



City of Villa Park

Administrative

Policy

Manual

CITY OF VILLA PARK
ADMINISTRATIVE POLICY

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Section 0-01 Equal Opportunity Employment

The City of Villa Park provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, medical condition, marital status, sexual preference, disability, or status as a Vietnam-era or special disabled veteran in accordance with applicable federal laws. In addition, the City complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, evaluation, promotion, termination, layoff, transfer, leaves of absence, compensation, and training.

The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, medical condition, marital status, sexual preference, disability, status as a Vietnam-era or special disabled veteran, or status in any group protected by state or local law. Improper interference with the ability of the City's employees to perform their expected job duties is not tolerated.

The City will continue to make Equal Opportunity a reality at all levels of the work force.¹

¹ Adopted 2002

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Section 0-02 Working Hours

OPERATING HOURS:

- A. City Hall operates from 8 a.m. to 5 p.m. Monday through Friday.
- B. Public Works personnel hours shall begin at 7 a.m. and end at 5:30 p.m.

BREAKS:

- A. The City Manager, City Clerk/Administrative Assistant or Supervisor will coordinate daily lunches and breaks.
- B. Daily lunch breaks are limited to a maximum of thirty- (30) minutes for nonexempt Public Works employees and sixty- (60) minutes for exempt Administration and Public Works employees and nonexempt Administration employees.
- C. Daily morning and afternoon breaks shall be limited to fifteen- (15) minutes each. Unless adherence to regular break times negatively impacts completion of work in progress, nonexempt Public Works employees shall take lunch breaks between 12 p.m. and 12:30 p.m. and rest breaks between 9 a.m. and 9:15 a.m. and 2 p.m. and 2:15 p.m. The afternoon break shall be taken by Public Works employees at the job-site. Management shall approve any deviation from these time periods based on the needs of the organization.²

² Adopted 2002

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Section 0-03 Oath of Office

OATH OF OFFICE

The Oath of Office is an affirmation that the employee will support, defend, and bear truth and allegiance to the Constitution of the United States and the State of California. It states that the employee will take this obligation freely and will faithfully carry out the duties upon which the employee is about to enter.

All full-time employees are required to take an Oath of Office (within thirty days). The City Clerk shall arrange to administer the Oath of Office.³

³ Adopted 2002

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Section 0-04 Political Activities

City employees are not prohibited from engaging in political activity as private citizens. However, Section 3201 ET. Seq. of the State of California, government code does limit the political activities of City employees. The purpose of these restrictions is to keep the City employees' job free from political influences.⁴

Government Code 3201 states the following:

1. No one who holds, or who is seeking election or appointment to any office or employment in a state or local agency shall use, promise, threaten or attempt to use, any office, authority, or influence to confer upon or secure or to aid or obstruct any individual person in securing any position, nomination, confirmation, promotion, or change in compensation or position within the state or local agency.
2. An officer or employee of a local agency shall not, directly, or indirectly, solicit political funds or contribution, knowingly, from other officers or employees of the local agency.
3. No officer or employee of a local agency shall participate in political activities of any kind while in uniform.
4. Officers and employees are prohibited from engaging in political activity during working hours and on the premises of the local agency.

⁴ Adopted 2002

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Section 0-05 Business Related Gifts

Employment in municipal government carries with it responsibilities that are not ordinarily found in private employment. Gifts from an individual, a company, or organization may be accepted on behalf of the City for all the employees to enjoy. Acceptance of personal gifts will be considered a conflict of interest and will carry the appropriate disciplinary action.⁵

⁵ Adopted 2002

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Section 0-06 Personnel Records

ESTABLISHMENT

The personnel record will contain any personnel actions taken, performance evaluations, workers' compensation information, benefit enrollment forms, educational courses taken, and all employment-related documents, giving complete history of employment. This history is subject to confidentiality. Personnel files are available to an employee for his/her own viewing upon request.

MAINTENANCE

The City Clerk should be informed immediately of any changes in name, address, telephone number, marital status, or family status, beneficiary, or other information on file in order to ensure that federal withholding statements, medical, dental, and life insurance, retirement records, etc. are corrected. The employee may be liable for any costs incurred by the City as a result of failure to notify the City Clerk of the changes.⁶

⁶ Adopted 2002

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Section 0-07 Employment of Relatives

PURPOSE

1. The City Council of the City of Villa Park determines that it is in the public interest to maintain high morale and professional working relationships among its employees.
2. The City Council further determines that an appropriate method of maintaining such high professional standards is to prohibit related individuals from being employed in situations where, for reasons of supervision, safety, security, or morale, interpersonal or professional conflicts may arise.
3. The City Council therefore established this policy for the hiring of relatives of City employees, and listed those factors to be considered in making such employment decisions.

POLICY

It is the policy of the City Council of the City of Villa Park to restrict the hiring and/or employment of relatives of City employees based on the following criteria:

1. For the purposes of this policy, the following definitions shall apply:
 - A. A "relative" is defined as a spouse, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandchild, grandparent, or any other individual related by blood or marriage living within the same household as the City employee.
 - B. An "employee" is defined as any person who receives a City payroll check for services, full or hourly, rendered to the City of Villa Park.

PROCEDURE

1. An applicant may not be denied the right to file an employment application and to compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he/she may not be employed in a department or office in which a relative, as defined above, is employed if they:
 - A. Perform joint duties; or
 - B. Share responsibility or authority; or
 - C. Report to the same Supervisor; or
 - D. Would be supervised by or would supervise a relative; or

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- E. Are related to the cognizant City Council Member, City Manager, Board, or Committee Member with the department or area of responsibility of such City-appointed Board, or Committee Member.

When the eligible applicant is refused employment by virtue of this provision, the name of the eligible applicant shall remain on the eligibility list for openings in the same classification as otherwise provided in these Rules, where no relative is employed, is supervised or supervising the vacant position.

2. Where two relatives are working in the same department at the time of the adoption of this provision, the employees may continue in their positions so long as their mutual employment causes the City no loss of funds, time, or productivity.
3. When two employees of the City become married so as to create a situation in which they perform joint duties, share responsibility or authority, report to the same Supervisor, or supervise each other, then every attempt will be made to offer a transfer to another department. In the event a transfer to another department is not accepted and/or unavailable, the employee shall make the decision as to which one shall resign. In the event that neither employee resigns, the least senior employee shall be terminated.⁷

⁷ Adopted 2002

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Section 0-09 Sexual Harassment

The City of Villa Park maintains a strict policy prohibiting sexual harassment in accordance with state and federal law. This policy applies to all employees including non-supervisory personnel, supervisors and management, as well as to non-employees who have contact with City employees during work hours.

Every employee should be aware of:

- What sexual harassment is
- What steps to take if harassment occurs
- State law prohibiting retaliation for reporting sexual harassment

WHAT IS SEXUAL HARASSMENT?

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the City, or other persons doing business with or for the City. It's against the law for females to sexually harass males or other females, and for males to harass other males or females.

A. Federal Law

Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

B. State Law

California law defines sexual harassment as:

1. Verbal harassment - epithets, derogatory comments, or slurs.

Examples: Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, or graphic verbal commentaries about the body.

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2. Physical harassment - assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed by an individual.

Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee's body, hazing or initiation that involves a sexual component, or requiring an employee to wear sexually suggestive clothing.

3. Visual harassment - derogatory posters, cartoons, or drawings.

Examples: Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, or unwanted love letters or notes.

4. Sexual favors - unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors.

Examples: Continued requests for dates, any threat of demotion, termination etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, or propositioning an individual.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above with the state definition of sexual harassment are not meant to be a complete list of objectionable behavior.

IF SEXUAL HARASSMENT OCCURS

1. **When possible, confront the harasser and persuade him/her to stop.** The harasser may not realize the advances or behaviors are offensive. When it is appropriate and sensible, you may want to tell the harasser the behaviors or advances are unwelcome and must stop. Sometimes a simple confrontation will end the situation.
2. **To report sexual harassment, contact your supervisor or the City Manager.** Sexual harassment or retaliation should be reported in writing or verbally. You may report such activities even though you were not the target of harassment.
3. **An investigation will be conducted and appropriate action taken.** The City will investigate, in confidence, all reported incidents of sexual harassment and retaliation.

SEXUAL HARASSMENT CAN BE COSTLY

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If you, as an employee, are found guilty of sexual harassment, you may be personally liable for monetary damages. The City will not pay damages assessed against you personally.

The City of Villa Park strongly disapproves of any form of sexual harassment at the workplace. Disciplinary action will be taken promptly against any individual if it becomes known to management that such an individual has engaged in harassment of an employee.

PROTECTION AGAINST RETALIATION

City policy and California law forbid retaliation against any employee who opposes sexual harassment, files a complaint, testifies, assists, or participates in any manner in an investigation, proceeding, or hearing conducted by the Department of Fair Employment and Housing or the Fair Employment and Housing Commission.

Prohibited retaliation includes but is not limited to: Demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make impartial employment recommendations, adversely affecting working conditions or otherwise denying any employment benefit to an individual.

ADDITIONAL INFORMATION

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint. To contact the DFEH, an employee should check the local telephone directory under State Government Offices or ask directory assistance for the number of the Department of Fair Employment and Housing headquarters in Sacramento.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, an employee should phone directory assistance for Washington D.C.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated, or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity and order the violator to pay large fines.⁸

⁸ Adopted 2002

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Section 0-10 Drug and Alcohol Abuse Prevention

PURPOSE

The purpose of this policy is to provide consistent and relevant guidelines for all employees regarding alcohol and drug use at the workplace. The City of Villa Park intends to provide a working environment that is safe and free from employee use of drugs and/or alcohol. Employees are expected to be in suitable mental and physical condition, perform their jobs satisfactorily, and behave appropriately. Should the use of alcohol or other drugs interfere with these expectations, employees will be offered rehabilitative assistance. Failure to meet these expectations could result in disciplinary action. This policy complies with the Drug-Free Workplace Act of 1988, requiring the City to implement a comprehensive substance abuse policy.

POLICY

The possession, transfer, sale, or use of alcohol or other drugs, legal or illegal, while on City premises or during work hours or breaks, will be controlled by the procedures specified in this policy up to and including the pursuit of legal action. This includes all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, and any other substances. The unlawful manufacture of a controlled substance is prohibited in the workplace.

City employees are prohibited from drinking alcoholic beverages or using drugs, other than for medical reasons, during working hours, while on City premises at any time, or while driving a City vehicle. The consumption of alcohol by City employees may be allowed only at designated City facilities, during certain special City functions and with prior authorization by the City Manager.

Employees who may be taking prescribed or over-the-counter drugs that may affect job performance or behavior are encouraged to advise their supervisor that they are taking such drugs for medical reasons; medical evaluation may be necessary.

The City of Villa Park will give the same consideration to persons with chemical dependency problems as it does to employees having other health problems. Seeking assistance for such a problem will not jeopardize an employee's job, whereas continued problems with performance, attendance, or behavior may.

PROCEDURE

When an employee's supervisor and a second employee or supervisor have reasonable suspicion to believe that an employee may be under the influence of intoxicating liquor and/or narcotics, that employee may be asked to report to a City designated medical clinic

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on City time and at City expense for a medical evaluation. This medical evaluation will be conducted in order to determine if in fact that employee has evidence of alcohol and/or drugs in his/her system.

Reasonable suspicion may be justified by one or a combination of any of the following indicators:

- Bloodshot or watery eyes
- Slurred speech
- Alcohol on breath
- Physical and/or verbal altercation
- Inability to walk a straight line
- An accident involving City property
- Possession of drugs or alcohol
- Frequent absenteeism
- Confusion/difficulty in concentration
- Noticeable change in behavior

If reasonable suspicion pertaining to the use of drugs and/or alcohol by an employee is determined during normal working hours, the following steps shall be followed to facilitate the medical evaluation process:

Step 1

The supervisor shall contact the City Manager at the earliest available opportunity to discuss the event(s) that led to a belief that an employee is intoxicated. At that time, it will be determined whether or not sufficient facts exist to indicate that drug testing may be appropriate. If the evidence indicates that the employee may be under the influence, The City Clerk will arrange for an immediate appointment with a medical facility to conduct the test. The supervisor shall inform his/her department head of this situation. Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management may constitute insubordination and may be grounds for discipline up to and including termination. The actual type of testing including possible urine or blood screens will be determined by the physician.

Step 2

The supervisor, or his/her designee, shall personally drive the employee to the medical facility and wait for the test to be completed.

Step 3

The employee will then be transported home or, in appropriate situations, to the hospital as deemed necessary by the doctor. The employee will continue receiving pay during this

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time and disciplinary action will not be administered unless the test results are confirmed. Information obtained through this testing will be treated with strict confidentiality.

Step 4

If the employee is found to have alcohol or drugs in his/her system, the supervisor shall meet with the employee to counsel him/her on the matter and explain the proposed disciplinary action on the next day. The supervisor shall encourage the employee to seek professional assistance in dealing with any drug or alcohol problem. The employee's medical group may provide the needed drug/alcohol counseling. Also, the City Clerk can provide a referral for an employee who is seeking professional assistance in the matter.

Should an incident arise after normal work hours, the above procedures should be followed with the exception of contacting the City Clerk.

DOCUMENTATION

Records pertaining to job performance, attendance, and behavior shall be maintained in the employee's personnel file. Behavior associated with alcohol or other drugs, such as those listed in this policy under causes for reasonable suspicion should be documented in the form of a memorandum to the City Manager; however, references made by the supervisor regarding alcohol or drug related appearances as a medical diagnosis should not appear in personnel files.

DISCIPLINARY ACTION

The City views the use, possession, transfer, or sale of alcohol or drugs in violation of this policy as being very serious and subject to disciplinary action in accordance with Section 1-03 of the City Employee Resource Guide.

FOLLOW UP

Should the results of an employee drug test be positive, the following steps shall occur:

The department director will have a discussion with the City Manager to determine the type of disciplinary action that would be most suitable. The City Manager will evaluate the services of a rehabilitation program and provide a referral for the employee to undergo treatment through this program.

Should the results of the drug testing be negative:

The employee is free to return to the workplace and assume his/her regular job duties.

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No further action needs to be taken.⁹

⁹ Adopted 2002

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Section 0-11 Federally Funded Programs

No person shall, on the grounds of race, color, national origin, age, sex, religion or disability, be excluded from participation in or be subjected to discrimination in any program or activity funded, in whole or in part, by Federal funds.¹⁰

¹⁰ Adopted 2002

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Section 0-12 Americans with Disabilities Act

The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with necessary reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of local government agencies.

ADA NON-DISCRIMINATION POLICY

The City of Villa Park does not discriminate against employees and prospective employees with legally protected disabilities. Legally protected disabilities include:

- A. Physical or mental impairment that substantially limits one or more major life activities;
- B. A record of such an impairment; or
- C. Being regarded as having such impairment.

The City of Villa Park maintains non-discrimination in recruitment, employment, job assignment, compensation, benefits, performance assessment, promotion, training, leaves, layoffs, terminations, and in other actions and practices affecting applicants and employees. Also, the City does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability.

REASONABLE ACCOMMODATION POLICY

If individuals with protected disabilities are the best qualified candidates for the job, but are unable to safely perform one or more of the essential job functions without an accommodation, the City will consider requests for reasonable accommodations which would permit the candidate to perform the assigned duties.

Potential accommodations will be evaluated based on their effectiveness in facilitating safe and successful job performance in a timely manner. The City will not undertake accommodations that would cause undue hardship to the organization.

If an employee or prospective employee has a disability that is protected under the ADA, the employee or prospective employee may request reasonable accommodation for four purposes:

1. To complete the employment application process.
2. To take the examination(s).

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3. To perform essential job functions.
4. To have the same benefits and privileges of able-bodied employees.

COMPLAINT RESOLUTION

The Action Center shall be utilized for logging and responding to ADA complaints from a resident or prospective employee with a legally protected disability that believes they have been discriminated against due to that disability.

If an employee believes they have a legally protected disability and have been discriminated against due to that disability; or have been discriminated against due to their relationship or association with an individual with a known disability, the employee should follow the City's Grievance Procedure to lodge any ADA complaints.

All complaints will be treated confidentially and investigated carefully. Each resident, employee, or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result. An employee or prospective employee will in no way be affected negatively due to informing the City of their concern.

The City Manager shall be responsible for ensuring compliance with the Americans with Disabilities Act, and has been designated by the City Council as such.

REASSIGNMENT OF EMPLOYEES WHO DEVELOP DISABILITIES

If an employee is no longer able to resume their same job after a disability occurs, the employee will be considered for other job openings for which the employee is qualified and which the employee is able to perform. In the event the employee's disability is covered under the ADA, the City will consider making reasonable accommodations for the employee to be able to perform the essential job functions. The objective is to return the employee to a position of comparable status - in type of work and compensation.

When this is not possible, the employee will be considered for other available positions. In the event the employee is offered a position with a lower or higher compensation range, the employee's compensation may be subject to change depending on the City's compensation policies applicable to such a situation.¹¹

¹¹ Adopted 2002

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Section 0-13 No Smoking

Due to the recognized danger to the health of smokers and non-smokers alike, and detrimental impact to employee health, safety and productivity, smoking by all City employees in all City facilities and all City vehicles shall be prohibited at all times. Employees wishing to smoke may do so outside of each facility. Smoking is prohibited by residents as well in all City facilities at all times.¹²

¹² Adopted 2002

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ADMINISTRATIVE POLICY

Section 0-14 Statement of Economic Interest

When appointed to a position, the following designated employees are required to complete a statement of economic interest.¹³

Designated Employees	Disclosure Category
City Clerk	2
City Accountant	2
Consultants**	2

Notes:

City Council, City Manager, City Attorney, and City Treasurer are required to submit disclosure statements pursuant to State law (California Government Code § 87200, *et seq.*), not this Code.

