



CITY OF LODI

**ADMINISTRATIVE POLICY AND
PROCEDURE MANUAL**

CITY OF LODI
ADMINISTRATIVE POLICIES MANUAL

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CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : ACCIDENT INVESTIGATIONS - Procedure
DATE ISSUED: : May 1, 1995
DATE REVISED: : March 2009

SECTION 1: PURPOSE

The purpose of this procedure is to inform employees of their responsibilities in case of an accident or serious incident involving City equipment and/or personnel.

SECTION 2: ACCIDENT INVESTIGATION

In the event a piece of City equipment or a City employee (or both) are in an accident involving other persons or their property, the employee should:

- A. Remain calm.
- B. Determine if there are injuries and render appropriate assistance.
- C. Notify the Police Department. In case of emergency call 911. Identify yourself as a City employee.
- D. Notify your immediate supervisor.
- E. Make a written notation of all facts.
- F. Make NO statement or sign any reports other than to the Police Officer investigating the accident.
- G. Immediate supervisor shall notify the Risk Manager and insure that a police report is prepared.

SECTION 3:

If any agent or representative approaches a City employee involved in an accident, the employee should be courteous and explain that he/she has been instructed not discuss the accident with anyone, and refer the individual to the City Attorney.

Each Department is to have at least one employee designated to be responsible for taking photographs and to insure that the appropriate reports concerning the incident or accident are completed and submitted to the Risk Manager's office within 24 hours of the incident.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : ADMINISTRATIVE LEAVE
DATE ISSUED: : May 1, 1995; Amended October 20, 1997
DATE REVISED: : March 2009

SECTION 1: PURPOSE
The Administrative Leave program is available to all designated employees determined by the City to be exempt under the wage and hour provisions of the Fair Labor Standards Act.

SECTION 2: DEFINITION
An employee designated by the City of Lodi under the category of executive, administrative, or professional, as defined by the Fair Labor Standard Act Amendments of 1974 & 1991, and who is performing in a bonafide capacity thereof, shall be entitled to participate in the City's Administrative Leave Program.

SECTION 3: ELIGIBILITY GROUPS
All employees designated as Department Heads (Group A), Mid-Management (Group B), and Administrative/Professional (Group C) employees, and whose class title is included within one of these groups, are eligible to receive Administrative Leave. The eligible groups and assigned classes are listed as follows:

Group A: Department Heads

City Attorney	City Clerk
City Manager	Community Center Director
Community Development Director	Fire Chief
Economic Development Coordinator	Electric Utility Director
Library Services Director	Deputy City Manager
Police Chief	Parks & Recreation Director
	Public Works Director

Group B: Mid-Management

Accountant I/II	Asst. Electric Utility Director
Deputy City Attorney	Park Superintendent
Police Captain	Police Lieutenant
Police Sergeant	Recreation Supervisor

Senior Civil Engineer	Senior Electric Utility Rate Analyst
Children's Librarian	Senior Planner
City Engineer	Senior Programmer/Analyst
Electric Systems Supervisor	Senior Services Coordinator
Electric Utility Superintendent	Fire Battalion Chief
Electrical Engineer	Water/Wastewater Superintendent
Information Systems Coordinator	Arts Coordinator
Financial Services Manager	Streets & Drainage Manager
Budget Manager	Fleet & Facilities Manager
Asst. Streets & Drainage Mgr.	Building Official
Wastewater Treatment Superintendent	Construction Project Mgr.
Management Analyst	Planning Manager
Community Improvement Mgr.	Mgr., Customer Service & Programs
Literacy Services Coordinator	Senior Traffic Engineer
Network Administrator	Supervising Librarian
Senior Power Engineer	Water Services Manager
Supervising Accountant	
Transportation Manager	
Utility Operations Supervisor	

Group C: Administrative/Professional

Jr./Asst./Assoc. Planner
 Jr./Asst. Engineer/Assoc. Civil Engineer
 Librarian I/II

SECTION 4: ADMINISTRATIVE LEAVE, EXEMPT STATUS, AND DISCIPLINARY ACTIONS

Exempt employees shall not be subject to a deduction in pay of leave balances of less than one week (40 hours) when under disciplinary action except for infractions of significant safety rules.

SECTION 5: HOURS CREDITS AND PAYMENTS

On the first pay period of the calendar year, employees in Groups A and B are credited with 80 hours of Administrative Leave, and employees in Group C are credited with 40 hours. Fire employees in Group B on a shift schedule are credited with 120 hours of Administrative Leave.

New employees or employees eligible due to a promotion receive administrative leave on a prorated basis, with 8 hours granted for each full calendar month remaining in the calendar year with a maximum of 80 hours. Fire shift mid-management shall be prorated with 10 hours granted for each full month remaining in the calendar year with a maximum of 120 hours.

All administrative leave is available for utilization upon hire, and may be taken in quarter hour increments, and must be utilized by December 31. There shall be no carry-over of unused leave into the following fiscal year.

Employees are eligible to cash out up to one-half of their current Administrative Leave balance during the calendar year except in the months of May and June. A request to cash out Administrative Leave must be in writing and submitted to the Finance Department.

Upon separation of employment, unused Administrative Leave may be received as a cash payment.

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: AFFIRMATIVE ACTION/EQUAL EMPLOYMENT
OPPORTUNITY

DATE ISSUED: May 1, 1995

DATE UPDATED: January 2013

REFERENCE: Executive Orders 11246 and 11357; Title VII, Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972; Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1976; Americans with Disabilities Act of 1990; California Fair Employment and Housing Act; Civil Rights Act of 1991; California Labor Code, Section 1102.1.

SECTION 1: POLICY

The City of Lodi is committed to the principles of Affirmative Action to achieve equal employment opportunity in public service. The City of Lodi will take whatever action is necessary to insure applicants are employed, contracts are awarded, and services are provided without regard to race, color, creed, political affiliation, sex, sexual orientation, disability, age, religion, ancestry, marital status, or national origin.

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: ARRIVING AND DEPARTING EMPLOYEES

DATE ISSUED: JULY 1, 2008

SECTION 1: PURPOSE

To ensure the safety and integrity of information systems and data, the purpose of this policy is to require timely notification is made and appropriate steps are taken when employees separate.

SECTION 2: PROCEDURE:

New or reinstated employees

- a. Human Resources shall notify Information Systems Division via email of the scheduled arrival of a new or reinstated employee at least one week before the employee's scheduled arrival date, or as soon thereafter as possible;
- b. Information Systems Division shall setup an email and network user account and temporary password for the new employee, or re-enable these accounts for returning employees, if they exist and is deemed appropriate by the City Manager's Office. Otherwise, a new account with temporary password shall be setup for the returning employee, unless requested differently by the respective department or division;
- c. Unless requested to do otherwise, Information Systems Division shall establish a voicemail account for the new employee, or re-enable the voicemail account of a returning employee, if one exists and is deemed appropriate by the City Manager's Office;
- d. Information Systems shall notify the appropriate department or division via email when the new or re-enabled network and email accounts have been established;
- e. Temporary passwords shall be set to expire with the first logon, requiring the user to create a new password;
- f. Application access will be granted upon receipt by Information Systems Division of an Access Application signed by all required parties.
- g. To help ensure that there is no unauthorized use of software within the City, users shall be given Limited User Rights on their local PC; local administrative rights

shall only be issued when approved by the Information Systems Manager or Network Administrator, or their designee, when circumstances warrant.

Departing employees

- a. Human Resources shall notify Information Systems Division via email when an employee has departed, or is about to terminate his or her employment with the city, within 24 hours of departure, or as soon thereafter as possible;
- b. Information Systems Division shall disable all email, VPN, voicemail and network accounts for the departing employee immediately upon being informed of the separation from city service, or as soon thereafter as possible;
- c. Information Systems Division shall archive for a period of 30 days (or longer if requested to do so by the Information Systems Manager, the respective department head, the City Manager's Office, or City Attorney) the contents of the departed employee's network "P" drive;
- d. Information Systems Division shall archive the last "PST" copy of the user's mailbox for a period of 30 days, or longer if requested to do so by the Information Systems Manager, the respective department head, the City Manager's Office, or City Attorney;
- e. Archived employee files shall be copied or made available to authorized personnel, including the respective department head, the City Manager's Office, or City Attorney, upon their request;
- f. Disabled accounts may be deleted after six months, unless otherwise requested by the Information Systems Manager, the respective department head, the City Manager's Office, or City Attorney.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : BEREAVEMENT LEAVE - Policy

DATE ISSUED: : May 1, 1995

DATE REVISED: : August 2009

SECTION 1: PURPOSE

The purpose of bereavement leave is to provide authorized time off work to attend the funeral and grieve the death of a member of an employee's immediate family including the time the deceased may lie in state, the day of the funeral, and the time necessary to travel to and from the location of the funeral.

SECTION 2: IMMEDIATE FAMILY

An employee's immediate family shall be limited to the following:

- Spouse
- Grandparent-in-law
- Grandchild
- Stepchild
- Half-brother
- Or a distant relative who was a member of the employee's immediate household at the time of death.
- Parent
- Parent-in-law
- Son-in-law
- Brother
- Half-sister
- Grandparent
- Child
- Daughter-in-law
- Sister
- Foster parents

SECTION 3: LEAVE CHARGES

Regular employees shall be granted 24 hours of bereavement leave per death. In cases of necessity, additional leave may be granted with the approval of the Department Head. Such cases require the employee to submit a written request to his/her Department Head containing the reason(s) for, and relevant information pertaining to the extended leave.

A regular employee may use sick leave, vacation leave, or compensatory time off to attend the funeral of a person the employee may be reasonably deemed to owe respect. Use of sick leave may not exceed 24 hours.

SECTION 4: NON-IMMEDIATE FAMILY

Exceptions to an employee's non-immediate family may be made in very unusual cases and then only after the employee has submitted a written request to the Department Head.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : CARNEGIE FORUM – USE OF

DATE ISSUED: : May 1, 1995

DATE REVISED: :

SECTION 1: PURPOSE

The purpose of this policy is to delineate the authorized uses of Carnegie Forum.

SECTION 2: USES

The following are authorized uses of the spaces in the Carnegie Forum:

1. All meetings of the City Council.
2. All meetings of City boards and commissions when such boards and commissions are staffed by a City liaison person.
3. Meetings called by a City Councilmember(s) to discuss City business with constituents and others.
4. Department Head and other City staff meetings.
5. City employee training sessions.
6. General meetings of City employees for the purpose of disseminating job-related information.
7. Professional meetings hosted/conducted by City staff.
8. City-sponsored community awareness programs.

Exceptions to this policy may be made only on the authority of the City Council. All requests for use of Carnegie Forum spaces shall be made through the Secretary to the City Manager.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : CATASTROPHIC LEAVE

DATE ISSUED: : February 5, 2003

DATE REVISED: : June 2011

SECTION 1: PURPOSE

The Catastrophic Leave Program is designed to assist full-time regular employees who have exhausted all paid leave due to a serious or catastrophic illness or non-industrial injury or because the employee is providing necessary full-time care to his/her spouse, domestic partner, parent, or child who has a serious catastrophic illness or injury.

The Catastrophic Leave Program allows other City employees to voluntarily donate vacation, compensatory time off (CTO), administrative leave, or sick leave to an employee who meets the eligibility requirements so that the recipient will be able to remain on a paid status for a longer period of time, or until the employee qualifies and has met the waiting period for long-term disability.

SECTION 2: ELIGIBILITY FOR CATASTROPHIC LEAVE

The employee must meet the following requirements to be eligible:

- A. The employee must be in a full-time, regular position.
- B. The employee (or employee's spouse, domestic partner, parent or child which results in the employee being required to provide full-time care for that family member) must have a verifiable serious or catastrophic illness or non-industrial injury which is estimated to last for at least (30) calendar days. Serious or catastrophic illness or injury is one in which the employee (or employee's spouse, domestic partner, parent or child) is incapacitated and unable to work as certified by their physician.
- C. The employee must have exhausted all leave balances. The employee is not enrolled in the short term-disability program as offered through the City of Lodi. .

SECTION 3: MAXIMUM LENGTH OF LEAVE

The maximum length of Catastrophic Leave that may be received and taken in any consecutive twelve month period is

60 days for any employee or employee providing care to the employee's spouse, domestic partner, parent or child or until the employee begins long-term disability.

SECTION 4:

DONATIONS

The donating employee may donate hours from vacation, CTO, administrative leave, or sick leave balances. In order to donate sick leave, the donor must have a sick leave balance of at least 160 hours after making any donation.

Donations can be made for any amount provided they are made for a minimum of four hours. Donations are returned to the donating employee if they are not used.

SECTION 5:

RECEIPT AND USE OF DONATIONS

Donations are used by the recipient in the order received from Donors. In any consecutive twelve month period no further donations will be accepted after the recipient has received the maximum allowable under Section 3.

All donated hours must be used on a continuous and uninterrupted basis until the earliest of the following occurs:

- A. All donated leave balances are exhausted; or
- B. The employee returns to work; or
- C. The employee begins receiving long-term disability benefits; or
- D. The employee's employment with the City terminates.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : CELLULAR PHONE and SMART PHONE USE –
Policy

DATE: : MARCH 2, 2011

SECTION: :

REFERENCE: : ADMINISTRATIVE MEMORANDUM

SECTION 1: PURPOSE

The purpose of this policy is to establish guidelines and criteria for cellular phones and smart phones (wireless communication devices) used by City employees in order to contain costs, ensure departmental and personal responsibility and ensure proper use of communication devices.

SECTION 2: DEFINITIONS

- A. **Business Use:** Work-related tasks required to perform City-assigned duties.
- B. **Cellular Phone:** The phone, adapter, battery pack and other accessory equipment specific to phone used for City business purposes.
- C. **Smart phone:** Device that combines hardware, software and wireless connectivity, offering complete email, messaging and organizing, in addition to wireless telephone service provided through a cellular phone.

SECTION 3: POLICY

- A. 1. Cellular phones and smart phones may be issued to City staff based upon an analysis and justification taking into account cost, efficiency, alternative communication methods, and enhanced job performance. Each department director is eligible to receive a City-owned smart phone. Department directors shall determine which persons will require cellular phones or smart phones for business use. Sufficient justification exists for assignment of cellular phone (or smart phone) service when the director determines that the employee's business use involves:
 - a. Wide mobility and simultaneous access to the communications network; or
 - b. Timely, business critical two-way communication for which there is no reasonable alternative technology; or
 - c. Emergency support and back up from a mobile environment; or
 - d. Special circumstances necessary for the efficient and effective operation of City business.

2. Department directors shall be responsible for determining and documenting the initial and ongoing business need for the devices used in their departments. Employees who spend at least 80 percent of their time at a fixed work station are not eligible for a cellular phone unless they meet one of the qualifications listed above.

B. Communication devices may be City-Owned or Employee-Owned.

1. If a City-Owned device, the City will be responsible for paying all costs under the plan for business use. Personal use is not allowed, except for incidental purposes (such as emergencies, unforeseen issues relating to dependent care, etc.). These calls should be kept to a minimum, with all other personal business conducted on an employee-owned cell phone.

For anything other than occasional incidental use, employees shall reimburse the City at a rate of 10 cents per minute for minutes used, if the monthly bill does not exceed the plan allowance, or the actual cost, whichever is higher. This does not apply to calls outside the monthly minute allowance that are not billed by the carrier, although these calls should be limited to incidental use as well. The employee shall also reimburse the City for personal use of other phone features, such as texting or add-on services, at a per minute/per use rate established on an annual basis by the Deputy City Manager or the actual cost, whichever is higher. The established rates are intended to reimburse the City for the personal use share of the base billing charge, even if the personal-use minutes are within the plan's monthly minute allowance. Reimbursement shall be made using the *Cellular Telephone Use – Reimbursement for Personal Use* form.

