The city manager or designee shall administer the compensation plan for all other city employees. The city manager or designee shall make recommendations to amend the compensation plan to the City Council.

2.50.100 Employee Benefits

An employee benefits program shall be established by resolution of the City

City of American Canyon Code Amendment
Personnel System– Chapter 2.50

Council. Employee benefits should be designed to meet changing employee needs, create an environment for performance excellence, and keep the city competitive in the labor market. The city manager or designee shall make recommendations to amend the employee benefits program to the City Council.

2.50.110 Recruitment and Selection
It is the City's intent to hire the most qualified and superior individuals to work in city service, while adhering to the City's equal opportunity and discrimination-free policies. The city manager or designee shall establish and maintain a fair and open recruitment and selection process which encourages anyone who feels qualified to apply. The city manager will ensure that all recruitment information and selection decisions are fair, open, and based on the specific requirements of the job.

2.50.120 Employee Performance Evaluation

Regular performance evaluations are critical to retaining and enhancing the city's workforce. Evaluations shall be made as to the efficiency, competency, conduct, alignment with mission and goals, and merit of city employees. It is the responsibility of the department heads and subordinate supervisors to conduct ratings and complete employee evaluations. The city manager or designee shall provide and prescribe the forms and procedures to be used in such performance evaluations, and to assist in the training of supervisory personnel so that the evaluation program will be carried out in a sound and effective manner.

2.50.130 Employee Development

Continual development and enhancement of employee knowledge, skills, and abilities is required to provide the service

excellence expected by city residents. The city manager or designee and the department directors should provide for the opportunities for all employees to continue to develop their capacity in order to effectively do their job, provide high quality services and proper supervision, and advance their career within the city service. Employee development is key to the recruitment and retention of a high performing workforce.

2.50.140 Employee Discipline

The city manager shall develop and implement disciplinary actions which are intended to be corrective and progressive in nature with the objective of obtaining compliance with rules, orders, procedures, standards of conduct and/or expected job performance. Corrective or disciplinary action taken should be limited in severity so that it is commensurate with the alleged infraction(s). While supervisors are encouraged to use a progressive approach in most circumstances, serious infractions of disciplinary standards call for an appropriate response. Counseling, warnings, reprimands, and suspensions may be bypassed if the employee's actions justify a more severe response.

2.50.150 Employee Rights and Responsibilities

The City recognizes the rights of employees in public service. Those rights include the freedom of speech, ability to submit and obtain responses to grievances, protection from retaliation for work-related action, and the city's adherence to all applicable state and federal labor laws and standards. The City also recognizes the responsibilities of employees in public service, including ethical standards, appropriate workplace

City of American Canyon Code Amendment
Personnel System– Chapter 2.50

conduct, and proper use of public property. The city manager or designee shall be responsible to develop and maintain appropriate practices and procedures governing these and other employee rights and responsibilities. These practices and procedures shall be periodically reviewed and updated as appropriate. The practices and procedures shall be made available to every employee and complete copies maintained in each city office. A summary and explanation of the information in this chapter and the practices and procedures shall be included in an employee handbook and provided to every current and new city employee, contractor, and consultant.