**With respect to consultants, the City Manager shall determine in writing if a particular consultant performs a range of duties requiring disclosure hereunder. This determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements. A copy of this statement shall be filed with the City Clerk and a copy forwarded to the City Council.

¹³ Adopted 2002

CITY OF VILLA PARK
ADMINISTRATIVE POLICY

Section 1-01 Probationary Period of Employment

The probationary period will be an integral part of the examination process and thus provides the opportunity to observe the employee's work to provide special training and to assist the employee in adjusting to the new position. A probationary employee is considered an at-will employee and will have no rights of tenure and may be terminated without cause.

Duration:

1. All initial and promotional appointments to permanent full-time positions will be subject to a six-month probationary period.

Extensions:

1. The City Manager may extend the probationary period in such cases where it is in the best interest of the City and the employee.
2. An interruption of service longer than 30 days during a probationary period will not constitute part of such probationary period.
3. The employee will be notified in writing of such an extension.

Probationary Service Ratings:

1. During the probationary period, the supervisor will report a written appraisal of the employee's work performance and conduct.
2. The appropriate superior of such a written appraisal will advise the employee.

Promotional Probationary Period:

1. Permanent employees' probationary period will begin on the effective date of promotion or reclassification.
2. During this period, the City Manager may recommend demotion to former position, range, and salary if performance and conduct do not meet the standards required for the position.
3. The recommendation will be in writing and accompanied by a justification statement.
4. Such action cannot be appealed.

Probationary Period after Demotion:

1. If permanent status had not been attained in the class to which demoted, the normal probationary period must be completed less any service previously accrued in such lower case.

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Action at the end of the Probationary Period:

Prior to the end of an employee's probationary period, the City Manager will take one of the following actions:

1. Affirm in writing the satisfactory performance and conduct of the employee and give permanent status.
2. Terminate the services of the employee.
3. Demote and/or transfer the promoted employee. Demotions are to employee's former class and pay step.
4. Extend the employee's probationary period. ¹⁴

¹⁴ Adopted 2002

CITY OF VILLA PARK
ADMINISTRATIVE POLICY

Section 1-02 Performance Appraisal Reviews

The purpose of the performance appraisal is to accurately assess the employee's overall job performance and to set goals with the employee for further development of job skills.

All full-time employees will receive a comprehensive performance appraisal from their immediate supervisor by March 30 of each calendar year. Merit increases may be granted for job performance appraisal overall ratings as follows:

- Meets requirements: Zero (0) to seven (7) percent
- Exceeds requirements: Up to an additional two (2) percent over and above the initial or a total of up to nine (9) percent
- Outstanding: Up to an additional three (3) percent over and above the preceding or a total of up to twelve (12) percent.

Merit increases shall be considered prior to May 30, and if granted shall become effective July 1.

In the event the May 30 merit increase consideration date is overlooked, and upon discovery of the error an employee is granted a merit increase, the employee shall be compensated for the additional salary the employee would have received from the effective date of July 1.

In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in job performance and is recommended for merit advancement, a special increase may be granted without regard to the regular specified dates, provided that the increases are within the adopted budget line item.

The City Council shall approve any increases to the salary of exempt personnel.¹⁵

¹⁵Adopted 2002

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Section 1-03 Disciplinary Actions for Employees

Discipline is the enforcement of conformity to policies, rules, and regulations and other administrative or legal requirements or practices. Discipline is designed to maintain a standard of cooperation and conduct necessary to successfully carry out the service mission of the City organization. Self-discipline or self-conformity is the goal for which these policies and procedures strive. Where self-discipline fails, disciplinary action is authorized and shall be accomplished in such a manner as to be just, equitable, consistent, and suited to the situation. The disciplinary action, when taken, shall be documented in such a manner as to be defensible on appeal and/or review.

In all instances where disciplinary action is contemplated, the affected permanent, nonprobationary employee shall be afforded a reasonable opportunity to present, in person, his/her view of the incident(s) resulting in the discipline prior to a decision to impose disciplinary action.

BASIS FOR DISCIPLINARY ACTION

The tenure of every City employee shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action, which shall be commensurate with the seriousness of the offense and with consideration of the employee's prior performance record. Disciplinary action may be based upon any of the following grounds:

- A. Fraud
Fraud in securing employment or making a materially false statement on an application for employment or on any supporting documents furnished with or made a part of any application.

- B. Incompetence
Incompetence, such as failure to comply with the minimum standards of an employee's position for a significant period of time.

- C. Neglect of Duty
Neglect of duty, such as failure to perform the duties required of an employee's position.

- D. Insubordination
Willful disobedience and insubordination such as a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.

- E. Dishonesty

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Dishonesty involving employment.

- F. Drugs/Alcohol
Being under the influence of alcohol or intoxicating drugs while on duty.
- G. Absence without Leave
- H. Convictions
Conviction of a crime or conduct that constitutes a violation of Federal or State law.
- I. Discourteous treatment of the public or other employees
- J. Improper or unauthorized use of City property
- K. Violation of the rules and regulations of the City or any department
- L. Refusal to subscribe to any oath or affirmation which is required by law in connection with City employment
- M. Improper Conduct
Any act or conduct undertaken which, either during or outside of duty hours, is of such a nature that it causes discredit to fall upon the City, the employee's department or division.
- N. Improper Decorum
Failure to maintain proper decorum during working hours that causes discredit to the employee's department or division.
- O. Abuse of Sick Leave
- P. Failure to Follow Procedures
Knowingly failing to follow the procedures governing grievances when pursuing a grievance.
- Q. Inattention to Duty
Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of City property.
- R. Unnecessary Illness

The employee's failure to resolve a physical or mental impairment when it is within the capacity of the employee to do so.
- S. Conflict of Interest

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Outside employment which conflicts with the employee's position and is not specifically authorized by the City Manager.

- T. Gifts
Acceptance from any source of any reward, gift or other form of remuneration in addition to the employee's regular compensation, as a personal benefit to the employee for actions performed in the normal course of the employee's assigned duties.
- U. Falsifying Records
Falsification of any City report or record, or of any report or record required to be or filed by the employee.
- V. Violation of Rules
Conduct constituting a violation of any of the provisions of the City Code, lawful ordinances, resolutions, or any rules, regulations or policies that may be prescribed by the City Council, City Manager or Supervisor.
- W. Political activities precluded by State or Federal law
- X. Other acts that are incompatible with service to the public

TYPES OF DISCIPLINE

The following procedures shall be followed when, in the judgment of the City Manager, an employee has committed an act or omission that justified the disciplinary action indicated. Except for oral and written warnings/reprimands, the City Manager or his/her designee shall advise employees of contemplated disciplinary actions in writing and allow the employee an opportunity to respond to such charges prior to taking action.

When life, or employee or the public's safety is endangered, or the self-control of an employee is questionable, a supervisor shall take immediate action to reduce or eliminate the danger or to establish control. In case of an emergency, an employee shall have all of the rights set forth herein, except the right to receive prior written notice of proposed disciplinary action. The City Manager must be contacted immediately.

- A. Warning/Reprimand: If the warning/reprimand is in writing, the City Manager shall give the employee a copy and forward a copy to the City Clerk for review and retention in the employee's personnel file. A written warning/reprimand shall contain a description of the events that necessitated the action, specific expectations of change by the employee, and notice of further action in the event a change by the employee does not occur. An employee shall have the right to attach a written rebuttal. The employee shall sign to acknowledge receipt of the written warning/reprimand.

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- B. Suspension: A City Manager may suspend an employee with or without pay from his/her position. A pre-disciplinary suspension shall be with pay. The City Manager shall forward a copy to the City Clerk for review and retention in the employee's personnel file, and shall give a copy of such statement to the employee.

The written statement shall contain a description of the events which necessitated the suspension, a statement of the charges, notification that the employee may review and be provided with the materials leading to the suspension, the right of the employee to meet with the City Manager and/or to respond in writing within a reasonable time frame to the charges, and notice of further action in the event a change by the employee does not occur. Unless extended by approval of the City Manager on written recommendation of the Supervisor, the maximum period of suspension shall not exceed sixty (60) calendar days. These procedures are pre-disciplinary in nature.

- C. Non-Probationary Demotion or Reduction in Pay: In demoting an employee or reducing his/her salary, the City Manager shall provide written notice of the proposed demotion or reduction in pay to the employee and forward a copy to the City Clerk for review and retention in the employee's personnel file. The written statement shall contain a description of the events which necessitated the demotion, a statement of the charges, notification that the employee may review and be provided with the materials leading to the demotion, the right of the employee to meet with the City Manager and/or respond in writing within a reasonable time frame to the charges, and notice of further action in the event a change by the employee does not occur. These procedures are pre-disciplinary in nature.

- D. Dismissal: In dismissing an employee, the City Manager shall provide written notice of the proposed dismissal to the employee and forward a copy to the City Clerk for review and retention in the employee's personnel file.

The written statement shall contain a description of the events which necessitated the dismissal, a statement of the charges, notification that the employee may review and be provided with the materials leading to the dismissal, and the right of the employee to meet with the City Manager and/or respond in writing within a reasonable time frame to the charges. These procedures are pre-disciplinary in nature.

NOTICES

Written notices will be given to the employee in person whenever possible and the employee's signature obtained to indicate receipt. In the absence of personal service, the notice may be sent by registered mail.

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EMPLOYEE'S RESPONSE

An employee's opportunity to respond to the City Manager is not intended to be an adversary hearing. An employee has the right to have a representative of his/her own choosing at the meeting. The employee need not be accorded the opportunity to cross-examine a department's witnesses, nor to present a formal case in opposition to the proposed discipline. However, the limited nature of this response does not obviate the City Manager's responsibility to initiate further investigation if the employee's version of the facts raises doubts as to the accuracy of the City Manager's information leading to the discipline proposal. An employee may elect not to respond, thereby waiving any further pre-disciplinary response. The City Manager will evaluate the proposed discipline in light of the employee's response, if any. Within five (5) working days of the employee's response, or deadline for response, a decision will be transmitted in writing to the employee. Service of the decision will be in person or by registered mail.

APPEAL PROCEDURES

Any permanent employee shall have the right to appeal any termination, suspension of five (5) days or more, reduction in salary, or non-probationary demotion. The appeal process shall not be applicable to those positions that may be deemed exempt (including hourly, temporary, and seasonal employees) or to probationary employees. The appeal process shall not be applicable to verbal and written reprimands, suspensions of less than five (5) days, probationary demotions, performance evaluations, and denial of merit increases. An employee desiring to appeal the City Manager's decision shall have ten (10) calendar days after receipt of the response to file an appeal. The employee's request for appeal must be addressed to the City Manager and received so that it is date stamped within the 10-day period.

If, within the 10-day appeal period, the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the City Manager shall be considered conclusive and shall take effect as prescribed.

If within the 10-day appeal period, the employee involved files such notice of appeal by giving written notice of appeal to the City Manager, an appeal hearing shall be established as follows:

- A. The City Council Personnel Committee shall serve as the Hearing Officers.
- B. Where practicable, the date for a hearing shall not be less than 20 calendar days, or more than 60 calendar days, from the date of the filing of the appeal with the City Manager. The parties may stipulate to a longer or shorter period of time in which to hear the appeal. All interested parties shall be notified in writing of the date, time, and place of hearing.
- C. All hearings shall be private provided, however, that the Personnel Committee shall, at the request of the employee, open the hearing to the public.

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- D. Subpoenas pertaining to a hearing shall be issued at the request of either party, not less than 7 calendar days, prior to the commencement of such hearing. After the commencement of such hearing, subpoenas shall be issued only at the discretion of the Personnel Committee.
- E. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded. The Personnel Committee shall not be bound by technical rules of evidence. The Personnel Committee shall rule on the admission or exclusion of evidence.
- F. Each party shall have these rights: To be represented by legal counsel or other person of his/her choice; to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. Oral evidence shall be taken only on oath or affirmation. The hearing will be recorded either electronically or by a court reporter, as determined by the City.
- G. The hearing shall proceed in the following order, unless the Personnel Committee, for special reason, otherwise directs:
1. The party imposing discipline shall be permitted to make an opening statement;
 2. The appealing party shall then be permitted to make an opening statement;
 3. The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence;
 4. The party appealing from such disciplinary action may then open his/her defense and offer his/her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;
 5. The parties may then, in order, respectively offer rebutting evidence only, unless the Personnel Committee for good reason, permits them to offer evidence upon their original case;
 6. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the Personnel Committee.

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- H. The Personnel Committee shall determine relevancy, weight, and credibility of testimony and evidence. He/she shall base his/her findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the Personnel Committee, in his/her discretion, for good cause, otherwise directs. No still photographs, moving pictures, or television pictures shall be taken in the hearing chamber during a hearing. The Personnel Committee, prior to or during a hearing, may grant a continuance for any reason he/she believes to be important to reaching a fair and proper decision. The Personnel Committee shall render his/her judgment as soon after the conclusion of the hearing as possible and in no event later than 30 days after concluding the hearing. His/her statement of decision shall set forth which charges, if any, are sustained and the reasons therefore. The statement of decision shall set forth findings of fact and conclusions.
- I. The Personnel Committee may sustain or reject any or all of the charges filed against the employee. He/she may sustain, reject, or modify the disciplinary action invoked against the employee. He/she may not impose discipline more stringent than that imposed by the City Manager. If it is a dismissal hearing and a dismissal is not the Personnel Committee's recommendation, the statement of decision shall set forth the date the employee is to be reinstated and/or other recommended action. The reinstatement date, if appropriate, may be any time on or after the date of disciplinary action.
- J. The decision of the Personnel Committee shall be final and conclusive. Copies of the Personnel Committee's decision shall be filed in the employee's personnel file, unless no discipline is upheld by the Personnel Committee. If no discipline is upheld, the notice of intent to implement disciplinary action will be removed.
- K. Each party shall bear its own witness and attorney fees. If either party unilaterally cancels or postpones a scheduled hearing, thereby resulting in a fee charged by the Personnel Committee or court reporter, then the party responsible for the cancellation or postponement shall be solely responsible for payment of that fee.
- L. In the case of suspension, demotion, reduction in salary, or dismissal prescribed by the Personnel Committee, the time of such suspension, demotion or dismissal shall be effective from the first day after such delivery of said decision or shall relate back to and be effective as of the date the employee was disciplined pending hearing before and decision by the Personnel Committee, whichever is applicable. If discipline imposed resulted in loss of pay, and the decision results in reduction or elimination of loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then base hourly rate.
- M. The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this Section.

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INFORMAL APPEALS OF SUSPENSIONS OF LESS THAN FIVE (5) DAYS

A permanent employee shall have the right to appeal a suspension of less than five (5) days in the following manner:

1. The City Manager shall cause to be served on the employee affected, by registered mail or personal delivery, a statement signed by the City Manager of the specific action against the employee.

This statement shall clearly inform the employee that he/she has the right within five (5) working days after receipt of this notice, to request an informal hearing on the action by filing the request with the City Manager.

2. If within the five-day appeal period the employee involved does not file said appeal, unless good cause for the failure is shown, the action of the City shall be considered conclusive and shall take effect as prescribed.
3. If within the five-day appeal period the employee involved files such notice of appeal by giving written notice of appeal to the City Manager, a time for appeal hearing before the City Manager, shall be established. The date for a hearing shall not be less than ten (10) calendar days, or more than thirty (30) calendar days, from the date of the filing of the appeal, unless the parties stipulate to a different date. All interested parties shall be notified in writing of the date, time, and place of the hearing at least seven (7) calendar days prior to the hearing.
4. The Personnel Committee shall conduct an informal hearing on appeal. Each party shall have the opportunity to present all relevant information in support of its respective position. These proceedings may be electronically recorded and either party shall have the right to cause them to be reported by a certified shorthand reporter at the party's expense.

Within ten (10) working days after the conclusion of the hearing, the Personnel Committee shall deliver to the employee a written decision which shall either (a) affirm the decision, (b) modify it by (1) holding that certain charges were not established by a preponderance of the evidence and/or (2) reducing the penalty or (3) overturn the decision in its entirety. Said decision shall be final and binding on the parties.

AUTOMATIC RESIGNATION

- A. Absence without leave, whether voluntary or involuntary, or failure to discharge regularly assigned duties for a period equal to or longer than four (4) consecutive assigned working days is an automatic resignation from City service as of the last date on which the employee worked.

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- B. The City Manager shall notify the employee of the automatic resignation by serving upon such employee a notice of separation. Said notice of separation shall state the dates of absence without leave, or the dates upon which the employee failed to discharge regularly assigned duties and the effective date of the automatic resignation.

Service of the notice may be either personally or by placing the notice of separation in a sealed envelope addressed to the last known address of the person to be served, according to City payroll records, certified with return receipt requested, and the depositing of the envelope in the United States Mail with postage fully prepaid. Service is complete on mailing.