Additional charges incurred for personal use of City-Owned devices, including roaming, long distance, over minute/messaging allowance due to personal use, etc. will be the full responsibility of the employee in addition to the per minute rate. The responsible department director shall ensure timely reimbursement of costs for personal use.

- a. Employees assigned a voice-only phone will be placed on no more than a 200-minute local share plan with free in-network mobile-to-mobile calling, or a per-minute consumption plan. Employees assigned a smart phone will be assigned to the plan with the fewest minutes allowed to qualify for a data plan, as well as free in-network mobile-to-mobile calling.
- b. Texting will be blocked on all phones unless otherwise justified to the department director. If approved, the most cost-effective solution – either per-text charge or low-cost texting plan – will be determined by the department director in consultation with the Information Systems Manager.
- c. On an as-needed basis, department directors may place employees on a plan with additional minutes with the consent of the Deputy City Manager.

- d. Phones that receive little to no use on a regular basis, but are intended to provide alternative communications in the event of emergencies or alarms, shall be placed on per-minute consumption plan.
 2. a. If an Employee-Owned device, the City shall provide a monthly cellular stipend through the payroll system to an eligible employee in an amount no greater than 50 percent of the monthly minimum retail contract available for local government employees from major cellular companies that serve the region. If the City cost for an employee's cellular service is less than the stipend, the employee is not eligible for a stipend. The monthly stipend amount for qualifying cellular phones, smart phones or data plans shall be reviewed and set annually by the Deputy City Manager.
 - b. An employee whose job duties require around-the-clock or remote email access via "smart phone" is eligible to receive a monthly data stipend if the Employee-Owned smart phone has a mobile operating system that synchronizes automatically with his or her City email account. The data stipend is intended to cover phone-related taxes and a portion of the out-of-pocket costs an employee may incur in acquiring the phone. The Information Systems Manager shall determine what smart phones qualify for the smart phone stipend.
 - c. In the event an employee who is assigned a City-Owned device elects to use an Employee-Owned device, the City stipend will only be permitted if relinquishing the phone does not carry a financial penalty to the City. If the City is required to pay a penalty to the cell phone provider for early contract termination, the penalty amount shall be divided by the projected employee stipend to determine the number of months before the employee may receive the stipend.
 - d. Eligible employees are required to maintain an active cellular phone account for as long as they are receiving a stipend. Employees must show proof of an existing contract when applying for the stipend, annually or upon contract renewal, or at any time by the Deputy City Manager or department director. In no case shall the stipend exceed an employee's out-of-pocket cost under the terms of the employee's cellular contract. Prepaid phones do not qualify for a stipend.
3. In the event an employee deemed eligible for a City-Owned device declines to accept the device and declines to meet eligibility requirements for an Employee-Owned device stipend, such as proof of a cellular contract, the employee may submit reimbursement claims to his/her supervisor for business use of the personal cell phone. The reimbursement rate shall equal the actual cost or a per-minute charge equal to the monthly plan minute allowance divided by the base charges, including tax, up to \$10 per month. No reimbursement will be made for calls that do not incur actual charges or count against the monthly minutes allotment, such as during nights/weekends or mobile-to-mobile. Reimbursements are not available to employees receiving a stipend for an Employee-Owned device or to an employee with a City-Owned device, except in cases where the

City-Owned device is inoperable. Reimbursement claims must include call details.

- C. All City-Owned devices and services shall be purchased in coordination with the Information Systems Division using the State of California Wireless Contract or a lower-cost contract. The Information Systems Division will set device, calling plan, data plan, security and service standards in coordination with department directors.
- D. Calling plans and, if applicable and approved, other features such as data access, messaging, push-to-talk, etc., are to be at a level appropriate for the employee's position to conduct city related business as determined by department directors.
- E. Cell phones should not be selected as an alternative to other means of communication when such alternatives would provide adequate but less costly service to the City. This includes the use of land line phones, radios, etc.
- F. The state of the art of cellular phone technology is rapidly changing and a great many varied packages and options are available. It is the desire of the City to standardize the purchase of communication devices as much as possible so as to have the fewest number of models in use. Such standardization will minimize the need for training and familiarization with various devices.
- G. Employees receiving a stipend or reimbursement for business-related calls on a personal cellular phone are required to make their cellular number available to their department directors and other City staff as determined by their immediate supervisors. In addition, for those employees expected to report to the City's Emergency Operations Center, their cellular phone number shall be provided to the City's Emergency Services Coordinator. Any change to an employee's personal cellular phone number is to be reported to his/her immediate supervisor within 24 hours of the change.
- H. Employees and departmental personnel shall not give out cellular phone numbers for everyday business use unless an exception is justified.
- I. Employees shall use desktop telephones rather than cellular phones to access their city voice mailbox whenever possible.
- J. Employees shall exercise due diligence to protect City-Owned equipment from loss, theft or damage. Should the device be lost, stolen or damaged, the employee's supervisor and department director is to be notified immediately and a police report completed in the case of theft.
- K. Invoices of City-Owned devices will be regularly analyzed to determine if the plans are cost-effective and free from personal use.

SECTION 4:

PROCEDURES

A. Approval process

1. For City-Owned Devices, the department director shall complete the attached *Cellular Telephone Authorization Form* and submit to the Information Systems Division for device and plan purchase. The attached form identifies the user, the business need for the device (and data services, if applicable) and the proposed device plan and vendor. The Deputy City Manager may review justification forms for adequacy and refer requests back to the department director. The City Manager shall approve all exceptions to this policy's limits on plans, services and features for department directors.
2. Information Systems will not purchase Employee-Owned devices. Employees requesting a stipend shall obtain department director approval and submit one copy of the *Cellular Telephone Authorization Form* to the Finance Division Payroll section along with a copy to Information Systems. The attached form identifies the user and justification of the business need for the device (and data services, if applicable). In addition, a *Personnel Action Form* shall be submitted to Payroll specifying the amount of the stipend.

Information Systems will notify the employee designated to receive a City-Owned cell phone when the device is ready for pick-up. The phone will be issued with a battery, wall charger, belt clip and instruction manual. The employee will be issued copies of this policy and any operational instructions pursuant to this policy for his/her records. The employee will be required to sign the Cell Phone Procedures Memorandum for receipt of this device and accessories, and certify that he/she has received this Policy. If employment is interrupted by extended sick or annual leave in excess of 45 calendar days, employees or their supervisors must notify Information Systems so that phone service can be suspended while the employee is not available for duty.

Employees not assigned a smart phone will be assigned to either a per-minute billing plan or a 200-minute monthly plan with free mobile-to-mobile calling to other City-Owned phones, unless the Department head justifies a greater number of minutes on the *Cellular Telephone Authorization Form*. The maximum price of the selected phone shall be determined annually by the Deputy City Manager. Employees assigned a smart phone will receive the minimum monthly plan as required by the network provider in order to receive a data plan, with a minimum of 200 minutes. The maximum unsubsidized price of the smart phone shall be determined annually by the Deputy City Manager, who also shall establish the maximum upfront cost of cellular phones and smart phones purchased with one-year contracts. The City will not purchase phones with contracts longer than one year. Department heads requesting an exception for Department head use must receive City Manager approval. All other requests for exceptions must be authorized by the Department head and the Deputy City Manager.

- B. 1. Eligibility Criteria: The following criteria will be used to determine the necessity of issuing a cellular communication device to an employee or as a pooled department phone:
- b. Employee is in the field more than 20% of his/her workday and needs to be readily available to other employees, officials or the public where the use of a two-way radio is impractical or not cost effective; or
 - c. Employee's normal duties require communicating with other employees, officials or the public outside regular work hours on a consistent basis; or
 - d. A cellular phone would provide necessary telephone access where no telephone services otherwise exists and where it is not practical or cost effective to install land line services; or
 - e. A cellular phone is needed for the safety of staff or the public.
2. Criteria for add-on features (data, messaging, push-to-talk, etc.)
- a. Employee is in need of accessing email or the internet while away from their office or outside normal working hours due to time sensitive or urgent matters on a consistent basis; or
 - b. Use of messaging (text messaging and/or picture messaging) or push-to-talk features are the most economical means of communicating in the course of performing duties in terms of both dollar savings and staff time savings.
- G. The fewest number of City accounts will be utilized in order to gain the greatest benefit of shared plan minutes. The Deputy City Manager or his/her designee will approve for payment the master account, utilizing business units indicated on *Cellular Telephone Authorization* forms. Copies of individual invoices will be forwarded to departments for review along with *Cellular Telephone Services - Reimbursement for Personal Use* forms. Employees issued cellular phone devices will have 30 days from department receipt to complete, certify and return the *Cellular Telephone Services - Reimbursement for Personal Use* form along with any applicable reimbursement to the Finance Division.
- H. Upon employee separation or when a previously determined need no longer exists, the Department director shall complete a *Cellular Telephone Authorization* form requesting termination of services or stipend. City-issued equipment assigned to the employee shall be returned with the completed form to the Information Systems Division. In the event the stipend is terminated, the Department director shall return the completed form to payroll.

CITY OF LODI
Cellular Telephone Services - Reimbursement for Personal Use

Instruction: Highlight personal calls on monthly invoice, complete sections below as applicable and return to the Information Systems Division along with any due reimbursement within 30 days of department receipt.

Employee: _____ Cellular number: _____
 Period of use: _____ Business unit to credit: _____

Voice Usage Incoming/Outgoing	Text Messaging Send/Receive	Picture Messaging Send/Receive	Incidental or no personal use (check)
10¢ per minute or actual cost, whichever is higher	5¢ or actual cost, whichever is higher	25¢ each	<input type="checkbox"/>
Minutes:	Texts:	Picture Texts:	
Reimbursement	Reimbursement	Reimbursement	
\$	\$	\$	

Additional reimbursements (roaming, long distance, directory assistance, etc.) \$ _____
 (If roaming charges are city-related, attached documentation showing out of area conference, etc.)

Total reimbursement enclosed: \$ _____

I have reviewed the attached invoice relating to the city issued cellular communications device assigned to me for any and all personal use thereof. I certify that I have identified all such personal use to include both phone and data uses and that said reimbursement is herein enclosed.

Employee signature: _____ Date: _____

CITY OF LODI
Cellular Telephone Services - Reimbursement for Personal Use

Instruction: Highlight personal calls on monthly invoice, complete sections below as applicable and return to the Information Systems Division along with any due reimbursement within 30 days of department receipt.

Employee: _____ Cellular number: _____
 Period of use: _____ Business unit to credit: _____

Voice Usage Incoming/Outgoing	Text Messaging Send/Receive	Picture Messaging Send/Receive	No personal use
10¢ per minute or actual cost, whichever is higher	5¢ or actual cost, whichever is higher	25¢ each	<input type="checkbox"/>
Minutes:	Texts:	Picture Texts:	
Reimbursement	Reimbursement	Reimbursement	
\$	\$		

Additional reimbursements (roaming, long distance, directory assistance, etc.) \$ _____
 (If roaming charges are city-related, attached documentation showing out of area conference, etc.)

Total reimbursement enclosed: \$ _____

I have reviewed the attached invoice relating to the city issued cellular communications device assigned to me for any and all personal use thereof. I certify that I have identified all such personal use to include both phone and data uses and that said reimbursement is herein enclosed.

Employee signature: _____ Date: _____

**CITY OF LODI
CELLULAR TELEPHONE AUTHORIZATION FORM**

Check all that apply:	<input type="checkbox"/> New request	<input type="checkbox"/> Reauthorization	<input type="checkbox"/> Termination	<input type="checkbox"/> New stipend
	<input type="checkbox"/> Employee Issued Cellular Telephone	<input type="checkbox"/> Pooled Cellular Telephone		<input type="checkbox"/> End stipend

INSTRUCTIONS

- Employee must complete Section A and B (if applicable) and forward to Department Director
- Department Director to complete Section C. Forward original to Information Systems Division; copy to employee.

A. EMPLOYEE, EQUIPMENT & PLAN INFORMATION	
Employee Name:	Department:
Employee Number:	Cellular Phone Number (if applicable):
City issued cellular telephone being requested: <input type="checkbox"/> Standard Cellular Telephone <input type="checkbox"/> Cellular Telephone with Push-to-Talk capabilities <input type="checkbox"/> Cellular Telephone with data capabilities	Cellular phone stipend (attach copy of recent bill or contract) <input type="checkbox"/> Standard Cellular Telephone (\$25/month) <input type="checkbox"/> Cellular Telephone with data capabilities (\$50/month)
B. REPLACEMENT ORDER	
Reason for Replacement:	Date of Incident:
	Date of Police Report:
I acknowledge that I have read the City of Lodi Cellular Telephone Policy. I understand that the City of Lodi is not responsible for any personal cellular telephone contract and/or any personal financial obligation. I agree to comply with all the requirements contained in the Policy, including completion of a monthly <i>Cellular Telephone Services - Reimbursement for Personal Use</i> form (for City-issued phone only) and understand that a breach of these terms may result in the loss of privilege or other disciplinary action. I understand payroll taxes on a stipend will be withheld from my paycheck and the amount of the stipend will be included on the year-end W-2. The stipend does not constitute an increase in base pay and will not be included in the calculation of pay or benefit increases.	
Employee Signature:	Date:

C. JUSTIFICATION (To be completed by Department Director) Circle estimated monthly usage and check all that apply:	
Cellular Phone Minutes: Under 200 200 400 Other or stipend _____	Text Messaging (send/receive):
Data Plan Megabytes:	Picture Messaging (send/receive):
<input type="checkbox"/> 1. Cellular telephone improves public or employee safety. <input type="checkbox"/> 2. City personnel whose job responsibilities clearly dictate the need for cellular communication. <input type="checkbox"/> 3. City personnel who must be available to receive and place time sensitive calls. <input type="checkbox"/> 4. Cellular telephone enhances the operational effectiveness and efficiency of City personnel. <input type="checkbox"/> 5. DATA Plan/Text and/or Picture Messaging is necessary to regularly send and receive time sensitive communication remotely. If employee is other than Executive Management, attach a memo with the justification for a data plan. <input type="checkbox"/> 6. End stipend	
Expenditure coding (Business unit):	Department Director Authorization: Date:
Deputy City Manager signature (if required)	Date:

D. ACTION TAKEN (To be completed by Information Systems Division for City-issued cell phone)	
<input type="checkbox"/> 1. Cellular telephone issued to employee Phone: Plan(s)/ Vendor:	<input type="checkbox"/> 3. Cellular telephone returned/disconnected
<input type="checkbox"/> 2. Pool cellular telephone issued to department Phone: Plan(s)/ Vendor:	<input type="checkbox"/> 4. Pool cellular telephone returned/disconnected
Information Systems Division:	Date:

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT : CITY COUNCIL AGENDAS, COUNCIL COMMUNICATIONS, AND PACKET
Procedure

DATE ISSUED : November 17, 2003; (Revised 12-11-06)

SECTION : C

SECTION 1: PURPOSE

The purpose of this procedure is to describe the steps to be followed in preparing the City Council agenda, Council Communications, and Council packet.

SECTION 2: DEADLINES

- A. The following deadlines are to be followed for the submittal of agenda titles and Council Communications and for the assembly, review, approval, and distribution of the agenda and Council packet.
- Agenda Title Lists: Due to City Clerk's Office via hard copy or e-mail by noon on the 2nd Wednesday prior to the City Council meeting (copy to City Attorney). NOTE: *The City Clerk's Office shall send a reminder e-mail to each department.* The City Clerk's Office shall send the initial draft agenda to the Executive Management Team and Department Secretaries via e-mail prior to the 10 a.m. Executive Management Team meeting on Thursday.
Agenda titles submitted after 5:00 p.m. on Wednesday must be approved by the City Manager or Deputy City Manager and must qualify as an urgent, time-sensitive matter. It shall be the responsibility of the originating department to obtain approval and inform the City Clerk's Office for incorporation into the agenda.
 - Agenda review by City Manager with Executive Management Team: 2nd Thursday at 10 a.m. prior to the City Council meeting.
 - Council Communications and attachments (signed hard copy): Due to City Clerk's Office by 5:00 p.m. on 2nd Friday prior to the City Council meeting (copy to City Attorney). NOTE: *The City Clerk's Office shall send a reminder e-mail to each department.*
 - City Clerk and Deputy City Manager review of packet: Following City Clerk's review, the draft packet shall be given to the Deputy City Manager for review by 10:00 a.m. on the 2nd Monday prior to the City Council meeting.