- C. Within five (5) calendar days from the date of service of the notice of separation, an employee who has resigned pursuant to this Section 8 may file with the City Manager a written request for reinstatement. Such written request shall set forth, with particularity, the facts underlying the request and shall be supported by such documentation as the City Manager deems necessary to substantiate the facts set forth on requests. The City Manager may reinstate such employee if the City Manager finds there is good cause for the employee's absence or failure to perform duties and the employee's failure to obtain leave therefore and that the employee is ready and able to resume the employee's duties. An employee so reinstated shall not be paid salary for the period of the employee's absence, failure to perform duties, or separation or for any portion thereof. The City Manager shall act upon the request for reinstatement, in writing, within ten (10) business days of receipt thereof. A copy of the writing shall be mailed to the employee within the ten-day period in the manner specified for mailing a notice of separation.
- D. Should the City Manager not reinstate the employee, the employee may appeal that decision in writing specifying the grounds for appeal to the Personnel Committee within ten (10) business days of the mailing of the City Manager's decision to the employee. Otherwise, that decision shall be final and binding. The burden of proof during the hearing before the Personnel Committee shall be on the employee except as to the question of whether the employee was absent without leave for a period equal to or greater than four (4) consecutive assigned working days. If the employee places that question in issue, then, and in that event, the burden of proof shall be upon the City.

INAPPLICABILITY TO PROBATIONARY EMPLOYEES

- A. Purpose: A probationary period shall be an integral part of the examination process and shall be utilized as an opportunity to observe the employee's work, to provide special training, to assist the employee in adjusting to the new position, and to reject any employee whose work performance, adaptation, or personal conduct fails to meet required standards. A probationary employee shall have no rights of tenure and may

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be terminated without cause and without adherence to the above-stated disciplinary procedures.

- B. Duration: All initial and promotional appointments to permanent full-time City positions shall be subject to a six-month probationary period.
- C. Extension of Probationary Period: An employee's probationary period may be extended by the City Manager in such cases where such action is in the best interest of the City and the employee for one (1) additional six (6) month period. Any interruption of service longer than thirty (30) days during an employee's probationary period shall not be considered to constitute a part of such probationary period. The employee shall be notified in writing of such an extension.
- D. Probationary Service Ratings: During the probationary period, and in such manner as the City Manager may prescribe, the Supervisor shall report in writing an appraisal of the employee's work performance and conduct.
- E. Promotional Probationary Period: When a permanent employee is promoted or reclassified, a promotional probationary period of six-months shall begin on the effective date of promotion or reclassification. During the probationary period of a promoted employee, the City Manager may recommend that the employee be demoted to the former position, range, and salary if the employee's performance and/or conduct do not meet the standards set for the position to which the employee was promoted. Such recommendation shall be made in writing. The City Manager shall approve or disapprove such demotion action, in writing. Promotional probationary employees shall have no right to appeal any such action.
- F. Probationary Period After Demotion: If an employee had not attained permanent status in the class to which demoted, the employee shall then be required to complete the normal probationary period, less any service previously accrued in such lower class.
- G. Action at End of Probationary Period: Prior to the end of an employee's probationary period, the City Manager shall take one of the following actions:
 - 1. Affirm in writing that the services and conduct of the employee have been found to be satisfactory and give to the employee permanent status.
 - 2. Terminate the services of the employee.
 - 3. Demote and/or transfer the employee. Demotions shall be made to the employee's former class and pay step.
 - 4. Extend the employee's probationary period, as provided herein.

INAPPLICABILITY TO TEMPORARY AND SEASONAL EMPLOYEES

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- A. Purpose: Temporary and seasonal employees are employed "at-will," shall have no rights of tenure, and may be terminated at any time without cause and without adherence to the above-stated disciplinary procedures.¹⁶

¹⁶ Adopted 2002

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Section 1-04 Grievance Procedures

The grievance procedure is designed to give employees a process to settle work-related problems. An employee will have the right to file a grievance concerning an alleged violation, misinterpretation or inequitable application of City policy, rules, regulations, administrative orders and/or procedures. The grievance procedure is as follows:

INFORMAL PROCEDURE

Any employee who believes there is a problem that constitutes a grievance shall:

1. Contact their immediate supervisor and arrange an appointment to verbally settle the problem that same day.

If this discussion settles the matter, then no further action is necessary. If the employee feels the meeting does not resolve the problem, then the employee shall:

2. Contact their supervisor's immediate superior to arrange an appointment as soon as possible to discuss the problem.

If no satisfactory solution is reached, the employee has ten working days to begin formal proceedings described below.

FORMAL PROCEDURE

1. The employee shall write out their grievance formally and give three copies to their immediate supervisor.
2. The immediate supervisor shall respond in writing to the employee within ten working days of receiving the written grievance.

If no response is received, or the response is not satisfactory, the employee may:

3. Send a copy of the written grievance to the supervisor's immediate superior (City Manager) within ten working days.
4. The City Manager shall respond in writing within ten working days of receiving the written grievance.

If no response is received, or the response is not satisfactory, the employee may:

5. Send a copy of the written grievance to the Personnel Committee within ten working days.

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6. The Personnel Committee shall reply with a written decision within thirty calendar days.

IMPORTANT DETAILS FOR THE GRIEVING EMPLOYEE

1. When filing a formal grievance, staying within the time limits is of **utmost importance**, otherwise you may accidentally terminate the grievance process by missing a deadline.
2. Be concise and factual. Cite date and times in both verbal and written communications. For example, in the written form, be sure to list the specific problem that gave cause for the grievance. Also state any action(s) you want taken and reasons for the action(s).
3. You may request the assistance of another person to write or present your grievance at any time.
4. If you are not sure your problem constitutes a grievance, please contact the City Manager.¹⁷

¹⁷Adopted 2002

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Section 1-05 Temporary and Seasonal Employees

APPROVAL FOR FILLING POSITIONS

Written approval by the City Manager is required to create and fill any new positions with the City. Once a position is created, the City Manager can approve the start of the recruitment process.

SOLICITATION OF APPLICANTS

Departments will make every effort to solicit applicants for all positions in a manner that will result in receiving an adequate number of qualified applicants.

The following methods of recruiting for temporary and seasonal employees are suggested:

- A. Post job announcements including minimum qualifications, application procedures, and employment procedures, along with time limitations or closing dates where applicable.
- B. Advertise in local newspapers.
- C. Mail job announcements to neighboring agencies.
- D. Mail to State Department of Employment Development.

The City Clerk will assist with all temporary and seasonal recruitments.

MINIMUM REQUIREMENTS

- A. Completion of an application form, which includes a certification of the truthfulness of the information, provided in said application.
- B. Education, experience, skills, and abilities, required for acceptable performance of the duties of the position as outlined in the appropriate job classification description.
- C. At least 16 years of age and possess a work permit if under 18 years, and has not completed high school. Work permits are issued by high schools.

TEMPORARY AND SEASONAL APPOINTMENTS

Temporary and seasonal employees are selected and appointed by department directors.

Temporary and seasonal employees may be rehired without requiring a new application, provided that the period of non-employment is no more than one year.

All hours accrued by a temporary employee who has been re-hired within a 1 year period of separation will be cumulative.

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A record check may be conducted on all applicants who pass the oral interview for any classification for the purpose of determining truthfulness of statements on the application.

Orientation for temporary and seasonal employees will be given by the department supervisor and will include at least the following:

- A. Specifics of the job assignment.
- B. Issuance of supplies.
- C. Review of safety codes and standards of conduct.
- D. Review of work standards, rules, and department procedures.
- E. Details on completing time sheets.
- F. Information on time schedule for payroll distribution.

COMPENSATION AND PROMOTION

The compensation plan for City employees is adopted by resolution of the City Council.

Employees will be responsible for accurate preparation of time sheets and submission of same to their supervisors.

Pay periods are on the 15th and last working day of each month.

At the time of initial appointment with the City, employees are ordinarily assigned to the hourly rate in the first step of the pay range; deviation from this policy would be in accordance with the following circumstances:

- A. In cases where it is necessary to attract qualified personnel, an employee may be assigned any appropriate hourly rate in the pay range.
- B. An employee is currently employed and earning an hourly rate higher than the first step in the assigned pay range.
- C. The City Manager may hire on a hourly basis, positions identified as full time according to the current salary resolution.
- D. Salary increases are based on service time and merit. A temporary and seasonal employee may be granted a step increase based on satisfactory work performance after a total of 1,040 hours of service, regardless of their starting rate on the salary scale. Ordinarily a step increase is considered to be a fifty-cent per hour increment. Hourly employees are eligible for subsequent step increases after each additional 1,040 hours of service. When an employee demonstrates exceptional ability and proficiency, such employee, upon recommendation by the department head, may be advanced to the next higher step with the approval of the City Manager. Advancement under this provision will change the employee's salary and anniversary date.

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- E. Salary increases will be made effective at the beginning of the pay period following the qualifying service requirement.¹⁸

¹⁸ Adopted 2002

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Section 1-06 Promotion

The policy of the City is to promote from within whenever such promotion is consistent with the best interests of the City. Job flyers are posted to keep employees informed of current openings and qualified employees are encouraged to apply.

- A. The City **shall** conduct a closed promotional recruitment when an existing position becomes open, **and** upon department director and City Manager approval when it is in the City's best interest to recruit internally.
- B. The City **may** either conduct a closed promotional recruitment or recruit externally when a new position is created.
- C. The City **does not need to** conduct a closed promotional recruitment when an individual occupying an existing full time or hourly position is approved for a reclassification.
- D. Interested employees must complete an application and attach a resume, and submit to City Clerk by the deadline date.
- E. Personnel will notify the employee if they are to be interviewed or tested within one week of the deadline date.
- F. After successful completion of the selection process, and upon department director approval, The City Clerk will notify the employee of their conditional appointment to the promoted position.
- G. Candidates for promotion must undergo any further screening for the position as deemed necessary by personnel.
- H. Promoted full time employees will be subject to a six-month probationary period (See Policy No. 1-01), and all employees will be subject to a set performance appraisal or merit increase schedule (Policy No. 1-02).
- I. Upon promotion, employee salaries will begin at the step in the new salary range that represents at least a 7% increase.¹⁹

¹⁹ Adopted 2002

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Section 1-07 Resignation, Termination, and Exit Interview

RESIGNATION AND TERMINATION

An employee wishing to resign is asked to submit written notice ten working days prior to leaving in order to keep the record clear for future City employment.

1. An employee will want to include the reasons for resignation and the effective date in the written statement.
2. Prior to leaving, the City Clerk will arrange with the full-time employee an interview in order to identify problem areas or voice suggestions.
3. Upon termination/resignation, the City Clerk will complete an Employment Termination Notice.
4. For involuntary separation, the employee will be paid within 24 hours.
5. For voluntary resignation, the employee's check will be issued at the next regularly scheduled payday.
6. The terminated full time employee will be asked to review and sign a statement of their last paycheck for accrued vacation and sick leave payoff.
7. Terminated full-time employees will be provided continuation of group benefits information as required under COBRA (See Section 3-21).²⁰

²⁰ Adopted 2002

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Section 1-08 Reduction in Work Force

This policy establishes a program for implementing, in a fair and impartial manner, reductions in force with regard to City employees.

The City Council or City Manager may separate any employee or class of position without prejudice because of financial economy, reduction of work, or abandonment of activities after giving a reasonable advance notice of separation and reasons therefore to such employee.

No permanent, full time employee shall be separated from any department while there are emergency, seasonal, probationary, or temporary employees serving in the same class of positions in the City. The conditions of reduction in force layoffs shall be as follows:

A. Advance Notice:

Employees separated by reason of a reduction in force shall be given reasonable, advance notice of separation and the reasons therefore.

B. Offer of Reassignment:

An employee's appointment shall not be terminated as a result of a reduction in force procedure before the employee has been made a reasonable offer of reassignment, if such offer is possible.

C. Laid Off Employees on Reemployment Register:

The names of permanent employees who have been laid off due to reduction in force shall be placed on an appropriate lay off reemployment list according to date and order separated and shall be eligible for reemployment. Such reemployment shall be based on last employee laid off is the first employee on the list with other employees being eligible in sequential order thereafter.

Each employee on a layoff reemployment list shall remain on that list for six (6) months. Employees whose name appears on a layoff reemployment list shall be considered for reemployment in the class from which the employee was laid off prior to using any other available employment eligible list to fill regular vacancies in the subject class. The City Manager may extend the active period of reemployment lists or individual employees' eligibility on such lists for six (6) month periods as he or she determines to be in the best interests of the City.

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D. Appointment of Laid Off Employees to Lower Class:

An employee who is to be laid off may be appointed to an existing vacancy in a lower or equal class for which the employee is qualified, without examination.

E. Order of Separation:

Selection for retention shall be based upon performance as determined and supported in writing by each supervisory level involved. Therefore, this policy does not preclude the retention of employees which have less seniority to other members within the class for which the reduction enforce action may be taken. The following criteria shall be considered in evaluating performance:

1. The employee's last four (4) written performance evaluations, if in existence.
2. The history of an employee's written disciplinary actions during the last three (3) years.
3. The employee's written record of attendance including patterns of sick leave usage, tardiness, and unexcused absences during the last three (3) years.
4. In the event the City Manager determines that the performance and related criteria pertaining to two (2) or more employees in the same class of position are substantially equal, the order of separation shall be based upon seniority.²¹

²¹ Adopted 2002

CITY OF VILLA PARK
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Section 1-09 City Dress Code Policy

PURPOSE

The City has an established dress code applicable to all employees. A neat, well-groomed appearance is a courtesy you owe to the public and your fellow workers. The City Council has set forth a standard of professional dress for City employees.

UNIFORMED EMPLOYEES

The City provides uniforms to employees holding certain positions in the City. Employees required to wear a uniform are expected to wear it properly and keep it well maintained. Whether you are in public works or public safety, the uniform identifies you as a City employee. Proper care of the uniform both on and off the job site reflects favorably on you and the City.

NON-UNIFORMED EMPLOYEES

When working, all attire is expected to be generally appropriate professional, business attire. Jeans, shorts, skirts, tennis shoes, sandals, or other casual attire are examples of attire that is not appropriate for work. Attire on any designated "casual" day shall be casual business attire.

ENFORCEMENT OF DRESS CODE

Department Directors and Supervisors are responsible for ensuring that staff meet the dress code as stipulated. Staff wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation.²²

²² Adopted 2002

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Section 2-01 Salary Plan

PLAN

1. The salary plan for the City consists of five pay steps ("A" - "E") in each full time classification.
2. Each full-time position in the City is assigned to one of these classifications according to the degree of responsibility and the nature of the duties.

RATES OF COMPENSATION

The rates of compensation for salary for all employees are in the salary resolution adopted by City Council on an annual basis.

ADVANCEMENT

1. Appointments are normally made at the first step.
2. An employee is eligible to advance to the next step after six months of satisfactory service and approval of the City Manager. This does not however constitute successful completions of the six-month probationary requirement.
3. The time frames required for advancement to higher steps within a given pay range are fixed. Advancement of more than one step within a given pay range is possible provided the City Manager approves of this advancement.
4. Advancements are based upon acceptable work performance as evidenced in the employee performance appraisals.

HOURLY EMPLOYEES

1. Hourly employees are eligible for increases each 1,040 hours until they reach the top of the pay scale. These increases are based on meritorious performance, not hours.
2. The effective date for hourly employee raises is the beginning of the pay period following the attainment of the next 1,040-hour increment.
3. Retroactive increases will be approved if there are unforeseen circumstances holding back the raise from being processed on time. If this is the case, additional documentation is required by the department director to justify the retroactive increase.
4. Supervisors are ultimately responsible for processing hourly employee raises in a timely manner.

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5. A hourly employee who receives a promotion is eligible for a 50¢ increase upon such promotion. The employee will then become eligible for his or her next salary increase upon reaching 1,040 hours from the time of promotion.²³

²³ Adopted 2002

CITY OF VILLA PARK
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Section 2-02 Payment of Wages and Salary

PAY PERIODS

1. Employees are required to record their own time on individual time sheets for each pay period; which is every two weeks. These time sheets are to be turned in on Monday of the week of paydays. Department directors are required to complete time sheets only when time is taken off from work (i.e. holidays, vacations, etc.).
2. Payday is on the 15th and last day of each month.
3. If payday is a City holiday, paychecks are issued the day before.
4. Salaries are computed on a yearly basis with a total of 24 pay periods per year.
5. Paychecks will not be released to any individual other than the employee to whom it is issued without a written release from the employee.
6. To participate in Direct Deposit, employees must sign authorization forms. A voided check must be attached to the form. A complete payroll period is required before Direct Deposit will go into effect.

PAY DISAGREEMENT

Employees should first talk with their supervisor and the supervisor should call regarding the discrepancy. For a discrepancy on a paycheck, the employee must notify the City Clerk within ten calendar days from the date on which the check is issued. If a discrepancy is found, corrections will be made on the next check.

LOSS OF PAYCHECK

1. Employees must notify the City Clerk as soon as possible.
2. A "stop payment" will be issued on the check immediately, and a new check will be issued only after receiving "stop payment" confirmation (approximately three days) from the bank.²⁴

²⁴ Adopted 2002

CITY OF VILLA PARK
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Section 2-03 Payroll Deductions and Direct Deposit

As required by law, certain deductions will be taken from employee paychecks and itemized on the stub attached to it. The City does not pay Social Security tax or state disability insurance. The City does pay Medicare Insurance as described below.

DEDUCTIONS

A. Involuntary Deductions (Federal, State, and Medicare):

1. Varies with earnings and number of exemptions claimed on W-4 form.
2. All employees will receive a W-2 indicating taxable wages, medicare wages, federal, state and medicare taxes during previous year and taxes withheld by January 31 in order to file federal and state income tax returns.