- Council Communication reviews, changes, and signatures by City Manager, Deputy City Manager, and Budget Manager (signed hard copy): Completed by 5:00 p.m. on Wednesday prior to the City Council meeting.

Agenda items that require funding or involve grant monies must list under "Funding" the funding source(s) from or into which the money is coming or going, as well as the dollar amount. All funding must be approved by the Budget Manager or his/her designee. The City Clerk's Office shall be responsible for obtaining the Budget Manager's signature of approval on the original Council Communication.

Council Communications, revisions, or attachments not received by 5:00 p.m. on Wednesday may result in the item being pulled from the agenda (at the direction of the City Manager's Office) or will not be included with the Council packet. Missing items will contain a notation stating "*(Material) was not submitted to the City Clerk's Office prior to production deadline for the Council packet.*"

- Resolutions/Ordinances: Due to the City Clerk's Office by 5:00 p.m. on Wednesday prior to the City Council meeting.
- City Manager final review, approval, and signature: By Thursday prior to the City Council meeting.

Final approval of each Council Communication is required by the City Manager. The City Clerk's Office shall be responsible for obtaining the City Manager's signature of approval on the original Council Communication.

- Electronic version of final Council Communications and attachments, resolutions/ordinances, and contracts/agreements (PDF format): Due to the City Clerk's Office by noon on Thursday prior to the City Council meeting. NOTE: *The City Clerk's Office shall send a reminder e-mail to each department.*

It will be the originating department's responsibility to ensure that the correct, final version of the Council Communication (and attachments) is e-mailed in PDF format to the City Clerk's Office for inclusion in the electronic packet. It is recommended that each Council Communication contain a footer at the bottom of the first page with the revision date and time in order to track the most current version.

The electronic agenda/packet (e-agenda/packet) will not contain signatures on the agenda or Council Communications as the documents are scanned or converted by the originating department. Only the original, hard copy agenda/packet will contain signatures, which will remain on file for two years and ultimately be scanned into and maintained indefinitely on the City's electronic records management system. The e-agenda/packet Web page will include a disclaimer that if inconsistencies exist between the electronic version and the printed version, the printed edition will be considered definitive.

- Copy, distribute in-house, and mail to subscribers the hard copy agenda/packet: By Friday of week prior to meeting.
- Preparation and completion of e-agenda/packet: By Friday of week prior to meeting.

- Burn e-agenda/packet to CDs and send notification (link) to e-mail distribution list: Friday of week prior to meeting.
- Posting of agendas: By 5:00 p.m. on Friday of week prior to meeting.
The City Clerk's Office shall be responsible for posting a hard copy of the original (signed) agendas in the following official posting locations:
 - City Clerk's Office – Administration (2nd floor)
 - City Hall Lobby Entrance, 221 W. Pine Street
 - Carnegie Forum*, 305 W. Pine Street (southeast entrance, ground level)
 - Lodi Public Library, 201 W. Locust Street
**official 24-hour public access posting location*
- The City Clerk's Office shall be responsible for posting the e-agenda/packet to the City's Web site.
- Delivery of agenda/packet to Council (hard copy and/or CD): By 5:00 p.m. on Friday prior to the City Council meeting.

SECTION 3:

PROCEDURE FOR AGENDA TITLES, COUNCIL COMMUNICATIONS, AND SPECIFIC AGENDA ITEMS

A. Agenda Title List

Each department is to submit agenda titles on an Agenda Title List form (example #1 attached) by the deadline, with the original provided to the City Clerk's Office and a copy forwarded to the City Attorney's Office.

An agenda title is a concise, general description of each item to be transacted or discussed at the meeting and generally need not exceed 20 words in terms easily understandable by the public. It is helpful to the City Council if the agenda title is written as a draft motion. The following general rules are to be followed when writing a title:

- When recommended action is to adopt a resolution, the title should begin with "Adopt resolution..." e.g.:
Adopt resolution approving the Final Development Impact Mitigation Fee Program Annual Report Fiscal Year 2001-02 (PW)
- When recommending the award of a bid, purchase, contract, etc., list the company name and location in the title, as well as the dollar amount, e.g.:
Adopt resolution awarding contract for Mistletoe Removal and Tree Trimming to Arbor Care, of Sacramento (\$22,350); and appropriate \$24,500 for the project (PW)
- Projects involving funding must include the project dollar amount, e.g.:
Adopt resolution authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000 (EUD)
Adopt resolution authorizing the City Manager to execute a professional services agreement with Black & Veatch Corporation, of Sacramento, to assist the City of Lodi with the Stormwater Management Plan and Permit (\$55,000) (PW)

- Use the following standard language when recommending the approval of plans and specifications, e.g.:

Approve the plans and specifications and authorize advertisement for bids for Kettleman Lane Median Project from Hutchins Street to School Street (PW)

Departments are responsible for informing the City Clerk's Office of the placement of each item (e.g. Consent Calendar, Regular Calendar, etc.) and the action requested (e.g. resolution, motion/action, etc.) by following the Legend below:

<u>Calendar</u>	<u>Action</u>
P Presentations/Proclamations	MA Motion/Action
CC Consent Calendar	RES Adopt Resolution
PH Public Hearings	ORD Introduce Ordinance
PC Planning Commission	INFO Information Only
RC Regular Calendar	DA Discussion and Appropriate Action
CS Closed Session*	

All titles **MUST be provided through the City Attorney's Office (see Section 3, Item F entitled, "Closed Sessions")*

Should an item require multiple types of actions (e.g. adopt two resolutions; introduce one ordinance and adopt one resolution; etc.), it must be clearly specified under the column "Action."

The City Manager's Office will conduct the final approval of the agenda/packet and reserves the right to change the order and placement of agenda items, as well as the removal and addition of items.

B. Council Communications

Each agenda item is to have a coordinating staff report prepared by the originating department, which is to be submitted on a Council Communication form (example #2 attached). The title is to match what was submitted on the Agenda Title List. If it is necessary to amend a title, the City Clerk's Office must be notified immediately to make the necessary change(s) to the agenda.

Council Communications are written specifically for the purpose of communicating information necessary for policy and decision-making purposes. Generally, the issue should be condensed to its most significant points—for example, the *who, what, when, where, why, how, and how much*. Council Communications should generally be one to two pages in length.

When referencing exhibits in the body of the staff report, ensure the exhibits are properly stamped and attached to the Council Communication.

Council Communications regarding the presentation of a proclamation or a certificate must include at the time of submittal a sample or draft language to assist the City Clerk's Office in the preparation of the presentation items.

The signed, original hard copy of a Council Communication will be maintained on file for two years in the City Clerk's Office, after which time it will be scanned and maintained indefinitely on the City's electronic records management system.

Framework of a Council Communication

Recommended Action: The recommended action should match the agenda title; although, it may be expanded upon to make the recommended action more clear, as long as it does not significantly change or add to the recommended action set forth in the title.

If the requested action is to adopt a resolution or introduce an ordinance, do not indicate that the resolution or ordinance is attached; instead, state "...adopt a resolution authorizing the City Manager to..."

Background Information: The background information presents an abbreviated history and/or details based on academic and business reasons and should provide the pertinent information Council needs to make an informed decision on the matter. Explain the overall intent and need for the requested action—why the item is on the agenda, what is being proposed, and its impact or affect on the community, services, and programs of the City. Provide an executive-level synopsis of the issue, elaborating on the most salient points and clearly detailing, in chronological order, the situations, conditions, or related matters that have had a bearing on the issue as it is being presented, explaining the course of action being recommended.

Provide a high-level analysis of the actual or potential legal, operational, and fiscal impact, which might include:

- Related or impacted Council policy or previous Council action or position related to the issue presented.
- Identification of key stakeholders or affected parties.
- Operational and/or fiscal impact to the affected agency or department, including time of implementation.
- Relationship of the proposed action to the City's strategic priorities and/or existing Council services and programs.

Outline all feasible alternatives that are available and briefly state the impact of each alternative. If a recommendation cannot be given, explain the logic.

Fiscal Impact: Describe the fiscal impact to the City's resources (either negative or positive) of the recommended action.

Funding Available: The purpose of this section is to confirm that funds exist and from which account(s) the expenditure will be paid. The originating department shall provide the dollar amount and funding source(s). In addition, the statement "budgeted in fiscal year xx-xx" or "non-budgeted" should be included if the request is from contingency funds. The City Clerk's Office shall obtain the Budget Manager's signature verifying that funding is available. If there is no funding on an agenda item, indicate "None required" and remove the Budget Manager's signature line.

Blue Sheets

It may be necessary to amend or provide new information to Council following the publication of the City Council packet. Supplemental material that **revises** a previously submitted item must show new information in bold and deleted information in ~~strikethrough~~. Supplemental material that **adds** further information to a previously submitted item (e.g. a new Council Communication or attachment) should contain the statement "SUPPLEMENTAL INFORMATION" on the top, right-hand side of the new material.

Presentation Materials

Materials that are distributed as part of a presentation at a City Council meeting, which were not included with the Council packet, must be provided to the City Clerk for filing in the official record.

C. Format

Agenda items submitted for inclusion in the Council packet shall be submitted to the City Clerk's Office on a Council Communication form in the following formats:

1. a signed, 8 ½" x 11", single-sided original (prepared using 11- or 12-point Arial font) suitable for reproduction together with appropriate original attachments; AND
2. electronic Council Communication, along with all staff-generated attachments, as well as maps, letters from outside entities, and all other non-staff-generated attachments, scanned or converted by the originating department, transmitted in PDF format via e-mail. *NOTE: Refer to example #3 attached on how to convert documents to PDF and to assemble Council Communications.*

When an agenda item discusses complex geographic locations, project limits, alignments, and the like, descriptive maps must be included as an exhibit to the Council Communication. Proposed contracts, agreements, specifications, proposals, etc. should be included as an exhibit to the Council Communication, unless the documentation is extraordinarily voluminous or not suitable for scanning or conversion, in which case a notation on the Council Communication should indicate that the materials are on file with the originating department. It will be the originating department's responsibility to provide the appropriate number of bound, odd-size, or color exhibits for the number of hard copy packets prepared; contact the City Clerk's Office for the current number of hard copy packets. All others shall receive the information via the electronic packet.

D. Resolution Items

A resolution is the expression of the opinion of the legislative body concerning some administrative matter for the disposition of which it provides. A resolution, in effect, encompasses all actions of the municipal body other than ordinances. A resolution is generally introduced and adopted at the same meeting. The effective clause of a resolution should be "Resolved that..." This form of City Council action cannot contain a penal clause.

To determine whether or not an item should be adopted by a resolution, contact the City Attorney's Office in advance of the agenda title deadline. As a guide, the following types of items should be approved by resolution:

Annexations	Human Resources items
Appropriation of funds	(such as job specs, salaries, etc.)
Award of bid, contract, or purchase	Most contracts/leases/agreements
Budget	Naming of facilities/sites
CDBG funds	Public Benefits Program Grants
Destruction of Records	Rejection of bids
Expression of support/opposition	Street vacations/abandonments
Fund transfers	Traffic resolution amendments
Grants	

Only the adoption of a new resolution can amend an action taken by a resolution. Resolution numbers shall be assigned by the City Clerk's Office on the day following the Council meeting and shall be numbered in the order the actions were taken. The City Clerk's Office shall maintain a log of resolutions with the number, date of adoption, and title for each, which shall be posted on the Intranet for use by departments. A hard copy of all resolutions shall be filed and maintained permanently by the City Clerk's Office, as well as scanned and maintained on the City's electronic records management system.

E. Ordinances

Ordinances involve a command or prohibition and have the force of law in the city for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. An ordinance is the only mechanism by which a city can impose a fine and/or jail sentence as a penalty for violations. With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction (Government Code §36934). Two readings are therefore required—one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a Regular meeting or at an Adjourned Regular meeting; except for urgency ordinances, ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect 30 days following the date of adoption.

To determine whether or not an item should be adopted by an ordinance, contact the City Attorney's Office in advance of the agenda title deadline.

It shall be the responsibility of the originating department to submit the Council Communication for the introduction of an ordinance, after which the City Clerk's Office shall submit the standard Council Communication for the adoption of said ordinance. Following Council adoption, the City Clerk's Office shall be responsible for the publication of the ordinance, in addition to its inclusion into the Lodi Municipal Code. The City Clerk's Office shall maintain a log of ordinances with the number, date of introduction and adoption, and title of each, which shall be posted on the Intranet for use by departments. A hard copy of all ordinances shall be filed and maintained permanently by the City Clerk's Office, as well as scanned and maintained on the City's electronic records management system.

F. Closed Sessions

Each department requesting a Closed Session must include on the Agenda Title List, the subject matter, including a *brief* description, and an estimated length of time for discussion. It will be the responsibility of the City Attorney's Office to review the Closed Session information and forward an appropriate title to the City Clerk's Office following the guidelines in the Government Code.

The City Attorney, in concert with the City Manager, based on the information provided by the originating department(s), shall recommend the start time of the Closed Session meeting.

G. Public Hearings

Public hearing titles should contain the following standard language.

To set a public hearing: Set public hearing for date*, to consider...body**

To conduct a public hearing: Public hearing to consider...body**

**The date of the hearing must provide enough time to meet the noticing, publishing, and posting requirements.*

***The body of the public hearing language should match on both titles. If the language must be amended, it should not substantially change the meaning or amend the requested action from when the hearing was set.*

At the time Council Communications are submitted for the *setting* of a public hearing, the originating department shall be required to submit to the City Clerk's Office the mailing list (if applicable) and pre-addressed envelopes for those required to receive notice, along with instructions for the noticing, publication, posting, etc. of the public hearing citing the specific code and section(s) regulating the matter.

H. Contracts, Agreements, Etc. for Approval

Departments shall ensure legal review by the City Attorney's Office with regard to all proposed contracts, agreements, etc. for the agenda *in advance* of submission to the City Clerk's Office (i.e. prior to the Council Communication deadline) and shall obtain the City Attorney's signature of approval.

Circulation of approved contracts, agreements, etc. may be handled in one of the following two ways:

1. Immediate routing by the City Clerk's Office following the City Council meeting. The originating department shall submit five original agreements, signed "approved as to form" by the City Attorney, and a contract routing slip (example #4 attached) at the time the Council Communication is submitted. One copy of the agreement will be included with the packet, and the remaining four shall be circulated after the meeting following the instructions included on the contract routing slip. If applicable, an insurance certificate should also be submitted, signed by the Risk Manager or his/her designee.

2. Routing by the originating department. As routine follow up to the Council meeting, the City Clerk's Office shall send a reminder notice to each department that approved contracts, agreements, etc. may now be routed for signature. The originating department shall then forward four agreements, signed "approved as to form" by the City Attorney, and a contract routing slip to the City Clerk's Office within a reasonable time period following the City Council meeting. If applicable, an insurance certificate should also be submitted, signed by the Risk Manager or his/her designee. Once received, the City Clerk's Office shall circulate the contract, agreement, etc. for signatures following the instructions included on the contract routing slip.

SECTION 4:

SHIRTSLEEVE AGENDA/PACKET

- A. The following deadlines are to be followed for the submittal of agenda titles and Council Communications (or enclosures) and for the assembly, review, approval, and distribution of the Shirtsleeve agenda and packet.
- Agenda Title List (example #5 attached): Due to the City Clerk's Office via hard copy or e-mail by noon on Tuesday of the week prior to the meeting.
The Shirtsleeve agenda title list shall indicate whether or not a Council Communication or enclosure will be provided, in addition to the anticipated length of time for the staff presentation.
 - Council Communication or enclosure (signed hard copy): Due to the City Clerk's Office by noon on Wednesday of week prior to the meeting.
 - City Manager's review and approval of the agenda/enclosure: By 5:00 p.m. on Wednesday of week prior to the meeting.
 - Amendments, revisions, corrections by departments (signed hard copy): Due to the City Clerk's Office by noon on Thursday of week prior to the meeting.
Council Communications, enclosures, revisions, or attachments not received by 5:00 p.m. on Thursday will not be included with the Shirtsleeve agenda. Missing items will contain a notation stating that "(Material) was not submitted to the City Clerk's Office prior to production deadline for the Council packet."
 - Electronic version of final Council Communication or enclosure (PDF format): Due to the City Clerk's Office noon on Thursday of week prior to the meeting.
It will be the originating department's responsibility to ensure that the correct, final version of the Council Communication or enclosure (and attachments) is e-mailed to the City Clerk's Office for inclusion in the electronic packet. It is recommended that each Council Communication or enclosure contain a footer at the bottom of the first page with the revision date and time in order to track the most current version.
 - Copy, distribute, and mail Shirtsleeve agenda/enclosure: By Friday of week prior to meeting.
 - Preparation and completion of e-agenda/enclosure: By Friday of week prior to meeting.

- Burn e-agenda/enclosure to CDs and send notification (link) to e-mail distribution list: Friday of week prior to the meeting.
 - Posting of agendas: By 5:00 p.m. on Friday of week prior to the meeting.
The City Clerk's Office shall be responsible for posting the official, signed, hard copy agenda in the official posting locations, as well as posting the e-agenda/enclosure to the City's Web site, with the assistance of the City's Webmaster and/or ISD.
 - Delivery of Shirtsleeve agenda and enclosure to Council: By 5:00 p.m. on Friday of week prior to meeting.
- B. Should it be necessary to amend the Shirtsleeve topic or to cancel a meeting after the distribution and posting of the agenda, approval must first be obtained by the City Manager's Office. Secondly, the City Clerk's Office must be immediately notified in order to amend the agenda and ensure the posting requirements are met.
- C. Material submitted for inclusion in the Shirtsleeve packet shall be submitted to the City Clerk's Office in the same two formats as the Council packet items (see Section 3, Item C).

SECTION 5: ELECTRONIC AGENDA/PACKET

A. Responsibility

The City Clerk's Office will assume the responsibility of preparing and posting the e-agenda/packet to the Internet.

B. Availability / Access

The e-agenda/packet shall be made available in PDF format on the Internet and shall be offered in 1) single-item form and 2) complete packet with navigational tools. The single version is a smaller file and is intended for users with low-speed Internet connections; whereas, the complete packet is more appropriate for users with a high-speed connection. The complete packet also contains navigational tools to maneuver quickly and easily from one item to another.

All departments and in-house subscribers shall be notified via e-mail when the e-agenda/packet is ready for viewing, along with the link to access the information from the Internet.

Council Members will have an option of receiving the hard copy or the e-agenda/packet. For those Council Members who request the e-agenda/packet, it shall be provided on CDs prepared by the City Clerk's Office. It shall be the responsibility of the Council Members to load the e-agenda/packet CD onto the City-furnished notebook computers. Council Members shall be required to store the notebook computers and shall be responsible for transporting the computers to and from the Council meetings, as well as for setting up and disassembling the equipment before and after the meetings. It is recommended that Council Members allow enough time prior to the start of the meeting to set up and test the equipment in order to avoid technical difficulties, which could delay the meeting.

The Library shall receive one hard copy Council packet for public review. Additionally, the Library will receive e-mail notification with the Internet link to the e-agenda/packet for use by Internet users at the Library.

Members of the press will be given the option of receiving the e-agenda/packet via e-mail link or CD, or of receiving a hard copy packet.

All outside requests will be offered the e-agenda/packet, with the exception of those remaining on the paid subscription lists for the hard copy agendas/packets and those with special needs or without the proper equipment.

C. Retention

Hard copies of the agendas/packets will remain on file in the City Clerk's Office for two years, after which they will be scanned and maintained indefinitely on the City's electronic records management system.

E-agendas/packets shall remain on the City's Web site (agenda page) until such time as they can be scanned into the City's electronic records management system.

D. Contingency Plan

Should the City Clerk's Office encounter severe technical difficulties during the preparation and/or posting of the e-agenda/packet that cannot be corrected in time for publication and posting, the agenda/packet shall be produced in hard copy form for the City Council and essential personnel.

Hard copies of the agenda/packet will always be available to the public in the City Clerk's Office, the Lodi Public Library, and at the Public Information table at the Carnegie Forum.

QUICK REFERENCE GUIDE FOR AGENDA DEADLINES

<u>TASK</u>	<u>DEADLINE</u>
Agenda Titles to City Clerk's Office	2 nd Wednesday before City Council meeting by 12:00 p.m.
Agenda Review at Management Team Meeting	2 nd Thursday before City Council meeting at 10:00 a.m.
Council Communications to City Clerk's Office	2 nd Friday before City Council meeting by 5:00 p.m.
Council Communications to City Manager's Office	2 nd Monday before City Council meeting by 10:00 a.m.
Council Communication Reviews, Changes and Signatures by City Manager, Deputy City Manager and Finance	Monday, Tuesday and Wednesday before City Council meeting
Agenda Packet to City Clerk's Office for Completion	Thursday before City Council meeting
PDF to City Clerk's Office	Thursday before City Council meeting by 12:00 p.m.
E-Agenda Packet Preparation, Postings and Distribution	Friday before City Council meeting

***Holidays -- For deadlines that fall on holidays, the due date is the business day before the holiday.

SAMPLE FOR JANUARY 3, 2006 COUNCIL MEETING

<u>TASK</u>	<u>DEADLINE</u>
Agenda Titles to City Clerk's Office	December 20, 2006 (2 nd Wednesday before City Council meeting by 12:00 p.m.)
Agenda Review at Management Team Meeting	December 21, 2006 (2 nd Thursday before City Council meeting at 10:00 a.m.)
Council Communications to City Clerk's Office	December 22, 2006 (2 nd Friday before City Council meeting by 5:00 p.m.)
Council Communications to City Manager's Office	December 25, 2006 (2 nd Monday before City Council meeting by 10:00 a.m.)
Council Communication Reviews, Changes and Signatures by City Manager, Deputy City Manager and Finance	December 25, 2006 -- December 27, 2006 (Monday, Tuesday and Wednesday before City Council meeting)
Agenda Packet to City Clerk's Office for Preparation	December 28, 2006 (Thursday before City Council meeting)
PDF to City Clerk's Office	December 28, 2006 (Thursday before City Council meeting by 12:00 p.m.)
E-Agenda Packet Preparation, Postings and Distribution	December 29, 2006 (Friday before City Council meeting)

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : CITY MANAGER NOTIFICATION
DATE ISSUED: : November 1997
DATE REVISED: : November 2012

Section I: Procedure

This Procedure is intended to keep the City Manager informed of events that require his/her involvement.

It shall be the responsibility of the Department Heads, or their designee, to notify the City Manager **IMMEDIATELY** of any incident involving the following:

1. Officer involved shootings, whether the officer is a victim or the shooter.
2. Any in-custody death or injury likely to result in death.
3. Death of an employee (on or off the job).
4. A serious on-the-job injury of an employee which is life threatening.
5. Any incident in which a City official or employee of the City is charged with, or is likely to be charged with, a public offense.
6. Any incident which is likely to be controversial, inflammatory or of sufficient magnitude to necessitate City Manager involvement.
7. A public safety or a utility emergency call-out (which disrupts the City's ability to provide public services), such as a power outage caused by a storm, or an unexpected water main break flooding streets.

It shall be the responsibility of the Department Heads, or their designee, to notify the City Manager **during regular business hours** (Monday – Thursday: 7:30 a.m. – 5:30 p.m. and Fridays worked 8:00 a.m. – 5:00 p.m.)

1. A City employee is injured on the job.
2. An auto accident involving a City vehicle.
3. An employee that has a positive drug test.
4. Knowledge of an incident which could potentially be an embarrassment to the City, or could draw considerable negative publicity.
5. Death of a retiree.
6. Death, serious illness, or hospitalization of an employee, spouse or immediate family member of an employee or elected official.

Unless reason dictates otherwise, **after normal work hours or during holidays or furloughs**, notification shall be attempted in the following order:

1. Calling the home or cell phone number of the City Manager.
2. In the event the City Manager cannot be reached, the Deputy City Manager will be notified.
3. In the event that the Deputy City Manager cannot be reached, the City Attorney will be notified.

Section II:

Auditors and/ or investigators conducting an audit or investigation of City operations or personnel are required to give an entrance interview with the City Manager prior to conducting their audit or investigation.

Department Heads will arrange for the entrance and exit interview with the City Manager's Secretary.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : COMPENSATORY TIME OFF (CTO)
DATE ISSUED: : May 1, 1995
DATE REVISED: : April 2009

SECTION 1: PURPOSE
The purpose of CTO is to provide nonexempt employees with an option of utilizing time off in lieu of immediate cash payment for overtime hours worked. The purpose of this policy is to define CTO, and to delineate the terms and conditions under which CTO can be accumulated and utilized.

SECTION 2: DEFINITION
CTO is paid time off the job which is earned and accrued by an employee in lieu of immediate cash payment for hours worked in excess of the statutory hours for which overtime compensation is required, or in accordance with the appropriate memorandum of understanding.

SECTION 3: ACCRUAL
CTO is accrued at the rate equivalent to not less than one and one-half hours for each overtime hour worked.

CTO may be accrued up to 480 hours of public safety personnel, and up to 240 hours for non-safety personnel. Accrued CTO in excess of 240 hours or 480 hours shall be compensated with a cash payment. Maximum accrual amounts may be stipulated by the terms and conditions of the appropriate memorandum of understanding and in accordance with the Fair Labor Standards Act.

SECTION 4: PAYMENT OF CTO
Payment for CTO may be taken as scheduled time off, or as a cash payment subject to the provisions of the appropriate memorandum of understanding.

If taken as a cash payment, CTO hours shall be paid at the employee's current rate of salary.

SECTION 5:

PAYMENT OF CTO UPON SEPARATION

In the event that an employee at the time of separation has accumulated earned CTO remaining on account, the employee shall be compensated a lump sum payment for any remaining CTO at the rate of straight time pay.

SECTION 6:

PAYMENT OF CTO UPON PROMOTION

In the event that an employee with accrued CTO is promoted, the employee is either to use CTO leave and/or receive cash payment of remaining CTO prior to the effective date of the promotion.

SECTION 2:

CONDITIONS FOR THE DESTRUCTION OF RECORDS

Notwithstanding the provisions of Section 34090, the City officer having custody of public records, documents, instruments, books, and papers may, without the approval of the legislative body or the written consent of the City Attorney, cause to be destroyed any or all of such records, documents, instruments, books, and papers, provided a permanent photographic record is kept as set forth in Government code Section 34090.5.

For further explanation and the proper procedure, contact the City Attorney.

CITY OF LODI
ADMINISTRATIVE POLICY MANUAL

SUBJECT: : DISCRIMINATION
DATE ISSUED: : May 20, 1992, August 3, 1994
DATE REVISED: : October 2010

SECTION 1: PURPOSE

The purpose of this policy is to establish a procedure for investigating and resolving harassment and discrimination complaints. The term "harassment" is inclusive of sexual harassment.

The City of Lodi is committed to providing a work environment free from all forms of discrimination including harassment. The City of Lodi will not discriminate against any applicant or employee on the basis or race, creed, color, political affiliation or beliefs, sex, sexual orientation, age, disability, religion, marital status, medical condition, or national origin.

SECTION 2: POLICY

This policy applies to the provision of all public services, programs, and activities of the City of Lodi including, but not limited to: public transportation; the issuance of licenses and permits; parks and recreation, and community center programs; payment of utility bills, fines and fees; selection of procurement contractors; and communications.

This policy applies to the job application process and to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

All complaints of harassment and discrimination o will be promptly and objectively investigated. Disciplinary action up to and including termination will be instituted for behavior inconsistent with this policy.

Any retaliation against a person for filing a harassment or discrimination charge or making a harassment or discrimination complaint is prohibited.

SECTION 3:

DEFINITIONS

- A. Discrimination: The denial or exclusion of an individual, by reason of any of the bases listed in Section 1 of this policy, from participation in the employment, benefits of services, programs, or activities of the City of Lodi.
- B. Harassment is a form of discrimination and includes any actions towards an individual or a group of persons any of the bases listed in Section 1 of this policy above when such conduct is unwelcome and has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment. Examples of harassment include, but are not limited to the following:
1. Verbal: Derogatory comments; sexual, ethnic or racial slurs and jokes; innuendoes; or inappropriate comments on appearance including dress or physical features.
 2. Written: Negative or derogatory letters, notes, epitaphs, poems, literature, posters, notices, bulletins, or cartoons.
 3. Physical: Assault, impeding or blocking movement, touching, derogatory hand gestures, leering, or any physical interference with normal work or movement.
 4. Other forms of harassment include threats of reprisal; implying or actually withholding support for appointments, promotions, or transfers; rejection while on probation; punitive actions; change of assignments; or preparing a poor performance report on the basis of one of the factors mentioned above.

For the purposes of this policy, sexual harassment is defined as unsolicited and unwelcome sexual overtures, by any employee, supervisor, or manager, be they written, verbal, physical, and/or manager, be they written, verbal, physical, and/or visual, that they occur when:

1. Submission is made either explicitly or implicitly a term or condition of employment.
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; or

3. Such conduct has the potential to negatively affect an employee's work performance and/or create an intimidating, hostile, or otherwise offensive work environment.

Written examples of sexual harassment include: suggestive or obscene letters, notes, invitations, poems, or literature.

Verbal examples include: derogatory or sexually oriented comments, slurs, jokes, rumors or gossip, whistles, propositions, demands, innuendoes, double entendres, or references to an individual's anatomy.

Physical examples include: rape, assault, touching, pinching, patting, grabbing, fondling, or blocking passage.

Visual examples include: gawking, leering, gestures, or displays of sexually suggestive objects, picture, cartoons, calendars, or posters.

Other examples include: threats of reprisal; implying or actually withholding support for appointments, promotions, or transfers; rejection while on probation; punitive actions; change of assignments; or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

Sexual harassment, as defined above, constitutes an illegal form of sex discrimination and violated Title VII of the 1964 Civil Rights Act, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission and the California Commission.

It should be noted that this policy covers sexual harassment between two persons of the same sex if such conduct has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment.

- C. Disability: "Disability" is (1) a physical or mental impairment that substantially limits one or more major life activities; or (2) having a record of such an impairment; or (3) being regarded as having such an impairment.

- D. Qualified Individual with a Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City of Lodi.

In terms of employment, a "qualified individual with a disability" is a person who (1) satisfies the job related requirements for the position, and (2) can perform the "essential functions" of the position despite their disability, or who (3) with or without "reasonable accommodation" can perform the essential functions of the position.

- E. Discrimination on the Basis of Disability: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City of Lodi, or be subjected to discrimination by any employee, or contractor with the City of Lodi.