B. Voluntary Miscellaneous Deductions:

The following deductions are voluntary, however, only full-time employees may be subject to voluntary payroll deductions:

ICMA Retirement Corporation's deferred compensation plan
Optional insurance, such as supplemental life

Employees eligible for medical insurance may deduct payments for covering a spouse or other family member.

DIRECT DEPOSIT

Full time and hourly employees may participate in direct deposit by having their paycheck automatically deposited into a checking or savings account in a bank of their choice.

If an error is made on an employee paycheck, report it to the City Clerk immediately.²⁵

²⁵ Adopted 2002

CITY OF VILLA PARK
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Section 2-04 Additional Compensation

OVERTIME

- A. Employees (other than the City Clerk, Maintenance Superintendent, and City Manager) assigned secretarial duties at City Council and Commission/Committee/Board meetings after normal business hours (and over 40 hours per work week) are to be compensated at time and one-half at their regular pay rate.
- B. Exempt employees are not entitled to receive overtime compensation.
- C. Non-exempt employees will be eligible for overtime or compensatory time based on working over 40 hours in a week. Non-exempt employees will be compensated for overtime worked at the rate of one and one-half times their regular hourly rate.
- D. One and one-half hours of compensatory time for each hour of overtime may be taken instead of time and one-half pay. Compensatory time must be taken during the week after the week in which overtime occurred and with City Manager approval only.²⁶

²⁶ Adopted 2002

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Section 2-05 Compensation for Exempt Employees serving in Disaster Situations

PURPOSE

Pursuant to Section 3100 of the California Government Code, all public employees automatically assume the role of disaster service workers in the event of disaster situations.

Emergencies may occur in the City of Villa Park which may require response by emergency services personnel. In addition, the City has entered into mutual aid agreements with local jurisdictions to provide emergency assistance in cases where damage is confined to a particular region.

POLICY

Therefore:

1. In the event any salaried or "exempt" employee is required to serve as an official disaster service worker pursuant to California Government Code Section 3100, such employee shall be compensated for those hours worked in excess of the total number of hours in the employee's regular work week.
2. The hourly rate of compensation shall be equal to the employee's current monthly base salary divided by 2080.²⁷

²⁷ Adopted 2002

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Section 3-01 Retirement Benefits

PUBLIC EMPLOYEE'S RETIREMENT SYSTEM (PERS)

- A. Employees classified as full time will be enrolled in the State of California Public Employees' Retirement System (PERS) which provides for future retirement.
- B. The City pays the employees' contribution into the fund as deferred (non-taxed) income. The City portion contributed to the fund is a legal obligation in lieu of social security tax. The employer portion contributed into the fund on behalf of the employee is a benefit and is subject to the annual salary resolution. The City pays 7% of the normal member contributions for full time employees as employer paid member contributions, and reports this to PERS as compensation.
- C. Upon termination, the employee contribution (the amount contributed by the City as the employee's portion, but not the City's portion), plus interest, will be refunded to the full time employee if there is less than five years of service. The employee has one year to withdraw funds.
- D. Full time employees with five or more years of service may withdraw their contributions, leave contributions with PERS until retirement, or retire (under certain circumstances). The minimum retirement age is 50. To be eligible for benefits, employees must have at least five years of credited service in PERS.²⁸

²⁸ Adopted 2002

CITY OF VILLA PARK
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Section 3-02 Insurance

MEDICAL INSURANCE-FULL-TIME EMPLOYEES

1. Plans are offered through the Public Employees' Medical and Hospital Care Act.
2. The City pays for the full cost of the coverage for the employee and 66 2/3% of the cost for dependents as defined in the program.
3. Employees are responsible for notifying the City Clerk of changes in marital status, number or age of dependents, etc.
4. This insurance is subject to an open enrollment period once a year that allows an employee to make any changes in their choice of coverage.
5. Upon termination, the City Clerk will contact the employee to make the necessary changes concerning insurance coverage.

LIFE INSURANCE

1. The City will provide life insurance to employees on the basis of 100% of the employee's annual salary up to a maximum of \$50,000.
2. Coverage is subject to terms and conditions of the insurance policy given each new employee at the time of employment.

DENTAL INSURANCE

1. The City will provide a dental insurance plan for full-time employees and 66 2/3% of the cost of their dependents effective the first of the month following employment.

UNEMPLOYMENT

1. In accordance with the California Labor Code, the City pays the premium for unemployment insurance for City employees.
2. This insurance provides for income payments while unemployed, according to the amount of earnings in the quarter reflecting the highest earnings.

WORKERS' COMPENSATION

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Under provisions of the Workers' Compensation Insurance Law of California, any employee injured on the job in the course of employment is entitled to disability compensation and medical care.

1. This insurance provides a weekly prorated payment based upon salary or regular wages, as well as coverage for medical and hospital expenses. Compensation begins three days after the accident, not including the day of the accident.
2. During this type of disability, the employee will receive compensation allowable under the program, but total compensation from all sources may not be higher than regular wages.
3. The City is self-insured for workers' compensation through the Southern California Joint Powers Insurance Authority.
4. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

UTILIZATION OF SICK LEAVE WHILE ON WORKERS' COMPENSATION

Full time employees on workers' compensation leave may use their own personal sick leave to cover the period of time off from work. By law, the first three days of leave is not covered under workers' compensation unless the employee is hospitalized as an in-patient or is unable to work for more than 14 days. Benefits do begin on the fourth day and are generally two-thirds of wages, up to a specified maximum amount per week. Payments are normally mailed within 14 days.

Full time employees may continue utilizing sick time during the period of absence due to a work-related illness or injury. However, when payment of workers' compensation benefits is received by the employee:

1. He/she must endorse the check over to the city.
2. The City will convert the dollar amount of the check to sick leave hours (Total amount of check divided by hourly wage).
3. The City will credit the employee's sick leave account by that number of hours.

Employees who do not wish to cover this period with sick leave, or who lack adequate sick leave hours, may of course keep the check from workers' compensation.

REQUIREMENT FOR FOLLOW-UP MEDICAL TREATMENT

Employees who are released to work in a modified or light duty status (**See Policy 5-06 on Light Duty**), and who are required by the City's workers' compensation claims administrators to undergo follow-up medical treatment, will be paid their regular wages for time missed from work due to these doctor visits. The authorization must come from a medical referral made by the City's Workers' Compensation Administrator, and the

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employee should notify his/her supervisor well in advance of any such medical appointments.²⁹

²⁹ Adopted 2002

CITY OF VILLA PARK
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Section 3-03 Vacation Pay

PURPOSE

The purpose of providing vacation pay is to allow time away from the work environment.

POLICY

A. Employees accrue vacation according to the following schedule:

Years of Service	Annual Rate (hours)
01-05	96
06-10	120
11	128
12	136
13	144
14	152
15+	160

B. Each new full time employee accrues vacation monthly on a prorated basis proportionate to a full working month. Vacation credit is subject to successful completion of the probationary period. Probationary employees accrue vacation, but are not eligible to use it until successful completion of the probationary period.

C. Upon termination or retirement, full-time employees will be compensated at the current pay scale for their accrued vacation to a maximum of 160 hours.

D. No employee may carry forward to any succeeding fiscal year more than 160 hours of accrued vacation; however, after five (5) years, an employee shall be entitled to accumulate up to two (2) times their annual vacation leave. Any employee in excess of said maximum on June 30 of each year shall forfeit said excess vacation without compensation therefore.

E. Hourly employees will accrue vacation time after the first six (6) months at the rate of eight (8) hours for each one hundred seventy-three and three-tenths (173.3) hours of employment per month, averaged over a period of six (6) months.

F. Requests for vacation leave will be made in advance to the director/supervisor for consideration.³⁰

³⁰ Adopted 2002

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Section 3-04 Holidays

A. The City will observe nine fixed holidays a year during which normal City services will be closed. These include:

New Year's Day (January 1)
Washington's Birthday (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Veterans Day (second Monday in November)
Thanksgiving Holiday (fourth Thursday and Friday in November)
Christmas Day (December 25)

B. City services will be closed on the following Monday if any holiday falls on a Sunday, and will be closed on the preceding Friday if any holiday falls on Saturday.

C. The City provides employees with 72 paid hours per fiscal year for holidays, and 24 personal leave time off for full-time employees.

D. Holiday hours are intended for the current calendar year and may not be carried over to succeeding years.

E. Employees are not compensated for any holiday hours upon termination.

F. Employees are responsible for making sure enough holiday hours are on the books to cover all fixed holidays that occur during a fiscal year. An employee who has used holiday hours inappropriately will have their vacation accrual deducted by the appropriate number of holiday hours used.³¹

³¹ Adopted 2002

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Section 3-05 Leaves of Absence

The City is aware of and understanding to employee requests for leaves of absences. However, due to the City's limited work force, certain guidelines with regard to attendance must be maintained. Under certain circumstances, leaves of absences may be granted through department director approval. Unnecessary levels of absenteeism and unexcused absences will be dealt with as they arise; however, the City does not take these matters lightly. Individual departmental policies may require more stringent regulations regarding leaves of absences due to departmental requirements.

MILITARY LEAVE

1. A full-time employee who is separated for active duty with the United States armed forces will be entitled to reinstatement with no loss of seniority rights and full reimbursement for up to 80 hours per year.
2. Prior to use of any military leave, an official copy of military orders should be on file with the office of the City Manager.

MATERNITY LEAVE (SEE ALSO POLICY NO. 3-09 ON FAMILY AND MEDICAL LEAVE)

1. A full-time employee will be granted maternity leave according to the same provisions of disability.
2. Full-time employees may apply sick leave, vacation, and/or floating holiday time to maternity leave in the amount of the accrued leave time.
3. If the employee returns to her former position with the City after her leave, there is no loss of seniority.
4. An employee may take unpaid pregnancy leave up to the length of time specified in the applicable "Family Leave" laws with the opportunity to return to her former job or a comparable position.

PATERNITY LEAVE

Employees who wish to take time off of work before, during and/or after their spouse gives birth may apply sick leave to cover this period. This applies to any pregnancy with or without a cesarean section or complications. If there is not enough time available to cover this period, the employee may request a leave of absence without pay. The amount of time off requested will be considered on a case-by-case basis, and should be approved in advance through the employee's supervisor. See also Section 3-22 on Family and Medical Leave.

JURY DUTY

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1. If summoned to jury duty, promptly notify your director/supervisor.
2. A leave of absence will be granted for full time employees for jury service.
3. The employee shall be paid the difference between his full salary and any payment received by him, except travel pay for such duty.

SICK LEAVE

1. When ill or injured, employees are required to notify a director/supervisor prior to start of workday, or notify within one hour after workday begins. All employees working irregular hours should call two hours prior to start of shift. When absence is due to a work-related injury, employer notification is still a responsibility of the injured employee and medical verifications are required for insurance purposes.
2. Supervisor/Director may inquire as to why the employee was off sick. An employee may be asked to provide a document with reasons for being off work after one or more consecutive days of absences.
3. Employees who know in advance they will be absent should obtain permission from their director/supervisor.
4. Employee sick leave with pay accrues at the rate of sixteen (16) hours for each calendar quarter of service, or any portion thereof prorated in proportion to a full working quarter for a maximum of 64 hours per calendar year. Probationary employees accrue sick leave but are not eligible to use it until successful completion of the first 30-days of the probationary period.
5. At termination an employee is entitled to receive 100% of the accrued sick leave not to exceed sixty (60) days.
6. Hourly employees who work at least twenty (20) hours per week for at least six (6) months per year shall receive accrued sick leave credits at the same rate as full-time employees based on the number of hours worked divided by 173.3.
7. Sick leave is intended to be utilized for legitimate employee illness, periods of employee disability, attending doctor appointments, caring for an immediate family member, or caring for a family member living in the employee's household. Sick leave may be applied to a bereavement period for bereaving a family member not included on the City's bereavement policy. Sick leave may not be used for recreational purposes or supplementing a vacation period.

BEREAVEMENT LEAVE

1. An employee is granted up to three days leave with pay in the event of the death of an immediate family member. This includes any relative by blood or marriage that is an actual member of the employee's household, and/or any parent, spouse, child, brother, or sister of the employee regardless of residence.
2. The employee should notify the director/supervisor before the leave is taken.

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LEAVE WITHOUT PAY

1. The City may at the discretion of the City Manager grant an employee a leave of absence for up to three months without pay.
2. Employees intending to request a leave of absence should give the City maximum possible notice.
3. Leave without pay is intended for unusual circumstances and approval will be granted based upon the impact to departmental functions and work force levels.
4. Leave of absence will be granted only upon complete use of accrued sick leave, vacation days or holidays.
5. Employees are not compensated for holidays occurring during leaves of absences.
6. The granting of leave without pay requires that the department director concur with the City Manager's recommendation to grant leave.³²

³² Adopted 2002

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Section 3-06 Tuition Reimbursement

The City of Villa Park offers tuition reimbursement for employees wishing to enhance their job knowledge, skills, and abilities. The subject matter of courses taken by City employees should relate directly to the functions of the City, or be a required course for the degree sought and contribute to the performance of that employee in his/her present City position or a promotional position which he/she may reasonably expect to obtain.

1. Eligible individuals are classified as full-time, permanent employees.
2. The specific training must be approved in advance by the department director and the City Manager.
3. Training must be given by qualified educational institutions.
4. Training will be on the employee's time.
5. All full-time employees are eligible for the tuition reimbursement program. Each employee is allowed up to the amount specified in the current salary resolution per year maximum for tuition and textbooks.
6. Upon completion of the course(s), the employee must submit the following documents for reimbursement:
 - A. Receipts for books and fees.
 - B. Evidence of successful completion, certificate or transcript from school indicating grade "C" or better.
 - C. Reimbursement form, including statement that employee is not receiving any other reimbursement for the same course(s).
 - D. Completed Request for Check form indicating dollar amount to be reimbursed.
7. The department director submits the documents to the City Accountant for payment.
8. Those staff members using tuition reimbursement funds under a degree program (i.e. Associates, Bachelor's, Master's, or Doctorate) are required to maintain full time status with the City for a period of one year following use of the funds. If full time status is not maintained and the employee separates from employment voluntarily, the funds used within the last twelve months of employment are required to be reimbursed upon separation.³³

³³ Adopted 2002

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Section 3-07 Mileage Reimbursement and Travel

Any automobile allowance will be provided according to the current salary resolution.

MILEAGE REIMBURSEMENT

- A. The City pays \$0.35 per mile for authorized use of an employee's private vehicle on City business, for those employees not provided an automobile allowance.
- B. Prior City Manager approval must be obtained where unusual expenses are involved such as leaving the City for a period in excess of one day or round trip over 100 miles.

TRAVEL

Employee travel is at all times contingent upon funding approval by the City Council:

- A. Travel out of state requires written approval of City Manager.
- B. For employees below the department director level, conference attendance will be considered on a case-by-case basis with approval by the City Manager.
- C. Those employees provided with an automobile allowance are expected to utilize their own personal vehicles for City travel purposes. However, the City vehicle may be made available to these employees under certain circumstances and with City Manager approval.³⁴

³⁴ Adopted 2002

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Section 3-08 Continuation of Group Coverage – COBRA

A federal law was passed in 1986 which requires employers sponsoring group health plans to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. This policy provides, in a summary fashion, employee rights and obligations under the continuation coverage provisions of the law.

Employees of the City of Villa Park have the right to choose this continuation coverage if group health coverage is lost because of a reduction in hours of employment, or the termination of employment (for reasons other than gross misconduct).

A spouse of a covered employee has the right to choose continuation coverage if the employee loses group health coverage for **any** of the following four reasons:

1. The death of a spouse;
2. A termination of a spouse's employment (for reasons other than gross misconduct) or reduction in a spouse's hours of employment;
3. Divorce or legal separation from a spouse;
4. A spouse becomes eligible for Medicare.

In the case of a dependent child of a covered employee, he or she has the right to continuation coverage if group health coverage is lost for **any** of the following five reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the City of Villa Park;
3. Parents' divorce or legal separation;
4. A parent becomes eligible for Medicare; or
5. The dependent ceases to be a "dependent child."

Under the law, the employee or a family member has the responsibility to inform the insurance provider of a divorce, legal separation, or a child losing dependent status. The City of Villa Park has the responsibility to notify the insurance provider of the employee's death, termination of employment or reduction in hours, or Medicare eligibility.

Upon termination, or a reduction in hours, the City will notify the employee of the employee's right to choose continuation coverage. Under the law, the employee has at least 60 days from the date coverage would be lost because of one of the events described above to inform the City that continuation coverage is desired.

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If the employee does not choose continuation coverage, group health insurance coverage and/or dental insurance will end. If he/she does choose continuation coverage, the City of Villa Park is required to provide coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that the employee be afforded the opportunity to maintain continuation coverage for three years unless group health coverage is lost because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months. However, the law also provides that continuation coverage may be cut short for **any** of the following five reasons:

1. The City of Villa Park no longer provides group health coverage to any of its employees;
2. The premium for continuation coverage is not paid by the employee;
3. The employee becomes covered under another group health plan;
4. The employee becomes eligible for Medicare;
5. The employee becomes divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan.

The employee does not have to show that he/she is insurable to choose continuation coverage. However, under the law, the employee may have to pay all or part of the premium for continuation coverage. (The law also says that, at the end of the 18 month or 3 year continuation coverage period, the employee must be allowed to enroll in any individual conversion health plan provided by the carrier).

If an employee changes marital status, or changes addresses, please notify the City Clerk.³⁵

³⁵ Adopted 2002

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Section 3-09 Family and Medical Leave

The following policy is established to ensure compliance with the California Family Rights Act (CFRA) of 1991 and the Federal Family and Medical Leave Act (FMLA) of 1993.

ELIGIBLE EMPLOYEES

A full time or hourly employee is eligible for leave under this policy who has been employed by the City for at least 12 months at the time the leave is requested (these twelve months need not have been consecutive) and has worked at least 1,250 hours during the 12 month period preceding the leave request.

LEAVE ENTITLEMENTS

Eligible employees are entitled to a total of 12 (twelve) workweeks of unpaid, job-protected leave during any 12 (twelve) month period for one or more of the following:

- a. The birth of the employee's child and in order to care for the child
- b. The placement of a child with the employee for adoption or foster care
- c. To care for a child, spouse, or parent who has a serious health condition
- d. A serious health condition that renders the employee unable to perform the essential functions of his or her position.

PAY STATUS

Family or medical leave will be **unpaid**. Full time employees on family leave will utilize any accumulated leave according to the following situations:

- a. In the event of **placement of a child for adoption or foster care**, the employee will be required to use accrued, unused paid vacation and/or floating holiday hours.
- b. In the event of **leave to care for a child, spouse, or parent with a serious health condition**, the employee will be required to use accrued unused paid vacation, floating holiday hours, and/or sick leave hours.

DURATION OF LEAVE

Leaves may be taken for up to twelve (12) work weeks during any twelve (12) month period. The 12 month period will be measured forward from the first date leave is used. An employee's entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

Leave taken under California's FRA runs concurrently with leave taken under FMLA (except for pregnancy disability leave), and the aggregate amount (except for pregnancy

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disability leave) shall not exceed 12 work weeks in a 12 month period. That is, the employee is not entitled to more than twelve (12) weeks by claiming leave under State law and later under Federal law.

Where two spouses are both employed by the City, their aggregate leave will be limited to twelve work weeks during any twelve-month period, except in the case of their own serious health condition, or to care for their spouse's or child's serious health condition, in which case both spouses will be eligible for the twelve weeks of leave during the twelve-month period.

LEAVE CONDITIONS

- a. Leave for birth or adoption may not be taken intermittently or on a reduced leave schedule, unless approved by the City Manager.
- b. Leave for a serious health condition affecting the employee or a family member may be taken on a consecutive basis, or intermittently, or on a reduced work schedule when medically necessary.
- c. The City may require an employee who wants intermittent leave or a reduced leave schedule to care for a spouse, son, daughter, or parent, or because of the employee's serious health condition, to transfer temporarily to a different job with equivalent pay and benefits in order to better accommodate recurring periods of leave.
- d. There is no minimum duration of leave that must be taken for serious health conditions of the employee or family member.

MATERNITY DISABILITY LEAVE

Using Maternity Disability Leave under California Law provides the employee with an additional four (4) months leave with a right of return. That is, **a female employee is entitled to maternity disability leave of up to four (4) months based on her disability, followed by up to twelve (12) weeks of Family Leave simply to care for and bond with their newborn, for a total of 7 months in a row.** The benefits of the Family Leave begin when the employee elects. For example, the employee may take the Maternity Leave under California law first followed by the Federal Family and Medical Leave next. During the Family and Medical Leave the City pays the health insurance premiums. The City also pays insurance premiums under our short-term disability program, should the employee select this benefit.

MAINTENANCE OF BENEFITS

The City of Villa Park will continue health care coverage under any employer group health plans for up to 12 weeks of the family leave under the same terms as if the employee had continued to work. Therefore, if the City pays the full premium, that would continue until the expiration of twelve (12) weeks. The City may require the employee to pay the premiums for the remainder of any additional unpaid leave.

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- a. If there is an employee portion to the premium, the employee would be required to make the necessary payments to maintain the insurance. The City Clerk will make arrangements for employees to pay their share of health insurance premiums while on leave.
- b. If the employee fails to return to work upon conclusion of the leave (i.e., resigns or abandons his/her job), the City may recover the employer's share of premiums paid for maintaining coverage during the leave.
- c. If the reason the employee did not return to work was a continuing serious health condition of the employee or employee's family member, or extenuating circumstances beyond the control of the employee, the City may not recover costs.
- d. At the conclusion of the twelve (12) weeks, and for the balance of the authorized leave, the employee will be required to pay premiums to maintain coverage.
- e. For the purposes of this policy, group health benefits are defined as medical and dental insurance (if applicable).
- f. The City will continue to pay premiums under Group disability and life insurance plans (if applicable) for up to 12 weeks of the family leave.
- g. Seniority and other benefits (leave accruals, for example) do not accrue during an unpaid leave of absence. However, the employee would return to work with the same seniority and unused leave balances they had when the unpaid leave commenced.

RETURN FROM LEAVE

The City will provide the employee a guarantee of employment in the same or an equivalent job with equivalent pay, benefits, and other employment terms and conditions upon returning from leave. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

The City shall require the employee to provide a fitness for duty certificate in cases where the leave was requested for the employee's serious health condition.

A "key" employee (an employee who is among the highest paid 10% of all the employees) may be denied reinstatement provided that:

- a. Denial is necessary to prevent substantial and grievous economic injury to the operations of the City;
- b. The City notifies the employee of the intent to deny restoration on such basis at the time the City determines that such injury would occur; and
- c. In any case where leave has commenced, the employee elects not to return to employment after receiving such notice from the City.

PROCEDURE

To insure employees receive the best benefit of leave provisions, requests for leave must comply with City procedures and policies. Notwithstanding the provisions of these laws,

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employees are required to observe all City policies regarding leave requests, absences, notification to supervisors and appointing authorities, payment of insurance premiums, and use of paid leave, whether or not addressed herein.

Application for Leave: In all cases, an employee requesting leave must complete a "Request for Leave/Notice of Leave" form and return it to his/her Department Director for their signature. The Department Director shall forward the application immediately to the Personnel Office.

Notice of Leave: When the need for family or medical leave is foreseeable, such as the expected birth or placement of an adopted or foster child, or because of a planned medical treatment, the employee must submit an application for leave at least thirty (30) days before the leave is to begin.

If the need for leave is based on the planned medical treatment of a family member or the employee's illness, the employee shall attempt to schedule the treatment so as not to disrupt the department's operation, subject to the health care provider's approval.

If the need for leave is not foreseeable, notice must be given as soon as possible, but not later than 5 working days after learning of the need. The City shall respond to the leave request as soon as possible and in any event no later than 10 days after receiving the request.

For City purposes, written notice will be required, but may be submitted after an oral request. Oral notice must be provided according to department policies regarding emergency or unplanned absences.

Medical Certification: Employees requesting leave for their own serious health condition or a covered family member's serious health condition will be required to submit a completed "Certification of Physician or Practitioner" form. Such certification must be provided to the City within fifteen (15) days in advance of the leave request or as far in advance as practicable. Such certification is not required with regard to birth or placement of a child.

If leave is needed for intermittent treatment (the employee's or the family member's) or reduced leave schedule, the certification must state the dates of treatment, duration, and that the leave is medically necessary to care for the family member or assist in the recovery of the family member. In addition, if the leave is for the employee's own serious health condition, the certification must contain a statement that the employee is unable to perform the essential functions of the job.

The City of Villa Park may challenge a certification if there is "reason to doubt the validity of the certification." A second opinion from an employer-approved health care practitioner may be required at the City's expense. If the second opinion is different from the first, the City may require the opinion of a third provider, jointly approved by the City and the

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employee. The opinion of the third provider will be binding. The City may also require that the employee obtain subsequent recertifications on a reasonable basis.

Review and Determination: Upon receipt, the City Clerk shall review the application, and, when applicable, the medical certification and determine (1) if the employee is eligible, (2) if the notification/certification is sufficient, (3) if the employee is eligible for or required to take any paid leave, and (4) if the leave is limited (alternate schedule, duration, etc.) Upon determination, the City Clerk shall notify the employee in writing.

Failure to Return from Leave: The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is requested and granted. An employee who requests an extension of family or medical leave due to the continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension in writing. This written request should be made as soon as the employee realizes that he/she will not be able to return at the expiration of the leave period.

9. City Designation of Family and Medical Leave:

- a. The City of Villa Park may require employees to use accrued paid leave concurrently with FMLA leave and to use FMLA leave concurrently with non-FMLA leave which is FMLA-qualifying (e.g. in conjunction with Short-Term Disability or Workers' Compensation).
- b. The City will notify the employee of the designation of leave as FMLA leave.
- c. Absent extenuating circumstances, the City will notify the employee of the FMLA leave designation within two (2) days. Notice may be given orally or in writing.
- d. The City may not retroactively designate leave as FMLA leave unless:
 1. The City learns for the first time that leave is for a FMLA purpose after such leave has begun, such as when an employee gives notice of the need for an extension of paid leave (e.g. vacation) with an unpaid FMLA leave. In such a situation, the entire period of paid leave may be retroactively counted as FMLA leave for the period of the leave that was FMLA qualifying; or,
 2. The City ultimately confirms leave as FMLA-qualifying and knew the reason for the leave, but was unable to determine if the leave qualified under FMLA.

DEFINITIONS

For purposes of this policy, the following definitions apply:

1. **Child:** shall include a biological, adopted, foster child, stepchild, legal ward, or a child of an employee standing in loco parentis (i.e., in place of a parent), who is under 18 or older than 18 if incapable of self-care because of a mental or physical disability.

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2. **Parent:** biological, foster, or adoptive parent, stepparent, a legal guardian, or individual who stood in loco parentis to an employee when the employee was a child. Spouse's parents (in-laws) are excluded.
3. **Serious Health Condition:** an illness, injury, impairment, or physical or mental condition that involves:
 - a. Any period of incapacity or treatment in connection with or in consequent to a hospital, hospice, or residential medical care facility;
 - b. Any period of incapacity requiring absence from work of more than three calendar days, that also involves continuing treatment by a health care provider.
 - c. Continuing treatment of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.
 - d. Prenatal care by a health provider.

A serious health condition is not intended to include minor illnesses lasting only a few days or surgical procedures which typically do not involve hospitalization and require only a brief recovery period.

4. **Continuing Treatments:**
 - a. Two or more visits to a health care provider;
 - b. Two or more treatments by a health care provider (e.g. physical therapist) on referral from, or under the direction of a health care provider;
 - c. A single visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
5. **Intermittent Leave:** leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. For example, if an employee is approved for 20 hours per week intermittent leave, this counts as one-half of one week towards the 12 week family leave period.
6. **Reduced Leave Schedule:** a leave schedule that reduces the employees usual number of hours per workweek or workday.
7. **Time Period:** the 12 month period shall be measured from the date the first period of the leave commences, if more than one leave of absence is requested. The total period of all absences related to "Family Care and Medical Leave" shall be considered part of the same "Leave of Absence," and may not exceed twelve weeks during a twelve month period.³⁶

³⁶ Adopted 2002

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Section 4-01 City Financial Policy Manual

The City Financial Policy manual summarizes the financial polices and procedures that have been adopted by the City Council of the City of Villa Park. The manual defines a system for financial administration and for meeting the City's fiduciary responsibilities.³⁷

³⁷ Adopted 2002

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Section 5-01 Employee Responsibilities – Workplace Safety

All City employees are responsible for contributing to workplace safety by:

- a. Keeping work areas clean, orderly and free of hazards.
- b. Obeying work rules and procedures.
- c. Asking supervisors for instruction prior to performing new tasks or utilizing new equipment.
- d. Avoiding horseplay and refraining from distracting others.
- e. Dressing in attire suitable for performing a job.
- f. Correctly lifting and properly handling materials. At no time should an employee lift over 50 pounds on his or her own without assistance.
- g. Promoting safety among co-workers, communicating safety information and aiding new employees in developing safe work habits.
- h. Caring for and using personal protective equipment as required for certain tasks.
- i. Obeying traffic laws and wearing seat belts when operating City vehicles.
- j. Reporting injuries, illnesses and unsafe conditions to immediate supervisors.
- k. Cooperating and assisting with the investigation and reporting of incidents.
- l. Notifying supervisors when taking prescription medications that may cause reactions such as fatigue, dizziness, impaired vision or judgment.³⁸

³⁸ Adopted 2002

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Section 5-02 Injury and Illness Prevention Program

RESPONSIBILITY

The City Manager shall be responsible for implementation of the Injury and Illness Prevention Program.

REPORTING

- A. Employees shall report the occurrence of an on the job injury to their supervisor as soon as possible after the injury occurs. The supervisor shall thoroughly investigate each injury and record findings on a Supervisor's Report of Injury form. The Report shall be forwarded to the City Manager by the end of the day following the injury.
- B. If an employee experiences reoccurrence of a previously reported injury, the employee must report it to his/her supervisor immediately. Time lost due to reoccurrence is compensable only when the disability is confirmed as a reoccurrence by the City-approved Physician.
- C. An employee will not be allowed to return to work after an on-the-job injury unless he/she receives a signed authorization from the City-approved Physician.
- D. If a serious injury/illness occurs to an employee during work hours and requires Emergency Medical Treatment such as profuse bleeding, breathing difficulties, unconsciousness, head/neck/back injury, etc., a supervisor or employee shall contact 911 for paramedic assistance and transportation to the appropriate facility. The Risk and Personnel Managers must be contacted immediately by telephone. Qualified employees shall administer First Aid as necessary until the paramedics arrive.
- E. All non-emergency on-the-job injuries should be evaluated by the City-approved Physician, except for minor cuts/scratches/bruises that should receive first aid treatment.
- F. Employees are initially required to seek treatment from the City-approved Physician for an on-the-job injury. Employees may see their own personal physician on subsequent visits after notifying the City Manager. The City Manager will refer to the "Designation of Personal Physician" form which is maintained in the employee's personnel file.³⁹

³⁹ Adopted 2002

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Section 5-03 Incident Reporting Procedures

- A. An incident is an accident or "near miss" involving an employee or witnessed by an employee and occurring on public property. An incident may involve non-employee injuries, property damage or loss and/or vehicular accidents. In either case, an incident must be recorded on an Incident Report form. Such reports will be used to determine actions to prevent reoccurrences. Employees will not be disciplined for reporting incidents. If the incident results in an employee injury, please refer to the "Employee Injuries/Illness" Section in this Guide and do not complete an incident report.
- B. The procedure for investigating an incident is as follows:
1. Inspect the site of the incident.
 2. Determine if there were any witnesses and obtain their observations. Take brief notes relating what occurred.
 3. Record information as to weather conditions, note any mechanical or environmental defects and photograph the site to document physical damage or if an injury occurred.
 4. Make note of any unsafe acts or failure to follow normal work procedures that may have contributed to the incident.
- C. It is critical for employees to complete an Incident Report when an incident is observed involving a member of the public. If the person appears injured, employees should ask if they are all right or need assistance and offer to contact someone for the person.⁴⁰

⁴⁰ Adopted 2002

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Section 5-04 Vehicle Accident Reporting Procedures

All vehicular collisions involving City vehicles or personal vehicles used on City business, no matter how minor, shall be reported in the following manner:

1. The employee driver shall immediately notify his/her supervisor of the incident.
2. The employee shall request that any other involved party remain at the scene until the supervisor or his/her designee arrives to take photographs to document any property damage caused by the accident.
3. The employee shall obtain information on the make, model and license number of the other vehicle(s) involved, the name and address on the other party's drivers' license and their insurance carrier and policy number.
4. The employee shall refrain from making statements regarding the accident with anyone other than the investigating law enforcement officer and his/her supervisor. Statements shall be confined to factual observations.
5. The supervisor or his/her designee shall investigate the accident scene and promptly file an Incident Report with their Department Director and forward to the Risk Manager within forty-eight hours. Photographs of damage should also be forwarded to the Risk Manager as soon as possible.
6. The Sheriff's Department shall be notified immediately to obtain a report if:
 - a. The accident occurred on a public road.
 - b. A non-City vehicle was involved, and;
 - c. Either party may have been injured or significant vehicle damage occurred. The officer's name shall be obtained for the Incident Report.
7. Injured parties shall obtain prompt medical treatment. The supervisor shall immediately complete a Supervisor's Report of Injury form for any employee injury after insuring that the employee receives appropriate medical attention and forward it to the City Manager.⁴¹

⁴¹ Adopted 2002

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Section 5-05 Hazardous Materials

It is the policy of the City of Villa Park, insofar as is reasonable and practical, to ensure that employees know the properties and potential safety and health hazards of the substances which they use or to which they are exposed at work. Employees who use or may be exposed to potentially hazardous substances or harmful physical agents shall be informed about the hazards of those substances and shall be trained in the precautions to take to prevent exposure and what to do if they are accidentally exposed. No employee shall engage in or be required to perform any task that is determined to be unsafe or unreasonably hazardous.

Employees and their designated representatives shall also be provided access to relevant exposure and medical records that pertain to toxic substances or harmful physical agents they may encounter during employment with the City. Such record disclosure is intended to yield both direct and indirect improvement in the detection, treatment, and prevention of occupational disease.

Material Safety Data Sheets (MSDS) for all hazardous substances utilized by the City shall be available at the following locations:

- Public Works Yard

Departments shall provide employees with information and training on hazardous substances in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. A written record of each employee training session provided pursuant to this program shall be recorded.⁴²

⁴² Adopted 2002

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Section 5-06 Modified Duty Position

The purpose of this policy is to establish procedures for handling a City-wide modified duty/return to work program for workers' compensation physical injuries. It is the City's goal, with cooperation from all departments, to locate and assign modified duty, when feasible, to employees who are temporarily disabled from their regular job as a result of an on-the-job injury. All such modified duty work assignments are to be within the limitations as described by a City-approved Physician.