Discrimination in employment on the basis of disability includes, but is not limited to the following actions:

- a. To limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability;
- b. To participate in a contractual or other arrangement or relationship that has the effect of subjecting the City's own qualified applicant or employee with a disability to discrimination;
- c. To use standards, criteria or method of administration which are not job-related and consistent with business necessity, and that (a) have the effect of discriminating on the basis of disability or (b) perpetuate the discrimination of others who are subject to common administrative control;
- d. To exclude or deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to

have a family, business, social or other relationship or association;

- e. To fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- f. To use qualification standards, employment tests or other selection criteria that screen out an individual with a disability or a class of individuals with disabilities on the basis of disability, unless the standard, test or other selection criteria, used is shown to be job-related for the position in question and is consistent with business necessity; and
- g. To fail to select and administer tests concerning employment in the most effective manner to ensure that the test results accurately reflect the applicant's or employee's skills or aptitude for a particular job, rather than reflect that individual's disability.

SECTION 4:

ENFORCEMENT

Harassment or discrimination in any form, will not be tolerated by the City. Such conduct by a City employee or tolerance of conduct by a supervisor will not be permitted, and disciplinary action up to and including termination will be taken against an employee engaging in this unlawful conduct. In addition, the City of Lodi shall endeavor to protect applicants and employees, to the greatest extent possible, from harassment and discrimination by non-employees in the workplace.

Employees shall have the right to file complaints without the fear or reprisal or recrimination. Employees engaging in acts of reprisal or recrimination resulting from a complaint of harassment and discrimination shall be subject to disciplinary action up to and including termination.

SECTION 5:

POLICY IMPLEMENTATION

Each department head is responsible for ensuring that the work environment in his or her department is free from discrimination and harassment by:

- A. Having division heads and supervisors discuss the City policy and complaint resolution procedure with all employees under his or her direction.

- B. Requiring division heads and supervisors to convey to their employees their strong disapproval of discrimination and harassment, to monitor the work environment of their employees, to cooperate in the investigation and resolution of related complaints, and to ensure that employees involved in complaints of discrimination or harassment are not subjected to retaliation.

A non-employee (such as a contractor, vendor, etc.) who subjects an employee to discrimination and harassment in the workplace shall be informed of the discrimination and harassment policy by the employee's supervisor, division head, or department head and appropriate actions such as contacting the supervisor of the offending person shall be taken to ensure that discrimination and harassment is stopped as soon as possible. Failure or refusal of contractors or vendors to take appropriate steps to deal with a complaint involving one or more of their employees may result in sanctions such as the cancellation of agreements or denial of the privilege of doing business with the City of Lodi.

In instances where members of the general public harass City employees, the affected employee should promptly notify the person that such conduct is inappropriate, offensive, and unwelcome. If such conduct persists, the employee should contact his or her supervisor, who shall be responsible to take appropriate action.

SECTION 6:

SECTION 7: COMPLAINT RESOLUTION

The following procedure is intended to address the complaints of alleged harassment and discrimination by the public and City employees, and is not intended to circumvent the established grievance procedures according to the appropriate memorandum of understanding.

- A. Informal Procedure: In order to assure that further incidents do not occur, a citizen, job applicant, or employee who believes he/she has been subjected to harassment and discrimination should promptly inform the person(s) alleged to have committed discrimination that such conduct is prohibited or to the City's Human Resources Office. If a complaint cannot be immediately resolved, the complainant should promptly refer the matter to the appropriate immediate supervisor, department head,

and/or Human Resources, who will be responsible to investigate and resolve the alleged incident(s) of discrimination.

B. Formal Procedure: A citizen, job applicant, or employee who believes he or she has been discriminated against on may submit a written and signed statement as soon as possible after the incident to Human Resources. The complainant is encouraged to submit the complaint within thirty (30) calendar days, but no later than one hundred eighty (180) days, of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint within this time period, complaints received after this period may be accepted. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for the visually-impaired of those with motor impairments. Submission of the complaint should be addressed to: Human Resources, 221 West Pine Street, PO Box 3006, Lodi, CA 95240-1910.

- a. The complaint shall include: a description of the offending behavior(s) or violations; date(s), time(s) and location(s) or incident(s); name(s) of alleged offender(s); name(s) of witnesses, if any; and remedy desired.
- b. Upon the receipt of a complaint, Human Resources (and/or designee(s)) shall investigate all charges. The investigation shall include interviews with: (a) the complainant; (b) the person(s) allegedly engaged in discrimination; and (c) any other person Human Resources believes to have relevant knowledge concerning the complaint.
- c. Human Resources, shall, within thirty (30) work days of receipt of the complaint, notify the complainant regarding the status of the investigation.
- d. Upon completion of the investigation, Human Resources shall review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment or discrimination, giving consideration to all factual information, the totality of the circumstances,

including the nature of the alleged conduct and the context in which the alleged incidents occurred.

- e. Human Resources shall then prepare a written report setting forth the results of the investigation and the determination as to whether harassment or discrimination occurred. Such report with recommendation(s) shall be submitted to the City Manager for appropriate action. Such action shall include proper notification of the complainant.

The severity of the disciplinary action shall be determined by the severity and/or frequency of the offense(s). The complainant shall be notified of the action(s) to be taken. If the complainant is not satisfied with the decision, he/she may file an appeal to the City.

SECTION 8:

CONFIDENTIALITY

To the extent feasible, proceedings under this policy and all report and records filed shall be confidential to the parties involved, and reasonable efforts shall be made to protect the privacy interests of the parties concerned.

RESOLUTION NO. 2017-40

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE CITY OF LODI ADMINISTRATIVE POLICY AND
PROCEDURE MANUAL: DRUG AND ALCOHOL TESTING IN
ACCORDANCE WITH FEDERAL TRANSIT ADMINISTRATION
DRUG AND ALCOHOL PROGRAM REQUIREMENTS

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WHEREAS, on April 26, 1995, the City of Lodi amended the City of Lodi Administrative Policy and Procedures Manual by adding a new policy: Drug and Alcohol Testing; and

WHEREAS, the City Council has on several occasions amended the Drug and Alcohol Testing Policy due to changing requirements of the Federal Transit Administration (FTA); and

WHEREAS, as a recipient of FTA funds, the City is required to establish a compliant Drug and Alcohol testing program as a condition of receiving those funds; and

WHEREAS, the City is subject to audits by the FTA every three years; and

WHEREAS, the City of Lodi, in accordance with FTA audit findings, amends its Drug and Alcohol Testing Policy to meet FTA requirements; and

WHEREAS, staff recommends that the City Council approve the amendments to the City's Drug and Alcohol Testing Policy, as set forth in Exhibit A attached hereto and made a part hereof, which shall take effect immediately upon adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the amendments to the Administrative Policy and Procedure Manual: Drug and Alcohol Testing; as recommended by the Federal Transit Administration; and

BE IT FURTHER RESOLVED that the amendments shall take effect immediately upon adoption of this Resolution.

Dated: March 15, 2017

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I hereby certify that Resolution No. 2017-40 was passed and adopted by the Lodi City Council in a regular meeting held March 15, 2017 by the following vote:

AYES: COUNCIL MEMBERS – Chandler, Johnson, Nakanishi, and Mayor Kuehne

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. FERRAIOLO
City Clerk

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: DRUG AND ALCOHOL TESTING

DATE ISSUED: April 26, 1995

DATE AMENDED: December 2010
March 15, 2017 (by City Council Resolution)

REFERENCE: US DOT (FTA) 49 CFR Part 40, as amended; 49 CFR Part 655; 49 CFR Part 382; 49 CFR Part 29; and the Omnibus Transportation Employee Testing Act of 1991.

SECTION 1: PURPOSE

The City of Lodi is committed to providing safe and efficient public services in fulfilling our responsibilities to the citizens of our community. To achieve this purpose, it is the policy of the City to:

Provide a workplace free from the adverse effects of drug and alcohol abuse or misuse;

Assure that employees are not impaired in their ability to perform assigned duties in a safe and productive manner;

Encourage employees to seek professional assistance for drug and alcohol abuse or dependency;

Comply with all Federal and State regulations requiring a drug-free workplace.

Coverage under this policy does not exempt covered employees from compliance with the City's Drug-Free Workplace Policy and Procedure. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the Drug-Free Workplace Policy and Procedure.

SECTION 2: EMPLOYEE ASSISTANCE PROGRAM

The City has established a voluntary Employee Assistance Program (EAP) to aid those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors, the EAP provider, or the Human Resources Division for additional information.

Employees who think they may have an alcohol or drug usage problem are encouraged to voluntarily seek confidential assistance

from the EAP or other available resources. Employees who voluntarily come forward and seek assistance will not be discipline solely for having or admitting a drug or alcohol problem. The City will take into consideration employees' performance problems caused by such dependency. The voluntary seeking of treatment shall not provide immunity from disciplinary action which were proposed or in process. However, action on related problems may be postponed pending successful resolution of the usage problem. Successful completion of a drug or alcohol treatment program shall be considered when determining disciplinary actions. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not voluntarily seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs.

SECTION 3: CITY ADMINISTRATOR

The Risk Manager is designated to administer this policy and procedure and to answer questions concerning its implementation. The Risk Manager may be contacted as follows:

City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910
Phone: (209) 333-6708

SECTION 4: COVERED EMPLOYEES

Employees in classifications listed in Appendix A are "covered employees" because they perform "safety sensitive functions" as described in Section 6 below, and thus are subject to all of the provisions of this policy.¹

An employee may be given a written exemption from this Policy by Risk Manager, if the employee's job duties do not include performing a "safety sensitive function."

SECTION 5: DEFINITIONS

Accident: Means an occurrence associated with the operation of a vehicle, if as a result:

- 1) An individual dies;
- 2) An individual suffers a bodily injury and immediately receives

¹ Section 34520 (j) of the California Vehicle Code exempts Fire personnel from the provisions of the Omnibus Transportation Employee Testing Act of 1991. However, Fire personnel are still covered by the City's Drug Free Workplace Policy and Procedure.

medical treatment away from the scene of the accident;

- 3) One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "disabling damage" means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes the inoperative; or
- 4) When a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody: Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Confirmation (or confirmatory) Test: For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure

reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled Substance (drug): Any illegal drug or any substance identified in schedules I through V of the Controlled Substances Act as they may be amended. This includes, but is not limited to: marijuana (THC metabolite), amphetamines, opiates (including Heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Substances for testing will only be added to the panel for testing only with agreement of the affected collective bargaining units or as required by the appropriate regulatory agency.

Evidential Breath Testing Device (EBT): A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results generated by the City's Drug-Free Workplace and Drug and Alcohol Testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Performing a Safety-Sensitive Function: An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Screening Test (also known as initial test): In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen. Testing is only permitted just before, during, and just after the performance of safety-sensitive duties. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis.

Substance Abuse Professional(SAP): Defines the Substance Abuse Professional (SAP) as a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes

recommendations concerning education, treatment, follow-up testing, and aftercare. In order to be a SAP, you need to have certain credentials, possess specific knowledge, receive training, and achieve a passing score on an examination. There is also a continuing education requirement

SECTION 6:

SAFETY-SENSITIVE FUNCTIONS

Safety sensitive employees operate one of the following vehicles or perform the following functions:

- A. Operate a vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- B. Operate a vehicle with a gross vehicle weight of at least 26,001 pounds;
- C. Operate a vehicle designed to transport 16 or more passengers, including the driver;
- D. Operate a vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act;
- E. Operate a revenue vehicle including when not in revenue service;
- F. Operate a non-revenue vehicle when required to be operated by a holder of a commercial driver's license (CDL);
- G. Control dispatch or movement of a revenue service vehicle;
- H. Maintain, repair, overhaul, or rebuild a revenue service vehicle or equipment used in revenue service;
- I. Carry a firearm for security purposes.

SECTION 7:

PROHIBITIONS

The following conduct is prohibited and may result in disciplinary action, up to and including termination:

- A. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater;
- B. The use of alcohol within the four (4) hours preceding the

performance of safety-sensitive functions, and the allowance of an employee to perform safety-sensitive functions with the knowledge that the employee has used alcohol within that time frame.

Employees who are in a “stand-by” status, shall not use alcohol or controlled substances while in such status. Employees who may be subject to “call-out” for emergency situations, and who may be the only qualified employee available for such duty, and who has used alcohol, may respond to such calls under the following guidelines:

(1) That the employee immediately notify the supervisor of the use of alcohol within the last four hours and the determination for the employee to respond is approved by the supervisor; (2) That the employee perform simple tasks of minimal risk to the safety sensitive functions(s); and (3) That the employee does not use alcohol after he/she has been notified to report for emergency duty.

- C. Being on duty or operating a vehicle described in Section 4 above, while possessing alcohol;
- D. Using alcohol while performing a safety sensitive function;
- E. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely operate a vehicle, or DOT funded equipment and machinery.
- F. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
- G. Refusing to submit to any alcohol or controlled substances test required by this policy. Such refusal (see Section 8) shall be considered an act of insubordination. The consequences for a refusal to submit to a required test are the same as if the employee had tested at 0.04 or greater or had violated any of the other prohibitions in this policy.
- H. The allowance of an employee to perform or continue to perform safety-sensitive functions after having knowledge of the employee’s use of alcohol or controlled substances while on duty.

- I. An employee who has actual knowledge of an accident in which his/her performance of a safety-sensitive function has not been discounted by the City as a contributing factor to the accident is prohibited from using alcohol for eight (8) hours following the accident. The prohibition ends eight (8) hours after the accident (i.e. when a test is no longer required), once the employee has taken a post-accident test, or once the City has determined that the employee's performance could not have contributed to the accident.

SECTION 8:

REFUSAL TO SUBMIT TO AN ALCOHOL AND/OR DRUG TEST

A refusal to submit to an alcohol or controlled substances test required by this policy includes, but is not limited to:

- A. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer;
- B. Failure to remain at testing site until the testing process is complete;
- C. Failure to provide a urine sample for any required drug test;
- D. Failure to permit the observation or monitoring of the specimen collection when required to do so;
- E. Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure;
- F. Failure to take a second test when directed to do so by the employer or collector;
- G. Failure to undergo a medical examination when directed to do so by the MRO or employer;
- H. Failure to sign the certification at Step 2 of the alcohol testing form.
- I. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- J. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or

other device that could be used to interfere with the collection process;

- K. Possess or wear a prosthetic or other device that could be used to interfere with the collection process; and
- L. Admit to the collector or MRO that you adulterated or substituted the specimen.

SECTION 9:

CONSEQUENCES FOR EMPLOYEES FOUND TO HAVE ALCOHOL CONCENTRATION LEVELS OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his or her safety sensitive position for at least twenty-four (24) hours.

SECTION 10:

CIRCUMSTANCES UNDER WHICH DRUG AND ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES

- A. Pre-Employment Testing: All applicants for classifications which are covered by the appropriate Department of Transportation regulations (See Section 4 above), as well as all employees who transfer from classifications which are not covered to classifications which are covered, will be required to submit to pre-employment/pre-duty drug and alcohol testing. Applicants/employees will not be assigned to a safety sensitive position until after a verified negative drug test result.

If the applicant has previously worked for a DOT employer and has previously failed or refused a pre-employment drug test administered under this part within the past two years, the applicant is not eligible for the position.

If a pre-employment drug test is canceled, the City shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

When a covered employee or applicant has not performed a safety- sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the City's random selection pool during that time, the City shall ensure that the employee takes a pre-employment drug test with a verified negative result.

- B. Post-Accident Testing: Post-Accident drug and alcohol testing

will be conducted on employees following an accident where the employee's performance cannot be discounted as a contributing factor.

The decision as to whether or not to test the employee will be made by a supervisory and/or management employee. The presumption is for testing. The only reason an employee will not be tested following an accident is if a determination is made that the employee's performance could not have been a contributing factor. 49 CFR part 655 criteria for testing is a fatality, the need for medical attention away from the scene, and/or disabling damage to the vehicle. An employee must receive emergency medical care before being required to submit to a post-accident drug and alcohol test.