The City-approved Physician shall be encouraged to release temporarily disabled employees to a modified-duty work status and describe the employee's limitations in sufficient detail to enable the City to determine a suitable work or task assignment.

The employee's regular work department shall attempt to locate or design a work assignment within the limitations described by the physician.

The Public Works Department has identified specific work assignments which could be given to an employee recovering from an injury and authorized by his/her physician to return to light duty work. These work assignments include:

- Light custodial assistance, park litter pickup, light warehouse assistance, office work (filing, sorting, etc.), and assignments with other City departments requiring light duty work.

If the usual work department is unable to assign suitable work, The City Manager shall contact other departments to determine if a suitable work assignment exists. The department to which the employee is regularly assigned will continue to provide regular wages.

The City Manager shall ensure that both the City-approved Physician and the contract claims administrator are informed of the employee's work status. Upon release to regular work without restrictions, the employee shall be returned to his/her permanent work unit.⁴³

⁴³ Adopted 2002

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Section 5-07 Occupational Exposure to Bloodborne Agents

Pursuant to the United States Department of Labor, Occupational Safety and Health Administration's (OSHA) regulation 29 CFR Part 1910.1030 and the State of California's OSHA regulation, the City of Villa Park has adopted the following:

It is the policy of the City of Villa Park to provide its employees with a safe working environment in which training, materials, personal protective devices, and medical treatment including follow-up are provided to protect its employees welfare.

SCOPE

All employees who can be "reasonably anticipated" to come in contact with contaminants and potentially infectious materials through the performance of their work are subject to this policy. These regulations exclude good Samaritans, e.g., employees who may assist co-workers with nosebleeds. Affected employees include those that may come into contact with infectious materials.

For the purposes of this policy, contaminants and infectious material will be defined as: blood, human secretions and bi-products; and, used and soiled objects with the previous mentioned matter upon them or in them.

EXPOSURE CONTROL PLAN

Though minimal, the potential exists, when contact is made with blood and other infectious materials, for employees to be exposed to Hepatitis B virus (HBV), human immunodeficiency virus (HIV) which causes acquired immunodeficiency syndrome (AIDS), and other blood-borne diseases. It is the legal and moral responsibility of the City of Villa Park to provide appropriate safeguards for employees who may be exposed to potentially dangerous viruses.

An exposure incident means a specific eye, mouth, other mucous membrane, non-intact skin, or potential contact with blood or other potentially infectious materials that results from the performance of an employee's duties. All exposures will be reported on a Supervisor's Report of Injury Form and reported to the City Manager as soon as possible.

Employees subject to this policy will be trained to: identify blood and infectious materials; use safeguards; report incidents; and, to replenish protective supplies. Training will be provided to affected employees upon employment and promotion. Training will also be provided when an employee has a change in assignment, when that change places the employee in a position of possible exposure.

Tasks and Procedures Where Exposure May Occur:

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Employees may come into contact with blood and other infectious materials when providing first aid; cleaning facilities and areas where human bi-products and waste are present; cleaning/assisting children with restroom functions; or cleaning up after an altercation. Job classifications which are likely to be involved in the above include the following:

Possible Exposure Positions by Department:

Administration

1. City Manager

Public Works

1. Maintenance Superintendent
2. Maintenance Lead Man
3. Maintenance Worker

METHOD OF COMPLIANCE

All employees subject to this policy shall be required to practice "universal precautions" by treating all body fluids/materials as if infectious. Employees shall further be expected to:

1. Hand-wash frequently with soap and disinfectants.
2. Wear latex gloves when involved in an exposure incident.
3. Hand-wash following an exposure incident.
4. Use all safeguards including the carrying of towelettes and disinfectant when on excursions or away from washing facilities.
5. Minimize splashing and spraying of blood and other infectious materials.
6. Minimize unnecessary involvement of others, especially untrained persons, in exposure incidents.

Training, personal protective equipment, vaccinations, and materials associated with this policy shall be provided to the affected employees at no cost. City-owned eating surfaces and restroom facilities will be cleaned and disinfected daily. (Attachment A)

MEDICAL TREATMENT AND FACILITIES

The City of Villa Park shall contract with a licensed physician/healthcare provider and laboratories to perform required post exposure evaluation and follow-up according to the latest recommendations of the United States Public Health Service (USPHS). The contracted or subcontracted physician and the laboratories shall meet federal regulations with regard to bloodborne diseases and shall follow standard microbiological practices. Each contractor shall possess and use containment equipment and an autoclave for decontamination of regulated waste. The facilities and equipment must be constructed to limit risks and enable easy clean up.

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Post-Exposure Evaluation and Follow-up:

Following a report of an exposure incident, the City shall make immediately available to the exposed employee a confidential medical evaluation and follow-up including:

1. Documentation on the routes of exposure, and the circumstances under which the exposure incident occurred.
2. Identification and documentation of the source individual, unless the City can establish that identification is infeasible or prohibited by state law.
3. Blood tests if the exposed employee consents.
4. Post-exposure protective treatment, Hepatitis B serum or other medication, as recommended by the City's physician.
5. Counseling and evaluation of reported illnesses.

The attending physician will be provided with information regarding the employee's duties. The physician will provide the City with information regarding the affected employee's ability to receive the Hepatitis B vaccine. All medical services, records, and diagnoses will remain confidential.

INFORMATION AND TRAINING

Training will be provided to all employees subject to this policy upon assignment. Training will also be provided to employees when new information becomes available or when changes such as modification of tasks or procedures or institution of new tasks or procedures affect an employee's occupational exposure.

Training will include a copy of this policy, a video presentation on bloodborne pathogens, and a discussion covering the following topics:

- Bloodborne diseases and their transmission.
- Safeguards and the use of personal protective equipment.
- Responses to emergencies involving blood.
- Guidelines for handling exposure incidents.
- Post-exposure evaluation and follow-up programs.

RECORDKEEPING

Incident reports and medical records for each employee sustaining an exposure, will be kept for the duration of an employee's employment, plus 30 years. All records will be kept confidential and will include the employee's name and social security number; results of any examinations, medical testing and follow-up procedures; the employer's copy of the physician's/healthcare workers written opinion; and, a copy of information provided to the physician.

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Training records will be maintained for a minimum of three years and must include dates, contents of the training program or a summary, trainer's name and qualifications, and names and job titles of all persons attending the sessions. Medical records will be made available to the subject employee, anyone with verified written consent of the employee, OSHA, and NIOSH.

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Attachment A

Cleaning and Disinfection Plan

It is the policy of the City of Villa Park to daily clean and disinfect City-owned food preparation, serving, and eating surfaces, restroom and shower facilities, and other areas where infectious materials may be present. The following surfaces are cleaned and disinfected with the identified chemicals:

Porcelain Surfaces:

Strike bac disinfectant-Star, Quat-A-Kleen-waxie, Pin-o-lav-star, Hospital Spray-waxie, Liquid pumice-waxie, U-R-out bowl cleaner-glasby, Wisemove bowl cleaner-waxie, Pumice sticks, Waxie kleen-brite, Butchers speedball, Rip tide butcher, Comet, Sheila Shine

Stainless Steel Surfaces:

Bright boy metal polish, 3M stainless steel cleaner and polish, Walton-March showtime, Liberty Polish, Glasby SATIN GLO

Glass Mirror and Windows:

Windex, Waxie Liquid Squeege, Walton-March glass act, Waxie aerosol glass cleaner, Glasby GLAS be clear

Title (Asphalt) Floors:

Taski P44 wax, Top mop concentrate cleaner, Glasby super GLAS wax, Glasby diamond GLAS wax, Glasby stronghold sealer, Neotralizer rinse, Lift off stripper, Butchers iron stone Acrylic Seal, Butchers Bare knuckles stripper, Butchers Jackhammer stripper, Strike Bac Disinfectant cleaner, Pine-o-lav cleaner

Tile (Ceramic) Floors and Counters:

Taski P44 wax, Top mop concentrate cleaner, Strike Bac Disinfectant cleaner, Pine-o-lav cleaner, Tile smile cleaner, Dynasol concentrate, Glasby stronghold sealer, Butcher's Bare knuckles stripper, Butchers Jackhammer stripper, Butcher's Ironstone Acrylic Seal

Cement Floors:

Top mop concentrate cleaner, Dynasol concentrate cleaner, Seal stripper, Orange all Degreaser, Butchers Ironstone Acrylic sealer, Glasby stronghold sealer, Kleen sweep #40 compound, Quick SORB compound, Muriatic acid, Bleach

Carpets:

Waxie carpet spot lifter, Butchers Foam free, Butchers Spin out, Butchers full circle, Waxie Gum-A-way Aerosol gum remover, De-solv-it spotter, 3m Lift off cleaner, Butchers pull out

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Spot Remover, Glasby Revive, Glasby carpet shampoo, Tannin stain remover, Anti static carpet concentrate⁴⁴

⁴⁴ Adopted 2002

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Section 5-08 Emergency Staffing

All sworn City employees automatically assume Emergency Services Worker status in the event of a major emergency, such as a large earthquake.

In the event of a major emergency, City employees will be expected to remain at their facility until their department director or other responsible person releases them to go home. This will allow staff to determine the extent of the damage and begin the City's initial response to the emergency.

Every effort will be made following a major emergency occurring during working hours to permit employees to make telephone calls to determine the safety of their family members. If telephones are not operative, then every effort will be made to permit employees to go home at the earliest possible time to check on family members.

Should a major disaster strike during non-working hours, employees should not report to work until they are contacted by telephone. If you are unsure as to whether to report to work, you may contact the Emergency Operations Center. However, if telephones are not operative, we are expected to report to our work sites after assuring that our families are safe.

A good rule of thumb in emergency preparedness is to plan ahead and prepare your family to be self-sufficient for up to 7 days following a major emergency situation. This means preparing an adequate supply of food, water, and medical supplies. If you know that your family is prepared for an emergency situation, you will be better able to function as an Emergency Services Worker.

During a major disaster, particularly during a large earthquake, normal emergency services such as police and fire will be overwhelmed. The public will be depending upon us to effectively deal with the emergency situation.⁴⁵

⁴⁵ Adopted 2002

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Section 5-09 Hearing Conservation Program

PURPOSE

Title 8, California Code of Regulations, General Industry Safety Orders, Sections 5095-5100 mandate the implementation of a Hearing Conservation Program when employees are exposed to noise levels exceeding an 8 hour Time Weighted Average (TWA) of 85 dBa.

POLICY

All departments are responsible for protecting their employees from exposure to excessive noise. This policy and procedure defines responsibilities for the prevention of occupationally-induced hearing loss in City employees. The wearing of hearing protection is of paramount importance for employees exposed to noise frequently. OSHA requirements, as well as a concern for employee hearing, dictate strict adherence and compliance to this precaution. Therefore, all City employees working in noisy areas are instructed to wear hearing protection. There are no exceptions.

The City shall provide hearing protection in the form of ear plugs, ear muffs, or both, to all employees working in areas where hearing protection is required.

The City shall require employees to wear hearing protection in the form of **ear plugs or ear muffs** when utilizing the following pieces of equipment or vehicles:

Air Compressor	Jackhammer
Airless Compressor	Leaf Blower
Airless Spray Equipment	Mechanic's Shop (At All Times)
Backhoe	Metal Saws
Cement Mixer	Mowers
Circulation Saws	Roto Hammer
Edger	Skill Saws
Gas Powered Motors (Any)	Table Type Saws
Generators	Tractor
Grinder	Turf Vacuum
Hammer Drill	Vacuum Cleaner
Hammer Guns	Water Truck
Hedge Trimmer	Weed Eater
Welder	

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The City shall require employees to wear hearing protection in the form of **both ear plugs and ear muffs** when utilizing any of the following pieces of equipment, due to the potential for higher levels of noise exposure:

- Air Hammer
- Chain Saw
- Chipper
- Concrete Saw
- Root Pruner
- Sandblaster
- Sidewalk Grinder
- Stump Grinder
- Trencher

There may be other types of equipment or vehicles not indicated above that produce noise where hearing protection may be appropriate. Employees are expected to use their best judgement in wearing the appropriate protection when exposed to occupational noise when utilizing other equipment not specified in this policy.

EMPLOYEE TRAINING

The City will provide training on an annual basis to all employees who have the potential for occupational noise exposure. Training should cover the following areas:

- The purpose of hearing protectors; the advantages and disadvantages and attenuation of various types of devices
- Instruction on the selection, use, care, and proper fit of each type of hearing protection
- A discussion on when to use hearing protection
- Safe levels of noise exposure
- The effects of noise on employee health

DISCIPLINARY ACTION

Disciplinary action may be considered for employees who fail to follow the guidelines set forth in this policy.⁴⁶

⁴⁶ Adopted 2002

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Section 6-01 Items for the Agenda

The following procedure should be utilized in order to put the City Clerk on notice of upcoming items for the agenda:

On the Wednesday prior to a meeting all completed items are due in the City Clerk's office by 2:30 p.m. Also due at this time is the "proposed agenda item form" (available in City Clerk's Office) listing agenda items scheduled for the next regular meeting of City Council.⁴⁷

⁴⁷ Adopted 2002

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Section 6-02 Central File

The central file is the depository for all official City records, letters of correspondence, deeds and other written documents. The City Clerk is the custodian of this file.

- A. A copy of every written document should be submitted to the City Clerk's office for the central file.

- B. For incoming documents, the original copy should be submitted for the central file.⁴⁸

⁴⁸ Adopted 2002

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Section 6-03 Use of City Facilities

GENERAL RULES

Alcohol is prohibited in or upon any City of Villa Park facility.

Smoking is prohibited in or upon any City of Villa Park facility.

Facility users shall not practice or tolerate discrimination because of race, color, religion, sex, national origin or disability in the use of public facilities.

Applicant/permittee must make application in person to City Hall. All related paperwork, payment of any associated fees, insurance requirements, and other communication will be made and coordinated with the Applicant only.

All reservation fees are payable by personal check, cashier's check or cash. Absolutely no personal checks will be taken within three (3) weeks of a scheduled reservation. All fees must be paid in full no later than one (1) week prior to the reservation.

All applications must be made at least 20 working days in advance of the reservation on an official City of Villa Park application form.

Reservations may be made up to 12 months in advance.

Any cancellation of scheduled use of facilities, or any changes in hours or conditions indicated on the original reservation application, must be done at least 7 days prior to the scheduled reservation.

If the activity qualifies as a Special Event, insurance must be purchased through the City of Villa Park JPIA Special Events Insurance Program. Please see the City Accountant for a schedule of fees. Insurance fees are non-refundable once the reservation takes place.

City sponsored events take priority over all other usage of the facilities. Standing reservations may be rescheduled in the event of a City event. Approval of a permit is not meant to imply that the group will be guaranteed future use of the facility.

A minimum rental of 2 hours is required on all facilities. Reservations may be made for a maximum of 5 hours, not including clean up time. Clean up time is limited to 1 hour; set up time is limited to 2 hours.

Only time stated on the application will be granted for usage. All decorating, set up, event time & cleaning time, must be stated on the application.

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A security deposit may be required for use of the facility. A non-refundable portion of the security deposit will be retained for equipment replacement and general wear of the facility. For reimbursement of the remaining portion of the security deposit, the facility must be left without damage according to all guidelines. The staff on site will determine if applicant has complied. Security deposits shall be returned by mail within 15 working days after the event.

City property must be protected from damage and ordinary precautions for cleanliness maintained. No leftover foods of any kind shall be left on the premises. The room must be returned to the condition in which it was found. All lights, faucets and gas connections must be turned off before the building is closed. In cases where property has been damaged or abused beyond normal wear, the same shall be paid for by the organization involved.

WHO CAN RESERVE

Only qualifying Villa Park non-profit community groups may make reservations. Use is intended for the residents of Villa Park or organizations in which residents of Villa Park are active participants. In order to qualify as a Villa Park non-profit community group, the group must submit the following:

- A valid membership roster showing a minimum Villa Park resident membership of 75%.
- A roster of the group Board of Directors showing 100% Villa Park resident status.
- A valid non-profit tax I.D. number (if available) and a Villa Park contact mailing address. Groups must be registered with the State of California as a non-profit organization.

The reservation applicant must be a Villa Park resident and show proof of this residency by presenting a picture I.D. and utility bill to staff upon submittal of reservation application.

A Villa Park resident must serve as the authorized representative reserving the facility.

Commercial for-profit use of City facilities is not permitted. Religious services shall not be held in City-owned facilities. This policy applies to all religions and is based upon the separation of Church and State found within the United States and California Constitutions.

Non-profit Villa Park community groups not meeting the above criteria may reserve the facility with the understanding that City sponsored events and events by qualifying non-profit groups take priority over all other usage of the facilities. Usage may be discontinued at any time if a City sponsored event or valid non-profit group requires the facility.

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WHAT'S AVAILABLE

City Hall Community Room

DURING AND AFTER

Permittees will be required to have not less than one adult chaperon for each 10 minors present during use of the facilities. A Villa Park resident must serve as the authorized representative reserving the facility and must be present at all times.

Under no circumstances shall chairs, tables, or other equipment be removed from the premises. All decorations used must be flame-proofed. Nails, screws, adhesive or scotch tape are prohibited in hanging decorations. Storage by any group of any kind of equipment or materials in buildings is not permitted.