As required by the Federal Transit Administration (FTA), the City shall require that a US DOT post-accident test be administered under the following two circumstances: 1) in the event of a fatal accident, and 2) in the event of a non-fatal accident.

A fatal accident is defined as an occurrence associated with the operation of a transit revenue vehicle or ancillary vehicle (non-revenue requiring a CDL or transit police), which results in the loss of a life.

A non-fatal accident is an occurrence associated with the operation of a transit revenue vehicle or ancillary vehicle, defined by the following:

One or more individuals is immediately transported for medical treatment away from the accident.

Any rubber-tired vehicle incurs disabling damage requiring a tow truck.

Following a fatal accident involving a transit vehicle, the City, sub-recipients, contractors, subcontractors, and lessees with safety-sensitive employees are required to test all surviving covered employees operating the vehicle at the time of the accident and, using the best available information at the time of the decision, any other covered employee whose performance may have contributed to the accident.

Following a nonfatal accident involving a transit vehicle, the City, employers, sub-recipients, contractors, subcontractors, and lessees with safety-sensitive employees are required to test all

covered employees operating the vehicle and any other covered employee whose performance may have contributed to the accident unless the employer determines that an employee's performance can be completely discounted as a contributing factor to the accident. A decision not to test is made using the best information available at the time of the decision and must be documented in detail, including the decision-making process used to make the determination.

Post-accident testing for "accidents" that do not meet the definition of an accident under 49 CFR Part 655 must be done under the City's own authority. Non-US DOT custody and control forms and alcohol testing forms must be used.

Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident. If the appropriate test is not administered within two (2) hours following the accident, the employee's supervisor shall immediately provide written documentation to the Risk Manager stating the reasons why the test was not promptly administered.

C. Random Testing: Covered employees will be subject to random alcohol and drug testing as follows:

- (1) A random alcohol test will be administered during any period in which the employee is ready to perform, immediately available to perform, is actually performing, or just after the employee has ceased performing safety-sensitive functions. Please refer to the definition of "Performing a Safety-Sensitive Function" in Section 5 of this policy.
- (2) Testing rates are determined by the appropriate regulatory agency.
- (3) The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Each covered employee shall have an equal chance of being tested each time selections are made.
- (4) On the day the employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice indicating the time he/she is to report to the lab for testing.

(5) The City shall ensure that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.

(6) Random tests are unannounced and immediate. There is an equal chance of selection on each draw with no discretion on the part of management.

D. Reasonable Suspicion Testing: Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath.

E. Return-To-Duty Testing: Prior to returning to duty, any employee who has tested positive shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a result indicating a verified negative result for controlled substance use.

F. Follow-up Testing: Any employee who has been certified by an SAP as in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall be subject to a minimum of six (6) unannounced follow-up alcohol and/or controlled substance tests during the first year back to the safety-sensitive position after the violation. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date the employee returns to duty. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the SAP determines that the testing is no longer necessary.

A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of

probable alcohol misuse and use of controlled substances.

SECTION 11: CONSEQUENCES OF FAILING AN ALCOHOL AND/OR DRUG TEST

A positive result from a drug or alcohol (concentration of 0.04 or greater) test shall result in the mandatory removal of the employee from the safety-sensitive position. Consequences shall include discipline, up to and including termination. An employee that produces a dilute negative specimen will be required to take another test immediately.

If a covered employee is not terminated, the employee:

- A. Must be removed from performing any safety-sensitive function.
- B. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse.
- C. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test.
- D. Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position. See Section 10.F above.

SECTION 12: COSTS OF TESTING

Where there is testing for reasonable cause, the employee shall be placed on paid administrative leave pending the outcome of the test.

Time spent in conjunction with pre-duty, post-accident, random and reasonable suspicion testing shall be considered as paid time. The City shall also pay for the costs of these tests. The time an employee is removed from safety-sensitive functions is borne by the employee. Such employee may use accrued time including sick leave to cover the absence.

SECTION 13: INFORMATION CONCERNING THE EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCES AND AVAILABLE METHODS OF

INTERVENTION

Available from the Human Resources Division are Fact Sheets addressing the effects of alcohol and the various controlled substances which are tested for under this Policy.

SECTION 14:

EMPLOYEE REPRESENTATION

Employees shall have the right to representation only during discussions with management prior to a reasonable suspicion test. If a shop steward is not available, an available department employee may be selected to represent the interests of said employee. Such contact shall not, in any way, delay or interfere with the implementation of this policy and its procedure.

DRUG AND ALCOHOL TESTING Procedure

SECTION 15:

PURPOSE

The purpose of this procedure is to delineate the application of the Omnibus Transportation Employee Testing Act under the regulations of the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA).

SECTION 16:

EFFECTIVE DATE

This procedure shall be effective upon date of Council action.

SECTION 17:

ALCOHOL TESTING, CONTROLLED SUBSTANCE COLLECTION, AND LABORATORY SITES

The identity and locations of the alcohol testing, controlled substance collection, and laboratory sites and facilities shall be retained in the Risk Manager's office and shall be made immediately available upon request.

SECTION 18:

FORMS OF TESTING

The procedures for each of the forms of testing being conducted by the City are described in Sections 5 through 8 of this Procedure. Inherent to each procedure, at the time of collection and/or testing, the employee is to have in his/her possession an appropriate form of identification. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

SECTION 19:

PRE-EMPLOYMENT TESTING

A. Pre-employment drug/alcohol testing shall be conducted upon the conditional offer of employment. This offer of employment is contingent upon the successful completion of all medical exams and drug/alcohol screenings.

B. Upon completion of the hiring interview the department shall notify the Human Resources Division of its conditional offer of employment to the candidate, and of the candidate's acceptance of this offer. The hiring department shall refer the candidate to the Human Resources Division. The Human Resources Division shall notify the candidate of the types of testing to be conducted,

have the candidate complete the appropriate notification forms, and schedule the candidate for the appropriate testing at the appropriate collection and/or testing site.

C. Upon completion of the drug/alcohol testing, the Human Resources Division shall notify the hiring department of such results.

D. Notification of the results for controlled substance testing shall be provided to the candidate provided the candidate requests the results within 60 days of being notified of the disposition of his/her employment application.

E. The City shall obtain, upon written consent of the employee, information on the employee's alcohol tests with a concentration result of 0.02 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two (2) years from previous employers. This information shall be obtained and reviewed by the City no later than fourteen (14) calendar days after the first time an employee performs safety-sensitive functions. The employee shall not perform any safety-sensitive functions after fourteen (14) calendar days without obtaining the information.

F. As an employer the City is required to verify previous violations of DOT drug and alcohol regulations within the last two years of employment with a DOT regulated agency or employer. An employer must obtain and review the information listed below from any DOT-regulated employer for which the employee performed safety-sensitive functions in the previous two years. The information obtained must include:

1. Information of the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the employee's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test. (including verified adulterated or substituted drug test results)
4. Other violations of DOT agency drug and alcohol testing regulations.

SECTION 20:

RANDOM TESTING

All covered employees shall be subject to periodic random testing. In accordance with, and subject to modification by the DOT,

employees shall be tested at the minimum annual percentage rate of ten percent (10%) of the average number of employees covered by this policy for random alcohol; and fifty percent (50%) of the average number of employees covered by this policy for random controlled substances.

A. Random generation. Covered employees shall be scheduled for unannounced alcohol and controlled substance tests and selected for testing by utilizing a random number generator. Each employee shall have an equal chance of being tested each time selections are made.

B. Employee notification. On the date the employee is selected for testing, the employee's supervisor shall be notified of the selection. The supervisor shall provide written notification of selection for testing to the employee. The supervisor shall arrange coverage of the employee's duties. The supervisor shall direct the employee to cease the performance of safety-sensitive functions, and to immediately proceed to the appropriate testing and/or collection site.

An employee shall only be tested for alcohol during any period in which he/she is actually performing, ready to perform, immediately available to perform, or just after the employee has ceased performing safety-sensitive functions.

SECTION 21:

REASONABLE SUSPICION TESTING

A. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

B. As currently provided in the City's Drug-Free Workplace Policy and Procedure, the City may require an employee to submit to an alcohol and/or controlled substance test whenever it has reasonable suspicion to believe that an employee has violated the prohibitions of the Drug and Alcohol Testing Policy.

C. Alcohol testing is authorized only if the observations leading to reasonable suspicion are made during, just preceding, or just after the period of the work day that the employee is performing the safety-sensitive functions of his/her position.

D. Any supervisor or manager who has determined reasonable suspicion shall immediately prevent or direct the employee to stop performing the duties of his/her position, and inform the employee that he/she shall be referred to alcohol/drug testing on such basis.

E. The supervisor or manager shall immediately contact his/her supervisor and the Human Resources Manager with notification of the action taking place, and shall transport the employee to the testing/collection site.

F. The employee shall be immediately transported by the supervisor to the alcohol testing and/or collection site and said test shall be administered within two (2) hours following the determination of reasonable suspicion.

G. The supervisor or manager shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

H. Any supervisor or manager encountering an employee who refuses to submit to a drug and/or alcohol test shall remind the employee of the requirements and disciplinary consequences of this policy and procedure. The employee's refusal shall be documented in writing. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the supervisor or manager should Remove the employee from safety sensitive service and arrange for the employee to be safely transported home after the employee has undergone alcohol and controlled substance testing.

I. Upon completion of the testing, the supervisor is to contact the Human Resources Manager and report the status of such testing.

SECTION 22:

POST-ACCIDENT TESTING

A. The employee's supervisor or manager shall make a determination to conduct post-accident testing in accordance with the City's drug/alcohol policies immediately after notification of the accident. If a determination is not made and the appropriate test is not administered within two (2) hours following the accident, the employee's supervisor shall immediately provide written documentation to the Risk Manager stating the reasons why the test was not promptly administered.

B. Where possible, the supervisor or manager should make every effort under the circumstances surrounding the accident to

ensure that the employee, even one who has been permitted to leave or has had to leave the site, is available for a post-accident test. This, of course, does not mean that necessary medical treatment for injured people should be delayed or that an employee cannot leave the scene of an accident for the period necessary to obtain assistance in responding to the accident, materials to secure the accident site, or necessary emergency medical care. An employee who is seriously injured and cannot consent to provide a specimen within the appropriate time frames of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

C. If a determination is made to conduct post-accident testing, the supervisor or manager shall provide documentation of the accident and as to his/her decision to the Risk Manager within one (1) working day of the accident.

D. The employee shall remain readily available for such testing or may be deemed to have refused to submit to testing.

E. The supervisor or manager shall transport the employee to the alcohol testing and/or controlled substance collection site, and if necessary, to the employee's home after completion of the testing and collection.

F. The employee shall be placed upon administrative leave with pay pending the outcome of the test(s).

SECTION 23:

SUBSTANCE ABUSE PROFESSIONAL (SAP) SERVICES

Each employee who engages in conduct prohibited by this Policy and Procedure shall be evaluated by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use.

Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this Policy and Procedure, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved a controlled substance.

In addition, each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be:

A. evaluated by a SAP to determine that the employee has properly followed any rehabilitation program prescribed under, and

B. subject to unannounced follow-up alcohol and controlled substance tests administered by the City following the employee's return to duty. The SAP shall prescribe the frequency and duration of follow-up testing.

SECTION 24:

SPECIFIED PROCEDURES

Specific procedures pertaining to the subjects listed below are attached to this Procedure as indicated:

Alcohol Testing Methodology and Procedures	Appendix B
Controlled Substances Testing Procedure	Appendix C
Controlled Substance Testing Methodology	Appendix D
Test Results	Appendix E
Confidentiality and Recordkeeping	Appendix F

APPENDIX A COVERED
EMPLOYEES

Employees in the classifications listed below are covered under the applicable regulations for those employees. Covered employees are:

- A. Those who perform “safety sensitive” functions as defined in the City of Lodi Drug and Alcohol Testing Policy.
- B. Maintenance personnel, who perform various repairs to revenue vehicles (including repairs, overhaul and rebuilding)
- C. Employees with a commercial driver’s license that will operate a revenue service, or non-revenue service DOT funded transit vehicle (includes the operation of the Lifts or anyone who assists passengers to assure they are secured in the vehicles).
- D. Drivers operating a revenue service vehicle, including when not in revenue service.

Employees may be included in more than one listing below in accordance with the various regulatory agencies under which their work specification is assigned.

Covered employees shall be managed as two pools for testing purposes and shall be tested in accordance with the highest level of testing required; 1) City of Lodi – Drivers, and 2) City of Lodi – Mechanics (Fleet Services Division staff).

Federal Motor Carrier Safety Administration (FMCSA). Alcohol testing administered at 10% of the total number of covered employees. Drug test administered to at least 25% of covered employees.

Public Works Department

Fleet Services Division

Fleet Services Supervisor
Lead Equipment Mechanic
Welder Mechanic
Heavy Equipment Mechanic
Equipment Service Worker

Street Division

Street Supervisor
Street Maintenance Worker III
Street Maintenance Worker II
Street Maintenance Worker I
Maintenance Worker II

Water/Wastewater Division

Water/Wastewater Supervisor
Plant and Equipment Mechanic
Water/Wastewater Maintenance Worker III
Water/Wastewater Maintenance Worker II
Water/Wastewater Maintenance Worker I
Maintenance Worker II

Electric Utility Department

Construction Maintenance Supervisor
Substation Metering Supervisor
Electric Foreman/Forewoman
Electric Lineman/Linewoman
Apprentice Lineman/Linewoman I/II
Troubleshooting Supervisor
Electric Troubleshooter
Electric Groundworker
Utility Equipment Specialist

Police Department

Police Officer (Only those assigned to drive Mobile Command Unit)

A covered employee includes regular and part-time/temporary employees in the above listed classifications.

Federal Transit Administration (FTA). Alcohol testing administered at 10% of the total number of covered employees Drug test administered to at least 25% of covered employees.

Public Works Department

Fleet Services Division

Fleet Services Supervisor
Lead Equipment Mechanic
Welder Mechanic
Heavy Equipment Mechanic
Equipment Service Worker

United States Coast Guard (USCG). No alcohol testing required per Coast Guard regulations. Drug test administered to at least 50% of covered employees.

Small Vessel Operators:

Program Coordinator – PT (Assigned to Lodi Lake)
Police Officer – PT (Assigned to Lodi Lake)

APPENDIX B
ALCOHOL TESTING METHODOLOGY AND PROCEDURES

I. ALCOHOL TESTING METHODOLOGY

- A. Breath Alcohol Technician (BAT): The City or its agent shall only utilize a BAT who meets the stringent training requirements of the DOT or is a law enforcement officer certified to use the EBT that is utilized.
- B. Alcohol Testing Devices: The City or its agent shall only utilize an EBT which meets the DOT requirements.
- C. Quality Assurance Plan (QAP): The City or its agent shall ensure that the EBT shall have a quality assurance plan developed by the manufacturer and that said plan is complied with for each EBT used for alcohol testing.
- D. Alcohol Testing Site: Alcohol testing shall be conducted in a location that affords visual and aural privacy to the employee being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.

II. ALCOHOL TESTING PROCEDURES

- A. Preparation for Testing: Prior to being tested, the BAT shall require the employee to provide a photo identification and shall explain the testing procedure to the employee.
- B. Procedures for Screening Test: The following procedures shall be followed:
 - 1. The BAT and the employee shall complete their respective portions of the Breath Alcohol Testing Form from the DOT. Refusal by the employee to sign this form shall be regarded as a refusal to take the test.
 - 2. An individually-sealed mouthpiece shall be opened in view of the employee and attached to the EBT in accordance with the manufacturer's instructions.
 - 3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained.
 - 4. a. If the EBT does not meet the DOT requirements, the BAT and the employee shall take the following steps:
 - (1) Show the employee the result displayed on the EBT. The BAT shall record the displayed result, test number, testing

device, serial number of the testing device, time and quantified result in Step 3 of the form.

- (2) Record the test number, date of the test, name of the BAT, location, and quantified test result in the log book. The employee shall initial the log book entry.
 - b. If the EBT provides a printed result, but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).
 - c. If the EBT prints the test results directly on the form, the BAT shall show the employee the result displayed on the EBT.
5.
 - a. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.
 - b. If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In that event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
 - c. If a test result printed by the EBT (see paragraph 4b or 4c of this section) does not match the displayed result, the BAT shall note the disparity in the remarks section. Both the employee and the BAT shall initial or sign the notation. The test shall be invalid and the City and employee shall be so advised.
 - d. No further testing is authorized. The BAT shall transmit the result of less than 0.02 to the City in a confidential manner, and the City shall receive and store the information so as to ensure that confidentiality is maintained.
6. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.
7. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the form

and log book entry. The BAT will provide the employee with Copy 2 of the form.

- C. Procedures for Confirmation Test: The following procedures shall be followed:
1. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall follow the procedures outlined above in Preparation for Testing.
 2. The BAT shall instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test, and shall not be less than 15 minutes. The confirmation test shall be conducted within 20 minutes of the completion of the screening test. The BAT shall explain to the employee the reason for this requirement (i.e. to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT shall so note in the "Remarks" section of the form.
 3.
 - a. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The BAT shall complete Step 1 on the form. The employee shall complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test. The BAT shall note in the "Remarks" section of the form that a different BAT conducted the screening test.
 - b. In all cases, the first three steps of the "Procedures for Screening Test" shall be followed. A new mouthpiece shall be used for the confirmation test.
 4. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument.

5. Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within tolerance limits.
6. In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action under operating administration rules shall be based.
7.
 - a. If the EBT provides a printed result, but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).
 - b. If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.
8.
 - a. Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.
 - b. If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
 - c. If a test result printed by the EBT (see paragraph 7a. or 7b. of this section) does not match the displayed result, the BAT shall note the disparity in the remarks section. Both the employee and the BAT shall initial or sign the notation. The test is invalid and the City and employee shall be so advised.
 - d. The BAT shall conduct an air blank. If the reading is greater than 0.00, the test is invalid.
9.
 - a. The BAT shall transmit all results to the City in a confidential manner. The Human Resources Manager or the Risk Manager shall receive and handle alcohol testing results in a confidential manner. All communications by BATs to the City concerning the alcohol testing results of employees shall be to the designated City representative.

b. Such communication may be in writing, in person, or by telephone or electronic means, but the BAT shall ensure immediate communication to the City of the results that require the City to prevent the employee from performing a safety-sensitive function.

c. If the initial communication is not in writing, the City shall establish a mechanism to verify the identity of the BAT providing the information.

d. If the initial communication is not in writing, the BAT shall follow the initial communication by providing to the City the City's copy of the breath alcohol testing form. The City shall store the information so as to ensure that confidentiality is maintained.

D. Refusals to Test and Uncompleted Tests

1. Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the remarks section of the form. The testing process shall be terminated and the BAT shall immediately notify the City.
2. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number.

E. Inability to Provide an Adequate Amount of Breath

1. This section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition.
2. The BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the City.
3. If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol testing form and immediately inform the City.
4. If the employee attempts and fails to provide an adequate amount of breath, the City shall direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from the MRO concerning the employee's medical ability to provide an adequate amount of breath.

- a. If the MRO determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The MRO shall provide to the City a written statement of the basis for his or her conclusion.
- b. If the MRO, in his or her reasonable medical judgment, is unable to make the determination set forth herein, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The MRO shall provide a written statement of the basis for his or her conclusion to the City.

F. Invalid Tests. A breath alcohol test shall be invalid under the following circumstances:

1. The next external calibration check of an EBT produces a result that differs by more than the tolerance stated in the QAP from the known value of the test standard. In this event, every test result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid;
2. The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test;
3. The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test;
4. The BAT does not sign the required form;
5. The BAT has failed to note on the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result;
6. An EBT fails to print a confirmation test result; or
7. On a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

APPENDIX C
CONTROLLED SUBSTANCES TESTING PROCEDURE

- I. URINE SPECIMEN COLLECTION: The following procedures shall be followed:
- A. The actual collection site shall be a location having an enclosure with which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site shall also have a source of water for washing hands, which, if practicable, shall be external to the enclosure where urination occurs.
 - B. The collection site shall be secure.
 - C. No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored.
 - D. Collection of urine specimens shall allow individual privacy, unless there is reason to believe that an employee may alter or substitute the specimen provided.
 - E. For purposes of this section, the following circumstances are the exclusive grounds constituting a reason to believe that the employee may alter or substitute the specimen.
 - 1. The employee has presented a urine specimen that falls outside the normal temperature range 32.5°C - 37.7°C (90.5°F - 99.8°F), and
 - a. The employee declines to provide a measurement of oral body temperature; or
 - b. Oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen;
 - 2. The last urine specimen provided by the employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;
 - 3. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.); or
 - 4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test

was being conducted under a DOT agency regulation providing for follow-up testing upon or after return to duty.

- F. A higher-level supervisor of the collection site person, or the Human Resources Manager/Risk Manager, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described herein.
- G. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:
 - 1. To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.
 - 2. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the City's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection.
 - 3. The collection site person shall ask the employee to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the employee's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The employee may retain his or her wallet.
 - 4. The employee shall be instructed to wash and dry his/her hands prior to urination.
 - 5. After washing hands, the employee shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.
 - 6. The employee may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for employee privacy. The collection site person shall provide the employee with a specimen bottle or collection container, if applicable, for this purpose.

7. The collection site person shall note any unusual behavior or appearance on the urine custody and control form.
8. The collection site person shall instruct the employee to provide at least 45 ml of urine under the split sample method of collection.
9. The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml.
10. If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen.
11. If a single specimen bottle is used as a collection container, the collection site person shall pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
12. Both bottles shall be shipped in a single shipping container, together with copies 1, 2, and the split specimen copy of the chain of custody form, to the laboratory.
13. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be tested at the employee's expense in a different DHHS-certified laboratory for the presence of the drugs for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
14. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries.
15. The result of the test of the split specimen is transmitted by the second laboratory to the MRO.
16. Action required by this Policy and Procedure as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the rest of the split specimen.

17. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the City, and the employee.
18. Upon receiving the specimen from the employee, the collection site person shall determine if it has at least 30 ml of urine for the primary or single specimen bottle and, an additional 15 ml of urine for the split specimen bottle. If the employee is unable to provide such a quantity of urine, the collection site person shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the City so notified. The MRO shall refer the employee for a medical evaluation to develop pertinent information concerning whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the City does not wish to hire the employee, the MRO is not required to make such a referral). Upon completion of the examination, the MRO shall report his or her conclusions to the City in writing.
19. After the specimen has been provided and submitted to the collection site person, the employee shall be allowed to wash his/her hands.
20. Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.
21. A specimen temperature outside the range of 32.5°C - 37.7°C (90.5°F - 99.8°F) constitutes a reason to believe that the employee has altered or substituted the specimen. In such cases, the employee supplying the specimen may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe the employee may have altered or substituted the specimen.
22. Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.

23. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
24. Whenever there is reason to believe that a particular employee has altered or substituted the specimen as described in paragraph I.E.1., a or b, of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.
25. Both the employee being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamper-proof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the employee to observe the transfer of the specimen and the placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.
26. The collection site person and the employee being tested shall be present at the same time during the procedures outline in paragraphs I.G.19.-22 of this section.
27. The collection site person shall place securely on the bottle an identification label which contains the date, the employee's specimen number, and any other identifying information provided or required by the City. If separate from the label, the tamper-proof seal shall also be applied.
28. The employee shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.
29. The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.
30. a. The employee shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him/her is in fact the specimen he/she provided.

b. When specified by DOT agency regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the City. The employee may not be required to waive liability with respect to negligence on the part of any person

participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

31. The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.

32. The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.

33. a. While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person leaves his/her work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with him/her or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.

b. The collection site person shall not leave the collection site in the interval between the presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the City) a new collection begun.

H. Observed Collections: A number of situations requiring direct observations exist. These are done to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:

1. All return to duty tests;
2. All follow-up tests;
3. Anytime the employee is directed to provide another specimen because the temperature of the original specimen was out of the accepted range of 90°F - 100° F;
4. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
5. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;

6. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;

7. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

- I. Chain-of-Custody: A chain-of-custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

APPENDIX D
CONTROLLED SUBSTANCE TESTING METHODOLOGY

I. APPROPRIATE LABORATORY

The City of Lodi shall utilize a DHHS certified laboratory for the processing of all controlled substance tests. The identification of such laboratory may be obtained by contacting the Risk Manager.

II. CONTROLLED SUBSTANCES

The controlled substances tested for and cutoff concentration of each are those set forth by Federal Regulation, Title 49, Part 40, Subpart F, § 40.85 and 40.87, which may from time to time be amended.

III. INITIAL TEST

- A. The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution.
- B. The City shall use the lowest cut-off concentration permitted by the appropriate regulatory agency. These cut off concentrations are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

III. CONFIRMATORY TEST

- A. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."
- B. The City shall use the lowest cut-off concentration permitted by the appropriate regulatory agency. These cutoff concentrations are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

IV. REPORTING OF TEST RESULTS

- A. The laboratory shall report test results to the MRO within an average of five (5) working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible laboratory personnel. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the City, and drug testing laboratory specimen identification number (accession number).
- B. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.
- C. The MRO may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative, and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the City.
- D. The laboratory may transmit results to the MRO by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and City must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.
- E. The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form (part 2), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.
- F. The laboratory shall provide to the Human Resources Manager and the Risk Manager a monthly statistical summary of urinalysis testing of the City's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. The summary shall contain the following information:
 - 1. Initial Testing:

- a. Number of specimens received;
- b. Number of specimens reported out; and
- c. Number of specimens screened positive for controlled substances as determined by the applicable Federal regulations then in effect.

2. Confirmatory Testing:

- a. Number of specimens received for confirmation;
- b. Number of specimens confirmed positive for controlled substances as determined by applicable Federal regulations then in effect.

Monthly reports shall not include data from which it is reasonably likely that information about individuals' test can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report withheld for the reason, the laboratory will so inform the employer in writing.

- G. Unless otherwise instructed by the City in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

V. SPECIMEN RETENTION

Long-term storage (-20°C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of two (2) years all specimens confirmed positive, in their original labeled specimen bottles. Within this two-year period, the employer may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of two (2) years, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

APPENDIX E
TEST RESULTS

I. MEDICAL REVIEW OFFICER (MRO) DUTIES AND QUALIFICATIONS

- A. An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of this Policy and Procedure. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. The review shall be performed by the MRO prior to the transmission of the results to the City.
- B. The role of the MRO is to review and interpret confirmed positive test results obtained through the employer's testing program. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face. If the MRO finds that the documentation is unsatisfactory or if the information gives reasonable doubt about the lab analysis, the MRO may:
1. Request laboratory records regarding the specimen to see if correct procedures were followed; and/or
 2. Require a re-analysis of a specimen for accuracy or validity of the positive result. The MRO is the only one authorized to order a re-analysis of the original sample.

The MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history and any other relevant biomedical information.

II. POSITIVE TEST RESULTS

- A. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the employee an opportunity to discuss the test result with him/her.
- B. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph II.E. of this section, the MRO shall talk directly with the employee before verifying a test as positive.

- C. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated City official who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated management official, the designated management official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.
- D. If, after making all reasonable efforts, the designated City official is unable to contact the employee, the City may place the employee on leave without pay.
- E. The MRO may verify a test as positive without having communicated directly with employee about the test in three circumstances:
 - 1. The employee expressly declines the opportunity to discuss the test;
 - 2. The designated City representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five (5) days have passed since the date the employee was successfully contacted by the designated City representative; or
 - 3. Other circumstances provided for in DOT agency drug testing regulations.
- F. If a test is verified positive under the circumstances specified in paragraphs II.E.1-3, of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidable prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.
- G. Following verification of a positive test result, the MRO shall refer the employee to the City's employee assistance program and notify the City's Risk Manager of the test results.

III. VERIFICATION FOR OPIATES; REVIEW FOR PRESCRIPTION MEDICATION

- A. Before the MRO verifies a confirmed positive result for opiates, he/she shall determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). (This requirement does not apply if the City's GC/MS

confirmation testing for opiates confirms the presence of 6-monocetylmorphine.)

- B. The MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen, if the test is verified as positive. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report cancellation and the reasons for it to the DOT, the City, and the employee. Employees do not have access to a test of their split specimen following an invalid result.
- C. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed.

IV. DISCLOSURE OF INFORMATION

- A. Except as provided in this paragraph, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process.
- B. The MRO may disclose such information to the City, a DOT agency or other Federal safety agency, or a physician responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, as applicable, only if:
 - 1. An applicable DOT regulation permits or requires such disclosure;
 - 2. In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule; or
 - 3. In the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that

continued performance by the employee of his/her safety-sensitive function could pose a significant safety risk.

- C. Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

APPENDIX F
CONFIDENTIALITY AND RECORDKEEPING

I. CONFIDENTIALITY AND ACCESS TO RECORDS

- A. Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be securely kept under the control of the Human Resources Manager. The reports or test results shall be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without consent, may also occur when:
1. the information is compelled by law or by judicial or administrative process;
 2. the information has been placed at issue in a formal dispute between the City and employee;
 3. the information is to be used in administering an employee benefit plan; or
 4. the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.
- B. Except as required by law or expressly authorized or required in this section, the City shall not release driver information that is contained in records required to be maintained by this Policy and Procedure.
- C. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including any records pertaining to his/her alcohol or controlled substances tests. The City shall promptly provide the records requested by the employee.
- D. The City shall make available copies of all results for City alcohol and/or controlled substances testing conducted under the Policy and Procedure and any other information pertaining to the City's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City.
- E. When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

- F. Records shall be made available to a subsequent employer upon receiving a written request from a former employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the former employee's request.
- G. The City may disclose information required to be maintained under this Policy and Procedure pertaining to an employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test administered under this part, or from the City's determination that the employee engaged in conduct prohibited by this Policy and Procedure (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).
- H. The City shall release information regarding an employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

II. MAINTENANCE AND RETENTION OF RECORDS

- A. General Requirement: The City shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. Such records will be maintained confidentially and separate from employee personnel files.
- B. Period of Retention: The City shall maintain the records in accordance with the following schedule:
 - 1. Five (5) years. The following records shall be maintained for a minimum of five (5) years:
 - a. Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater,
 - b. Records of employee verified positive controlled substances test results,
 - c. Documentation of refusals to take required alcohol and/or controlled substances tests,
 - d. Calibration documentation,
 - e. Employee evaluation and referrals shall be maintained for a minimum of five (5) years, and
 - f. A copy of each annual calendar year summary.

2. Two Years. Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and training shall maintained for a minimum of two (2) years.
3. One year. Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one (1) year.

C. Types of Records: The following specific records shall be maintained:

1. Records related the collection process:
 - a. Collection logbooks, if used;
 - b. Documents relating to the random selection process;
 - c. Calibration documentation for evidential breath testing devices;
 - d. Documentation of breath alcohol technician training;
 - e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
 - f. Documents generated in connection with decisions on post-accident tests;
 - g. Documents verifying existence of a medical explanation other inability of a covered employee to provide adequate breath or to provide a urine specimen for testing; and
 - h. Consolidated annual calendar year summaries.
2. Records related to an employee's results:
 - a. The City's copy of the alcohol test form, including the results of the test;
 - b. The City's copy of the controlled substances test chain of custody and control form;
 - c. Documents sent by the MRO to the City;
 - d. Documents related to the refusal of any employee to submit to an alcohol or controlled substances test required by this Policy and Procedure; and
 - e. Documents presented by an employee to dispute the result of an alcohol or controlled substances test administered under this Policy and Procedure.
3. Records related to other violations of this Policy and Procedure.