No private instructions where a fee is charged for profit will be allowed.

Live animals are not permitted in the facility.

Facilities will not be available for fund-raising events that are not devoted solely to municipal recreation and park improvement and social service betterment. For fund raising groups, an approved application for an Exempt Business License must be filed at City Hall. No solicitation of donations, contributions, or sale of anything of value for any purpose shall be allowed on any City facility without prior written approval.

No decorations shall be displayed, installed or provided by permittee, which may damage or deface the building. Existing decorations may not be removed. The permittee is responsible for removing all of their own decorations and trash at the end of their reservation. No staples, nails, or tape may be used on any building surface or tables.

Place trash in the trashcans and dispose in dumpsters provided. Pick up and mop large debris and/or spills in facility, kitchen and restrooms. Check with staff on duty to insure that facility is left in an acceptable manner, and initial the reservation form. A staff member will assist permittee, but is not responsible for cleanup.

Any or all provisions contained herein may be waived by action of the City Council only.⁴⁹

⁴⁹ Adopted 2002

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Section 6-04 Conference and Workshop Attendance

PURPOSE

1. The City Council of the City of Villa Park determines that attendance at conferences and workshops by Councilmembers and staff provides an opportunity to keep up to date on current issues and regulations.
2. Conference and workshop attendance benefits the community by allowing City representatives to network with other professionals in their field and bring back new ideas.
3. Conference and workshop attendance allows City representatives to learn from the mistakes of other communities and share the Villa Park way of doing things.
4. The City Council therefore established this policy for attendance at conferences and workshops by Councilmembers and staff.

POLICY

It is the policy of the City Council of the City of Villa Park to allow attendance at conferences and workshops based on the following criteria:

1. Exempt Management and Supervisory employees may be entitled to attend conferences and meetings relating to City business at the City's expense within the scope of the approved budget. Attendance of the City Manager at conferences and meetings shall not exceed six (6) days of normal working time per year. Attendance by other Exempt Supervisory employees shall not exceed three (3) days normal working time per year as approved by the City Manager. Reimbursement will be based on a properly documented expense voucher. Attendance at such conferences and meetings is provided for professional enhancement.⁵⁰

⁵⁰ Adopted 2002

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Section 6-05 Council-Manager Relations

PURPOSE

The City Council of the City of Villa Park recognizes that the City Manager is responsible for the day-to-day operations of the City. As such, the City Council shall endeavor to maintain a professional relationship with the City Manager to afford him or her the ability to work for the benefit of the organization.

APPLICATION

This policy shall apply to all City elected officials and the City Manager

POLICY

The precise duties of the City Manager are not defined under California law. Section 2-4 of the Villa Park Municipal Code establishes the office of the City Manager and outlines the duties generally as the administrative head of the government of the City under the direction and control of the City Council.

COUNCIL-MANAGER RELATIONS

Pursuant to Section 2-4 of the Villa Park Municipal Code, neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council only when sitting in a duly held meeting of the City Council and no individual Council member shall give any orders or instruction to the City Manager. Nothing shall prevent any Council member from discussing matters of the City with the City Manager. In addition, nothing shall prevent the City Council from authorizing the Mayor or a committee of the Council from instructing the City Manager in any area designated by the City Council.

The City Council agrees none of its members will publicly censure or criticize City staff and will instead relay any criticism of a City staff member privately through the City Manager. The City Council shall not interfere in any way in the City Manager's authority over employees and how the organization does its work.

CITY MANAGER PERFORMANCE

Annually, the City Council and the City Manager shall define such goals and performance objectives that they determine necessary for the proper operation of the City in the attainment of the City Council's policy objectives, and the City Council and

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City Manager shall establish a relative priority among those various goals and objectives to be reduced to writing.

The City Council shall review and evaluate the performance of the City Manager at least once annually. The annual review and evaluation should contain specific criteria developed jointly by the City Council and the City Manager.

HOURS OF WORK

The City Manager's schedule of work each day and week shall vary in accordance with the work required to be performed.⁵¹

⁵¹ Adopted 2002

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Section 6-06 City Council Operations

PURPOSE

The purpose of this policy is to provide a framework for operation of the City Council of the City of Villa Park. The City Council of the City of Villa Park serves without compensation and is subject to Section 2-2 of the Villa Park Municipal Code.

APPLICATION

This policy applies to all City Council elected officials.

POLICY

MEETINGS

Regular meetings of the City Council shall be held on the fourth Tuesday of each month and convene at the hour as established by Resolution of the City Council. When the day for any regular meeting of the City Council falls on a legal holiday, no meeting shall be held on such holiday, but such meeting shall be held at the same hour on the next succeeding day which is not a holiday. All regular meetings of the City Council shall be held at the Villa Park City Hall, 17855 Santiago Boulevard, Villa Park, California.

Special Meetings

Special meetings may be called at any time by the Mayor or by determination of the majority of the City Council. Written notice of any such meeting must be given to all members of the City Council and to all newspapers, radio stations, television stations, or other media who have previously requested same in accordance with applicable provisions of the Government Code. Such notice may be given either personally or by mail, but must be received at least twenty-four (24) hours before the time set for the special meeting. Such notice is not necessary for any member who submits a written waiver of notice to the City Clerk at or before the time set for the meeting, or for any member who is actually present at the special meeting.

Special Emergency Meetings

A special emergency meeting may be called by the Mayor or by a majority of the City Council where there exists:

1. A work stoppage, crippling disaster or other activity which severely impairs public health or safety; or

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2. Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and conducted only in accordance with the procedures set forth in State law.

Closed Sessions

The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. If a closed session is included on the agenda, the description of the item need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the City Council during a closed session are required. There shall be no closed session during any special emergency meeting.

Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three (3) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special was held within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.

Agenda for Meetings

The City Clerk prepares the agenda and all such matters according to the order of business and delivers or mails a complete copy of such agenda, together with supporting materials, to each Councilmember and each department head as soon as possible, but in no event later than the Wednesday preceding the Council meeting.

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description need not set out the specific action or alternatives which will be considered by the City Council, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda.

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TAKING ACTION AT A MEETING

No action shall be taken by the City Council, on any item not appearing on a posted agenda, subject only to the exceptions listed in subsection e below. "Action taken" as used herein shall mean a collective decision made by a majority of the quorum of the City Council, a collective commitment or promise by a majority of the quorum of the City Council to make a positive or a negative decision, or an actual vote by a majority of the quorum of the City Council upon a motion or proposal, resolution, order or ordinance. With regards to matters not on the agenda, the members of the City Council may ask questions of persons who raise such matters during the "Public Comment" period or otherwise, but such questions should be limited to informational purposes, and the City Council should avoid discussions of the merits or giving directions regarding such subjects. With regards to matters raised by members of the City Council under "Items from Members," such matters should normally be placed on the agenda without discussion by the City Council.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the City Council on items of interest to the public within the City Council's subject matter jurisdiction. This Public Comment period shall be conducted in accordance with the procedures set forth under Public Comment of this policy.

Exceptions to Agenda Requirement for Action Taken

The City Council may take action at a meeting on an item not appearing on the agenda for that meeting only under one (1) of the following circumstances:

1. Upon a majority determination that an "emergency situation," as that term is defined by State law, exists.
2. Upon a determination by a two-thirds vote of the City Council, or if less than two-thirds of the members are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting. For the purposes of this subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the City Council. The mere failure of any person to notify the City Council or staff of a preexisting situation requiring City Council attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the City Council makes a determination pursuant to this subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

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3. Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which action is being taken.

POSTING OF NOTICE AND AGENDA

For every regular or special meeting, the City Clerk or his or her designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

The notice and agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted material. Specifically, the notice and agenda shall be posted at the places indicated in Article 2-5 of the Villa Park Municipal Code.

For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

For any special meeting of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

Immediately following the posting of the notice and agenda, the City Clerk or his or her designee shall complete an Affidavit of Posting, in a form to be developed by the City Clerk. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits, together with a copy of each notice and agenda so posted, in his or her files.

PLANNING

Planning Agency

The City Council is also designated as planning agency pursuant to the provisions of Government Code Section 65100.

ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council or requested in writing by a member of the City Council or the City Manager, or prepared by the City Attorney on his own initiative.

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All ordinances, resolutions and contract documents shall, before presentation to the City Council, have been approved as to form and legality by the City Attorney or his authorized representative and shall have been examined and approved for the administration by the City Manager or his or her authorized representative where there are substantive matters of administration involved.

Ordinances, resolutions and other matters or subjects requiring action by the City Council shall be introduced and sponsored by a member of the City Council; except that the Mayor, City Manager or City Attorney may present ordinances, resolutions or other matters or subjects to the City Council, and any Councilmember may assume sponsorship thereof by moving that such ordinances, resolutions or other matters or subjects be adopted; otherwise they shall not be considered.

Authorized To Appoint Officers

The City Council may, by appropriate action, create those positions necessary for the orderly function of a City. The City Council may, by appropriate action, fill those positions that are allowed under the Government Code of the State of California. The City Council, in appointing said officers, or in creating those positions they deem advisable, shall define the duties therefor and determine the rate of compensation to be paid.

TERMS

Limitation of Terms of City Council Members

A person is ineligible to hold office as a member of the City Council if such person has subsequent to January 1, 1998 served on the City Council for two (2) full terms.

RULES OF ORDER FOR CONDUCT OF CITY COUNCIL MEETINGS

Order of Business

Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the Mayor, the City Manager, the City Clerk and the City Attorney unless previously excused by the Mayor, shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the order as set forth by resolution.

Duties of Presiding Officer, Signing of Ordinances, Contracts, etc.

The Mayor, or in his absence, the Mayor Pro Tempore, shall be the presiding officer, and he shall assume his place and duties as such immediately following his election. He shall preserve strict order and decorum at all meetings of the City Council, state questions coming before the City Council, announce its decision on all subjects and decide all questions of order; subject, however, to an appeal to the City Council as a

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whole, in which event a majority vote of the City Council members present shall govern and conclusively determine such question of order. He shall vote on all questions, and on roll call, his name shall be called last.

The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the City Council at meetings at which he is in attendance, In the event of his absence, the Mayor Pro Tempore shall sign such documents as have been adopted and approved during the meeting at which he presided.

Call to Order; Absence of Mayor and Mayor Pro Tempore

The Mayor, or in his absence, the Mayor Pro Tempore, shall call the City Council to order. In the absence of the Mayor and the Mayor Pro Tempore, the City Clerk or her assistant shall call the Council to order, whereupon a temporary chairman shall be elected by the Councilmembers present. Upon the arrival of the Mayor or the Mayor Pro Tempore, the temporary chairman shall relinquish the chair at the conclusion of the business then before the City Council.

Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers, and the names of those present shall be entered in the minutes.

Quorum; Adjournment of Meeting When Quorum Not Present

A majority of the City Council constitutes a quorum for the transaction of business. When there is no quorum, the Mayor, Mayor Pro Tempore, or any Councilmember shall adjourn such meeting, or if no Councilmember is present, the City Clerk shall adjourn the meeting.

Preparation of Minutes

The minutes of the City Council shall be kept by the City Clerk and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transaction set off in paragraphs, with proper subheads; provided, that the City Clerk shall be required to make a record only of such business as was actually passed by a vote of the City Council, and may at the direction of the City Council include a summary of Councilmember remarks and those of any other person addressing the City Council.

As soon as possible after each City Council meeting, the City Clerk shall cause a copy of the minutes thereof to be forwarded to each Councilmember, the City Manager, the City Attorney and the department heads.

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Approval of Minutes

Unless the reading of the minutes of a City Council meeting is requested by a Councilmember, such minutes may be approved without reading if the City Clerk previously has furnished each Councilmember with a copy thereof stamped "draft." Nothing may be added to the minutes; except that they may be amended by a majority vote of the City Council members to reflect correctly the business of the City Council at such meeting.

RULES OF DEBATE

Presiding Officer May Debate and Vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Councilmember, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of his acting as the presiding officer.

Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call him to order or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he shall cease speaking until the question of order is determined to proceed.

Getting the Floor; Improper References To Be Avoided. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

Motion To Reconsider. Motion to reconsider any action taken by the City Council may be made only at the same meeting in which such action was originally taken. Such motion must be made by one of the prevailing side, but may be seconded by any Councilmember and may be made at any time and shall have precedence over all other motions, except while a Councilmember has the floor. It shall be debatable. Nothing herein shall be construed to prevent any Councilmember from making or remaking the same or other motion at a subsequent meeting of the City Council.

Disqualification and Abstention. No City Councilmember shall be permitted to disqualify himself and abstain from voting unless such disqualification shall have been approved by the City Attorney in the public portion of a meeting or the unanimous vote of the remainder of the City Council present. Unapproved disqualifications and abstentions shall be counted by the City Clerk as an affirmative vote. This subsection will not apply at the time of reorganization of the City Council.

Tied Votes Deemed Denial. All tie votes shall be deemed to be denials.

Silence Constitutes Affirmative Vote. Unless a Councilmember states that he is not voting, his silence shall be recorded as an affirmative vote.

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Rules of Order. Except as otherwise provided in this section, the latest edition of "Robert's Rules of Order, Revised" shall govern the conduct of the meetings of the City Council. However, no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow such rules.

ADDRESSING THE CITY COUNCIL

Securing Permission; Right To Address Council. Any person desiring to address the City Council shall first secure the permission of the presiding officer to do so; provided, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the City Council upon obtaining recognition by the presiding officer.

Staff Reports. Interested parties or their authorized representatives may address the City Council with regard to written communications referred to in the report of the City Manager or any department head.

Group of Persons Addressing Council. Whenever a group of persons wishes to address the City Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the City Council, and in case additional matters are to be presented at the time by any other member of such group, to limit the number of persons addressing the City Council, so as to avoid unnecessary repetition before the City Council.

PUBLIC COMMENT

Public Comment and Items From Members. During the Public Comment item of the agenda, any member of the public may address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda, and members of the City Council should refrain from discussing the merits or giving directions concerning such subjects.

Limitations. The Public Comment period shall be limited to no more than thirty (30) minutes for all speakers, to be apportioned among all speakers who request time. No single speaker shall be allotted more than five (5) minutes to address the City Council at any one (1) meeting, unless this limitation is waived by the City Council.

Procedure:

1. Upon addressing the City Council, each speaker must first state his or her name and address, and then identify the subject or subjects upon which he/she intends to speak.

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2. At the close of the speaker's comments, the Presiding Officer may ask staff to respond to the speaker's comments. Thereafter, the chair shall make one of the following determinations:
 - (a) The subject(s) raised do not require investigation or response.
 - (b) The subject(s) raised should be referred to staff for investigation and/or response.
 - (c) The subject(s) raised should be placed on the agenda for the next meeting for action by the City Council.
 - (d) Such other determination consistent with State law.

Other Agenda Matters. In addition to receiving comment from the public during the Public Comment period, the presiding officer shall have the discretion to recognize persons from the audience who wish to address the City Council on a particular agenda item, at the time that item is considered by the City Council.

Items From Members. In addition to receiving comment from the public, there is a specific item on the agenda for receiving general comments, announcements, and/or suggestions from Members of the City Council. These matters may not be discussed and if they do not concern an item on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Public Comment. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda.

PUBLIC HEARINGS

Matters which are required to be heard in a noticed public hearing shall be conducted in the following manner:

Time for Consideration. Matters noticed to be heard by the City Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting in the manner provided for adjourned meetings.

Conduct of Hearing. When a matter for public hearing comes before the City Council, the presiding officer shall open the public hearing. Upon opening the public hearing the presiding officer shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing. The presiding officer shall thereupon

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inquire if there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make his or her presence known to the presiding officer, and upon being recognized, may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the presiding officer. Members of the City Council who wish to ask questions of the speakers or each other, during the public hearing portion, may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. The presiding officer shall conduct the hearing in such a manner as to afford due process to all affected persons.

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Prior to declaring the public hearing open, the presiding officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker.

Upon closing of the public hearing by the presiding officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing.

DECORUM

By Councilmembers. While the City Council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the City Council or the presiding officer, except as otherwise herein provided.

By Other Persons. Any person, while in attendance at any City Council meeting, who makes personal, impertinent or slanderous remarks, or who uses profane language or language tending to bring the City Council or any of its members or any official of the City into contempt, or any person who interrupts any proceeding of the City Council or refuses or fails to be seated or keep quiet when ordered to do so by the presiding officer, shall be guilty of a misdemeanor and punishable by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the City or County jail for a period not to exceed ten (10) days, or by both such fine and imprisonment. Upon instructions of the presiding officer, it shall be the duty of any police officer present to eject any such person from the Council Chamber or place him under arrest, or both.

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VOTING

A roll call vote shall be taken upon the passage of all ordinances, resolutions and orders for the payment of money, and be entered in the minutes of the proceedings of the City Council. Upon request of any Councilmember, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or roll call vote of the City Council is in order, the City Clerk shall call the names of the members in roll call order.

MOTION TO ADJOURN

A motion to adjourn always shall be in order, and shall be decided without debate.

PROCEDURE FOR CONSIDERATION OF DEMANDS FOR CORRECTIVE ACTION

Requirement of Written Demand. Prior to any person's commencing a judicial action for injunction or mandamus to declare any action taken by the City Council void because of failure to observe Brown Act requirements, such person must first serve upon the City Clerk a written demand describing the alleged violation and demanding corrective action. Such demand must be served upon the City Clerk within thirty (30) days of the action so complained of.

Consideration of Corrective Action. Upon receipt of such a demand, consideration of the demand shall immediately be placed on the agenda for the next meeting of the City Council. If the demand is received less than seventy-two (72) hours prior to the time set for the next meeting, the City Council may determine that the notice constitutes the initiation of litigation, and that the need to take action on the threatened litigation arose subsequent to the posting of the agenda, and may consider it at that meeting pursuant to the requirements of a Closed Session. A description of any item so placed on the agenda shall include both consideration of the demand, and the possibility of corrective action by the City Council.

In considering such demands, the City Council shall first determine by motion whether corrective action should be taken. If no motion to take corrective action is carried the City Clerk shall inform the demanding party in writing of the City Council's decision not to cure or correct the challenged action.

Implementing Corrective Action. If a motion to take corrective action passes, the presiding officer may entertain a motion implementing corrective action. Any motion implementing corrective action shall address the concerns raised in the consideration of corrective action. The motion implementing corrective action may include a motion to rescind prior action taken, as appropriate. Passage of a motion to rescind invalidates prior action only as of the time of the passage of the motion, and not from the date of the initial action. A motion implementing corrective action resulting from a written demand is out of order if the action complained of: (a) was in connection with the sale or issuance of notes, bonds or other evidences of indebtedness, or any contract, agreement or incident thereto; (b) gave

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rise to a contractual obligation upon which a party has, in good faith, detrimentally relied; or (c) was taken in connection with the collection of any tax. In any event, the City Council shall notify the party making the demand in writing of its decision to take corrective action, and shall describe any corrective action taken. This notice shall be given to the demanding party as soon as possible after the meeting, but in no event more than thirty (30) days after receipt of the demand.

ANNUAL DUTIES OF THE CITY COUNCIL

Council Reorganization

Annually at the November City Council meeting, the City Council conducts a reorganization of the Mayor and Mayor Pro Tem responsibilities. Nominations are made by the Council pursuant to a schedule of proceedings prepared by the City Clerk.

Appointments and Reconfirmations

Annually, the City Council appoints members of the City's Investment Advisory Committee. This is typically done in January of each year.

City Council Committees

Committees of Council are appointed by the Mayor annually to serve within assigned areas of responsibility for the purpose of gathering and studying information. Citizens at large may be included to assist in carrying out a Committee's charges. The majority vote of the City Council at a regular, adjourned or special Council meeting will be required for approval of Committee recommendations and/or for any specific Committee authority to carry out a task.

Appointments are typically made at the December City Council meeting. City staff maintains a roster of Committees and Committee activities.

Annual Tour

Annually, the City Council and City Manager tour the City to assess physical infrastructure needs and potential capital improvement projects. Upon completion of the tour, the City Manager will prepare recommended capital projects or beautification projects for inclusion in the annual operating budget.

Adoption of Annual Operating Budget

Annually, the City Council reviews and approves an operating budget for the City of Villa Park. At the first quarterly meeting each year, the Finance Committee establishes a date for review of the budget by the City Council. The fiscal year is from July 1 through June 30. The budget is typically adopted prior to June 30 of each year. The City

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Manager is responsible for preparation of the annual operating budget and presentation to the City Council.

Appearances, Presentations and Proclamations

Periodically, the City Council will recognize members of the community, organizations, or entities that have contributed positively to the City of Villa Park through economic means, enhanced the quality of life, or by nature of their activities contributed to the positive outlook of the community. These recognitions are typically accomplished by appearance before the City Council and presenting the individuals with a certificate of recognition.

On occasion the City Council will adopt a proclamation of support or opposition regarding particular issues.

City staff will typically prepare all presentations and proclamations at the request of the City Council.

Use of City Letterhead

In general, City staff produces all official correspondence by members of the City Council using City letterhead. Committee chairs are authorized to produce correspondence on City letterhead providing that the viewpoint represents a majority of the City Council and a copy of the correspondence is provided to the City Clerk prior to distribution.⁵²

⁵² Adopted 2002

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Section 6-07 Code of Ethics and Values

PURPOSE

Good government requires that decision-makers and policy makers be independent, impartial, and accountable to the people they serve. The City of Villa Park has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in the pursuit of good government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work.

Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

1. As a Representative of the City of Villa Park, I will be *ethical*. In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

2. As a Representative of the City of Villa Park, I will be *professional*. In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

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- 3. As a Representative of the City of Villa Park, I will be *service-oriented*. In practice, this value looks like:**
- a. I provide friendly, receptive, courteous service to everyone.
 - b. I am attuned to, and care about, the needs and issues of citizens, public officials, and co-workers.
 - c. In my interactions with constituents, I am interested, engaged, and responsive.
- 4. As a Representative of the City of Villa Park, I will be *fiscally responsible* In practice, this value looks like:**
- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
 - b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
 - c. I make good financial decisions that seek to preserve programs and services for City residents.
- 5. As a Representative of the City of Villa Park, I will be *organized*. In practice, this value looks like:**
- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
 - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
 - c. I am respectful of established City processes and guidelines.
- 6. As a Representative of the City of Villa Park, I will be *communicative*. In practice, this value looks like:**
- a. I convey the City's care for and commitment to its citizens.
 - b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
 - c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.
- 7. As a Representative of the City of Villa Park, I will be *collaborative*. In practice, this value looks like:**

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- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
 - b. I work towards consensus building and gain value from diverse opinions.
 - c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
 - d. I consider the broader regional and statewide implications of the City's decisions and issues.
- 8. As a Representative of the City of Villa Park, I will be *progressive*. In practice, this value looks like:**
- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
 - b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
 - c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

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Section 6-08 Telephones and Voicemail

PURPOSE

To establish guidelines for the use of telephones and voicemail within the telephone network of the City of Villa Park (hereinafter "City"). Telephones and voicemail are business tools to be used in accordance with generally accepted business practices to provide an efficient and effective means of City Communications.

APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees utilizing telephonic communications with the City (hereinafter "telephone users").

POLICY

Telephones and voicemail are intended for business-related purposes only. All telephonic equipment is the property of the City. The City respects the individual privacy of its employees. However, the City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through the voicemail system.

A. PROPER USE OF TELEPHONES AND VOICEMAIL

1. Communications transmitted over the voicemail system shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
2. Voicemail shall not be used as a substitute to answering a City telephone during work hours. Callers to the City's main number shall be personally greeted by the City receptionist. Calls transferred to individual departments shall be personally answered by a staff member.
3. Personal non-toll calls may be made during breaks or after hours using restraint.

B. PROHIBITED USE OF VOICEMAIL

1. Voicemail messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Voicemail messages prohibited in this section include, but are not limited to:

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- i. Messages that publicize a personal dispute other than according to an approved grievance or complaint procedure.
 - ii. Messages that constitute or counsel insubordination.
 - iii. Messages that may harm close working relationships.
 - iv. Messages that contain abusive or profane language.
 - v. Messages that may take employees away from their assigned tasks.
 - vi. Messages that may undermine the City's ability to provide public services through its employees.
 - vii. Messages that include confidential City materials or information.
 - viii. Messages sent anonymously or under a fictitious name.
2. Voicemail messages that violate law, violate individual rights, create potential liability for the City or that violate public policy of the State of California are prohibited. These prohibited messages include, but are not limited to:
 - i. Messages that are pornographic or obscene.
 - ii. Messages in conflict with the City's Sexual Harassment Policy or any other policy prohibiting discrimination, including harassment, on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law. (See Section 0-08 of the City of Villa Park Administrative Policy)
 - iii. Messages that involve the use of racial, religious or ethnic slurs.
 - iv. Messages intended to harass or annoy.
 - v. Messages containing any threat that implicates personal safety.
3. Voicemail shall not be used to solicit or proselytize others for non-job related commercial ventures, religious or political causes, outside organizations or other non-job related activities.

C. PENALTIES FOR MISUES OF VOICEMAIL

1. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action up to and including termination. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing voicemail.
2. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the voicemail system and/or for removal.

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3. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.

D. TELEPHONE AND VOICEMAIL ETIQUETTE

1. All telephone calls must be answered before the third ring.
2. Greet the caller with your name and department.
3. Be courteous, respectful and attentive.
4. Take notes on the call to avoid requesting the same information a second time.
5. Treat irate callers with special care. Identify their chief complaint quickly.
6. Calls should be ended prematurely only if the caller refuses to refrain from using abusive or profane language.
7. When transferring a call, explain to the caller why it must be transferred and stay on the line until the call is completed. Prior to connecting the call, provide the staff member receiving the transfer call with the individual's name and their reason for calling.
8. Voicemail greetings shall contain the following information:
 - i. Staff member name
 - ii. City of Villa Park
 - iii. Department name
 - iv. Indicate that by dialing zero, the caller will be transferred to another staff member able to personally answer their call.
9. If an extended absence is expected, an extended absence greeting should be prepared. Include the length of absence in addition to the information contained in the standard greeting.
10. Voicemail messages should be checked often and returned in a timely manner.⁵³

⁵³ Adopted 2002

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Section 6-09 Electronic Mail

PURPOSE

To establish guidelines for the use of electronic mail (hereinafter "E-mail") on the computer network of the City of Villa Park (hereinafter "City"). E-mail is a business tool which will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City Communications.

APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees utilizing electronic communications with the City (hereinafter "E-mail users").

POLICY

E-mail is for business-related purposes only. All E-mail communications are the property of the City. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted through the E-mail system. The City respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of City-owned equipment or supplies. Consequently, E-mail users shall have no reasonable expectation of privacy in communications sent over the E-mail network as E-mail communications are not confidential, even for those E-mail communications that may require a separate password. For purposes of this policy, E-mail shall also include all messages transmitted on the Internet.

A. PROPER USE OF E-MAIL

1. Communications transmitted over the E-mail system shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
2. Users of E-mail are responsible for the management of their mailbox and its associated folders. E-mail documents will remain in a folder until deleted. The City does not maintain backup of E-mail communications unless otherwise designated by the City's retention schedule.
3. E-mail requires extensive network capacity. Users shall exercise restraint when sending very large files or messages to a large number of recipients.

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B. PROHIBITED USE OF E-MAIL

1. Messages that disrupt or threaten to disrupt the efficient operation of City business or administration are prohibited. Messages prohibited in this section include, but are not limited to:
 - i. Messages that publicize a personal dispute other than according to an approved grievance or complaint procedure.
 - ii. Messages that constitute or counsel insubordination.
 - iii. Messages that may harm close working relationships.
 - iv. Messages that contain abusive or profane language.
 - v. Messages that may take employees away from their assigned tasks.
 - vi. Messages that may undermine the City's ability to provide public services through its employees.
 - vii. Messages that harm the integrity of the system or network.
 - viii. Messages that include confidential City materials or information.
 - ix. Messages sent anonymously or under a fictitious name.
2. Messages that violate law, violate individual rights, create potential liability for the City or that violate public policy of the State of California are prohibited. These prohibited messages include, but are not limited to:
 - i. Messages which are pornographic or obscene.
 - ii. Messages in conflict with the City's Sexual Harassment Policy or any other policy prohibiting discrimination, including harassment, on the basis of race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, veteran status, marital status, sexual orientation or any other status protected by local, state or federal law. (See Section 0-08 of the City of Villa Park Administrative Policy)
 - iii. Messages involving the use of racial, religious or ethnic slurs.
 - iv. Messages intended to harass or annoy.
 - v. Messages involving a threat that implicates personal safety.
3. E-mail shall not be used to solicit or proselytize others for non-job related commercial ventures, religious or political causes, outside organizations or other non-job related activities.
4. E-mail shall not be used for communication that is unrelated to official City business; personal messages and non-work communications are prohibited.

C. STATUS OF E-MAIL COMMUNICATIONS

1. E-mail communications are not confidential and are subject to review by City management and disclosure to the public.

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2. E-mail communications may be subpoenaed or requested under the Public Records Act and/or may be used as evidence in court or as part of an investigation. The content of E-mail may be disclosed within or outside of the City without employee permission or knowledge.
3. City management has the authority to access communications in the E-mail system at any time for any lawful City business-related reason.
4. The City has unlimited access to protect system security or the City's property rights. However, the City may not routinely monitor E-mail communications and expects that employees will voluntarily abide by this policy.

D. PENALTIES FOR MISUSE OF E-MAIL

1. All E-mail users will be provided a copy of this regulation, upon the granting of access to the computer network. Each such person shall be required to complete an Acknowledgment in substantially the form attached hereto as Attachment A, which acknowledgments will be maintained by the Personnel Office.
2. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action up to and including termination. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing E-mail.
3. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the E-mail system and/or for removal.
4. Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.

E. RECORDS MANAGEMENT

1. E-mail messages which are intended to be retained in the ordinary course of the City's business are recognized as official records in need of protection/retention in accordance with the California Public Records Act. Because the E-mail system is not designed for long-term storage, E-mail communications which are intended to be retained as an official record should be printed out and the hard copy filed in the appropriate subject file. Examples of E-mail messages meeting this criteria are as follows:
 - i. E-mail created or received in connection with official public business;
 - ii. E-mail that documents the formulation and implementation of policies and decisions; and

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- iii. Messages that initiate, authorize or complete a transaction of public business.
2. The City will maintain hard copies of all E-mail messages determined by staff to be official records in accordance with the City's retention schedule. These hard copies may be subject to public disclosure, even if they are drafts or informal notes, unless the need to retain their confidentiality outweighs the need for disclosure. Government Code Section 6254(a).
3. E-mail communications that are not intended to be retained and which serve no useful purpose to the City should be deleted from the system.

F. UNAUTHORIZED MONITORING OF E-MAIL

It is a violation of City policy for any employee, including system administrators, supervisors, or programmers to use the electronic mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, or for obtaining access to the files or communications of others with no substantial business purpose or legal authority. Abuse of authority by accessing E-mail for such purposes is prohibited.

G. E-MAIL ETIQUETTE AND USE

1. Remember you are representing the City through your communications both internally and externally, and it is critical that you maintain a positive image for both yourself and the City.
2. Be certain that your message is addressed to the proper person. Be sure you check the list of persons being E-mailed when you choose a REPLY ALL function. E-mail should not be used for broadcast purposes unless the message is of interest to all users.
3. Capitalize words only to emphasize an important point or to distinguish a title or heading. Capitalizing whole words that are not titles is generally interpreted as shouting.
4. Be professional and careful of what you say about others. E-mail is easily forwarded and blind copied.
5. Be cautious when using sarcasm and humor. Without face-to-face communication, humor may be viewed as criticism. By the same token, also carefully read what others write. The perceived tone may easily be misinterpreted.

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6. Some E-mail messages, especially those written in “the heat of the moment,” are best unsent. Think twice before sending angry or sarcastic messages or using E-mail to let off steam.
7. Maintain secure passwords. Do not send a message utilizing another staff member’s account without expressed permission.
8. Be aware that deleting or erasing information, documents, or messages maintained on the City’s network is, in many cases, ineffective. Information kept on the City’s system may be electronically recalled or recreated regardless of whether it may have been erased or deleted by an employee. Further, since the City may periodically back-up files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that a user erroneously assumes has been permanently deleted or erased. Finally, information or messages may still exist in the storage areas of other users. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.⁵⁴

⁵⁴ Adopted 2002

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Section 6-10 Internet Access

PURPOSE

To establish guidelines for the use of Internet access through the City of Villa Park (hereinafter "City") network. The Internet is a business tool to be used in accordance with generally accepted business practices and current law to provide a means to access information.

APPLICATION

This policy shall apply to all City elected officials, appointed officials, employees, and consultants or other non-employees provided Internet access using City resources (hereinafter "Internet users").

POLICY

Internet access is intended for business-related purposes only. Internet e-mail and information accessed via the Internet is property of the City. The City reserves the right to retrieve and make proper and lawful use of any and all communications transmitted via the Internet. The City respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of City-owned equipment or supplies. Consequently, Internet users shall have no reasonable expectation of privacy when accessing the Internet even if access requires a separate password.

A. PROPER USE OF THE INTERNET

- a. Internet users sending E-mail via the Internet shall abide by the same regulations required for Email use under the City of Villa Park Administrative Policy 6-07.
- b. Communications transmitted over the Internet or information accessed via the Internet shall involve City business activities or contain information related to the accomplishment of City business, administration or practices.
- c. Accessing the Internet requires extensive network capacity. Users shall exercise restraint when sending very large files via the Internet or downloading information.

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B. PROHIBITED USE OF THE INTERNET

- a. Types of Internet access which are prohibited include but are not limited to the following:
 - i. Knowingly entering Internet sites containing information not relevant to City business such as adult forums, pornography, games or chat-rooms.
 - ii. Unauthorized downloading or installation of software or applications.
 - iii. Unauthorized participation in web surveys representing the City of Villa Park.
 - iv. Unauthorized use of subscription based materials.

C. PENALTIES FOR MISUSE OF THE INTERNET

- a. All Internet users will be provided a copy of this regulation, upon the granting of access to the computer network. Each such person shall be required to complete an Acknowledgment in substantially the form attached hereto as Attachment A, which acknowledgments will be maintained by the Personnel Office.
- b. Failure on the part of any employee to comply with the provisions of this policy shall subject the employee to disciplinary action. Further, failure to comply with any provision of this policy may result in suspension or revocation of the privilege of using or accessing the Internet.
- c. Failure on the part of any appointed official to comply with the provisions of this policy will constitute grounds for the City Council to deny the official access to the Internet system and/or for removal.

Failure on the part of any contractor or consultant to comply with the provisions of this policy will constitute grounds for termination of their contract with the City.⁵⁵

⁵⁵ Adopted 2002