4. Records related to evaluations:
 - a. Records pertaining to a determination by a substance abuse professional concerning an employee's need for assistance; and
 - b. Records concerning an employee's compliance with recommendations of the substance abuse professional.

5. Records related to education and training:
 - a. Materials on alcohol misuse and controlled substance use awareness, including a copy of the City's Policy of alcohol misuse and controlled substance use;
 - b. Documentation of compliance with the requirement to establish this Policy and Procedure, including the employee's signed receipt of education materials;
 - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; and
 - d. Certification that any training conducted under this part complies with the requirements for such training.

6. Records related to drug testing:
 - a. Agreements with collection site facilities, laboratories, medical review officers, and consortia;
 - b. Names and positions of officials and their role in the City's alcohol and controlled substances testing program(s);
 - c. Monthly laboratory statistical summaries of urinalysis; and
 - d. The City's drug testing policy and procedures.

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: : DRUG-FREE WORKPLACE

DATE ISSUED: : May 7, 2008

DATE REVISED: : December 2010

REFERENCE: : Firefighter Bill of Rights; Drug Free Workplace Act of 1988; Americans With Disabilities Act of 1990; The Rehabilitation Act of 1973; and amendments thereto.

SECTION 1: PURPOSE

The City of Lodi is committed to protecting the safety, health and well being of all employees and other associated individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals and objectives. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale. As a condition of employment, this City of Lodi requires that all employees adhere to a strict policy regarding the use and possession of drugs and alcohol.

This City of Lodi encourages employees to voluntarily seek help with drug and alcohol problems.

SECTION 2: POLICY STATEMENT

It is a violation of the City's drug-free workplace policy to manufacture, use, possess, distribute, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, lunch hours and whenever conducting business or representing the City, while on paid standby, on or off City property including

vehicles. Any individual who conducts business for the City, is applying for a position, or is conducting business on the City's property is covered by our drug-free workplace policy. The City's policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, interns and applicants.

Drug and alcohol consumption on and/or off the job can adversely affect job performance and employee/public safety. The City respects the privacy of its employees and contractors unless involvement with drugs and/or alcohol off the job adversely affects job performance and employee/public safety.

SECTION 3:

SUPPORT SERVICES/EDUCATION/TRAINING

All employees may receive educational information and training regarding the detection and deterrence associated with the use of illegal drugs and alcohol use. Safety Sensitive employees may also receive training annually. For immediate support and guidance employees may contact:

Center for Substance Abuse Treatment 800-662-4357

Employee Assistance Program 209-333-6704

SECTION 4:

CONTROLLED SUBSTANCE (DRUGS) AND/OR ALCOHOL TESTING OF EMPLOYEES

There shall be no random or general testing for employees except as required by federal and/or state law (applicants for employment do however undergo a pre-employment drug/alcohol test). The City's drug and alcohol testing policy for safety sensitive positions (as of the date of this policy, federal and state law does not include sworn personnel in the term, "safety sensitive positions") is fully set forth in the City's Administrative Policy and Procedure Manual.

SECTION 5:

REASONABLE SUSPICION

Reasonable suspicion is cause based on subjective evidence and objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the degree the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

It is the responsibility of the supervisor to gather specific facts and rational inferences from these facts which warrant

reasonable suspicion that the particular employee is under the influence of drugs or alcohol. Co-workers have the responsibility to notify supervisors or Human Resources immediately to report suspicious behavior. In all cases of suspicion of drug/alcohol abuse, all investigative procedures shall be conducted under the auspices of Human Resources.

Reasonable suspicion may be established by, but not limited to any of the following behaviors:

- A. Slurred speech;
- B. Alcohol odor on breath;
- C. Unsteady walking and movement;
- D. An accident involving City property;
- E. Physical or verbal altercation;
- F. Declining work performance;
- G. Possession of alcohol or unauthorized drugs during work hours or while conducting City business;
- H. Information from a co-worker, City employee, or member of the public regarding an employee's performance level.

Supervisors must distinguish between deficient employee behaviors that are ongoing or repetitive in nature, and those that present immediate indication of drug/alcohol influence.

Supervisors may request, through Human Resources, that an employee submit to drug and/or alcohol testing when there is a reasonable suspicion that an employee is under the influence of drugs or alcohol. When there is reasonable suspicion that an employee is under the influence of drugs or alcohol, the supervisor is required to prevent the employee from engaging in further work and advise the employee to remain at the work site until transportation arrangements can be made. Such employee shall be transported by his/her most available supervisor to the appropriate physician/laboratory for drug/alcohol testing.

Upon completion of the sample collection, transportation to the employee's residence shall be provided by the supervisor or a member of the employee's family. Employees who insist on driving and who may be under the influence of drugs or alcohol are subject to arrest by a peace officer.

An Employee subject to reasonable suspicion testing will not be permitted to work until the results of the test have been determined. Upon receipt of the laboratory analysis results,

the employee will be notified. If the test result is negative, then the interim time period shall be considered administrative leave with pay.

Supervisors requesting through Human Resources an employee to submit to a drug/alcohol test shall document, in writing within 24 hours, the facts constituting reasonable suspicion that the employee was intoxicated or under the influence of drugs.

The City may search, without employee consent, all areas and property in which the City maintains control or joint control with the employee, including, but not limited to, City vehicles, desks, containers, files, lockers and storage facilities. Whenever possible, prior to a search for drugs or alcohol, an attempt shall be made to contact the employee at work or at home to allow the employee to be present during the search. When it is not possible reach the employee or the employee is not present within a reasonable period of time (i.e. not later than 45 minutes), the search shall be conducted by a minimum of two people - the supervisor conducting the search and an observer such as a second supervisor, a law enforcement officer or a neutral observer. For Firefighters, searches of lockers or an assigned storage space on City owned or controlled property shall be conducted in accordance with the Firefighters Procedural Bill of Rights Section 3259. For Police Officers, searches of lockers or an assigned storage space on City owned or controlled property shall be conducted as provided by Government Code Section 3309. The City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.

Supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees. Supervisors shall notify the appropriate Department Head or designee when they have reasonable suspicion that an employee may have illegal drugs or alcohol in his or her possession, including areas such as parking areas, break rooms, etc. The Department Head or designee will contact Human Resources and, if there is agreement that there is reasonable suspicion of possession, then the appropriate law enforcement agency will be notified by Human Resources.

SECTION 6:

POST-ACCIDENT TESTING

Post-Accident drug and alcohol testing will be conducted on employees following any accident where there is reasonable suspicion by a supervisor following the accident.

SECTION 7:

CONFIRMATION OF TEST

- A. If the initial test result is positive and the confirmation test result is negative, the overall screening is considered negative.
- B. In the event of a positive result, the specimen shall be retained and preserved by the laboratory for a minimum of one year. During this one year period the employee may request, the specimen will be forwarded to another laboratory for independent testing. The cost of this additional handling and testing shall be borne by the employee.
- C. If the employee tests positive for a substance(s) with a medically recognized usage as a prescription drug without having disclosed such usage before the test, the employee shall be given the opportunity to produce a prescription for the drug or a physician's (or dentist's) statement relative to the need for such a drug; however, the prescription must be dated before the date of the drug test.
- D. In the case of marijuana, the level of the positive test is set high enough to exclude people who have had a casual encounter with the drug, such as being in a room where it is smoked by someone else. A test threshold (NG/ML) for THC - the active substance in marijuana - is used as cutoff, which ensures that someone who registers positive has indeed ingested such a substantial amount of that drug that it precludes second-hand exposure.
- E. The results of the drug/alcohol testing shall be reviewed by the City's Medical Review Officer (MRO) for interpretation and validation. The MRO shall inform the employee and Human Resources of the results of the testing.

SECTION 8:

PRESCRIPTION MEDICATION /LEGAL DRUGS

A legally prescribed drug means that an employee has a prescription or other written approval from a licensed physician or dentist for the use of a drug in the course of medical treatment. The misuse of legal drugs during work

hours or while conducting City business is prohibited at all times.

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to supervisory personnel. Medical advice should be sought, as appropriate, while taking such medication and before performing work-related duties.

An employee taking prescribed drugs which may interfere with safe work performance is required to provide written documentation from the prescribing physician indicating the level of interference with job performance. The prescription or approval must include the employee's name, the name of the substance, quantity/amount to be taken, the period of authorization and physician's signature that the employee may continue to perform their duties while taking such medication

The employee's immediate supervisor or department head shall determine on a case-by-case basis the employee's ability to perform employment responsibilities in conjunction with Human Resources. Failure to notify a supervisor may result in disciplinary action in accordance with City policy and procedure. An employee may be required to provide a statement from a licensed physician or dentist, indicating when the employee is able to work safely, or any limitations she/he may have while taking the prescribed medication.

SECTION 9:

CONFIDENTIALITY

Specific treatment services provided to an employee by a City approved Substance Abuse Professional (SAP) and/or an Employee Assistance Program (EAP) provider are confidential and are not released without the employee's authorization. Specific information shared with SAP or EAP staff is confidential unless disclosure is required by federal or state law.

Laboratory reports or test results shall be maintained by the medical provider. Written records of test results shall not be placed in an employee's personnel file, but shall be maintained in a separate confidential file unless used to support a disciplinary action. The confidential file shall be maintained by

Human Resources. The reports or test results may be disclosed to City management and/or supervisory staff on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's written consent, may also occur when the information:

- A. is compelled by law, judicial or administrative process;
- B. has been placed at issue in a formal dispute between the City of Lodi and the employee;
- C. is needed by medical personnel for the diagnosis or treatment of an employee who is unable to authorize disclosure.

SECTION 10: ENFORCEMENT

In conjunction with Human Resources, department directors, managers, and supervisors are responsible for reasonable enforcement of this policy.

SECTION 11: OPPORTUNITIES OF REHABILITATION

The City of Lodi is committed to providing reasonable opportunities of rehabilitation to those employees with a drug or alcohol problem in accordance with the provisions of federal and/or state law.

An employee who has a drug and/or alcohol abuse problem, has not been selected for reasonable cause or post-accident testing, has not refused a drug or alcohol test, and has not been involved in disciplinary proceedings, may voluntarily refer her or himself to the Human Resources Manager or Internal Services Director, who will refer the individual to the City's Substance Abuse Professional at the expense of the employee. The SAP will evaluate the employee and make specific recommendation regarding appropriate treatment. When an employee voluntarily refers her or himself for treatment, the employee may be eligible for sick leave and disability benefits and/or qualified Family and Medical Leave (FMLA). Employees will be allowed to take accumulated vacation time or may be eligible for unpaid time off to participate in any rehabilitation program at the employee's expense. In addition, the City of Lodi's voluntary Employee Assistance Program (EAP) is available to assist employees who seek help for alcohol or drug problems. Employees are encouraged to contact the EAP directly.

Supervisors/managers may refer an employee to the EAP for reasonable suspicion of drug abuse. Supervisors are

encouraged to refer employees to the EAP for intervention. EAP services are confidential and supervisory referred employees are requested to sign a release of information for attendance purposes if sessions are scheduled during working hours.

SUBJECT: : DRUG-FREE WORKPLACE - *Procedure*

DATE ISSUED: : May 7, 2008

SECTION: : D

REFERENCE: : US DOT (FTA) 49 CFR Part 40;
49 CFR Part 655;
49 CFR Part 382;
49 CFR Part 29;
Drug Free Workplace Act of 1988;
Americans With Disabilities Act of 1990;
The Rehabilitation Act of 1973;
Rules for Personnel Administration;

SECTION 1:PURPOSE

The purpose of this procedure is to provide guidance to employees, supervisors, and managers in the recognition of drug/alcohol abuse by employees, and of the process by which to address the issues raised by such use.

SECTION 2:SUPPORT SERVICES/EDUCATION/TRAINING

All employees may receive educational information and training regarding the detection and deterrence associated with the use of illegal drugs and alcohol use. Safety Sensitive employees may receive training annually. For immediate support and guidance employees may contact:

SAMHSA'S Center for Substance Abuse Treatment	1-800-662-HELP (4357)	All
Employee Assistance Program Substance Abuse Professional	(209) 333-6704	Please contact Human Resources for additional information

SECTION 3:

REASONABLE SUSPICION

Reasonable Suspicion is cause based on subjective evidence and objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the degree the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

It is the responsibility of the supervisor to gather specific facts and rational inferences from these facts which warrant reasonable suspicion that the particular employee is under the influence of drugs or alcohol. Co-workers have the responsibility to notify supervisors or Human Resources immediately to report suspicious behavior. In all cases of suspicion of drug/alcohol abuse, all procedures shall be conducted under the auspices of the Human Resources Division.

Reasonable suspicion may be established by, but not limited to any of the following:

- A. Slurred speech;
- B. Alcohol odor on breath;
- C. Unsteady walking and movement;
- D. An accident involving City property;
- E. Physical or verbal altercation;
- F. Declining work performance;
- G. Possession of alcohol or unauthorized drugs;
- H. Information from a co-worker, City employee, or member of the public regarding an employee's performance level.

These are not the sole indicators for determining reasonable suspicion. The number of reasonable suspicion indicators and amount of evidence supporting each indicator will determine whether there is reasonable suspicion to search or compel a test. Consequently, any one indicator above or in combination with other indicators will not necessarily always indicate reasonable suspicion. Each situation will have to be individually examined, obtaining as much evidence of impairment as possible.

SECTION 4:

SUPERVISORY RESPONSIBILITIES

Supervisors must distinguish between deficient employee behaviors that are ongoing or repeated in nature, and those that present immediate indication of drug/alcohol influence.

- A. Ongoing Behavior:

A supervisor observing an employee demonstrating the above indicators and/or exhibiting ongoing behavior which could cause reasonable suspicion of drug/alcohol abuse shall contact the Human Resources Division immediately and may:

1. Counsel the employee regarding areas of declining work performance and recommend the employee utilize the Employee Assistance Program for intervention and rehabilitation.
2. Document the behavior which has given rise to the suspicion of substance abuse;
3. Inform the appropriate higher level supervisor/manager of the supervisor's observations, interventions, and if applicable, intent to recommend substance abuse testing.

Drug/alcohol testing is used as a last resort after an employee refuses an EAP referral or EAP recommendations are rejected.

After a supervisor has received training on drug/alcohol abuse testing and referral, and taken all measures outlined above, he/she may direct an employee to take a test in accordance with the procedures outlined in Attachment A.

B. Immediate Presentation of Indicators:

Supervisors may request an employee to submit to a drug /alcohol testing when there is a reasonable suspicion that an employee is under the influence of drugs or alcohol. When there is reasonable suspicion that an employee is under the influence of drugs or alcohol, the supervisor is required to prevent the employee from engaging in further work and advise the employee to remain at the work site until transportation arrangements can be made. Such employee shall be transported to the appropriate physician/laboratory for drug/alcohol testing by his/her most available supervisor. Upon completion of the sample collection, transportation to the employee's residence shall be provided by the supervisor or a member of the employee's family. Employees who insist on driving and who may be under the influence of drugs or alcohol are subject to arrest by a peace officer.

Employees will not be permitted to work until the results of the test have been determined. Upon receipt of the laboratory analysis results, employees will be notified. If a test result is positive, the time the employee was absent from work between the specimen collection and notification of results shall be unpaid. If the test result is negative, then the interim time period shall be considered administrative leave with pay.

Supervisors requesting an employee to submit to a drug/alcohol test shall document, in writing within 24 hours, the facts constituting reasonable suspicion that the employee is intoxicated or under the influence of drugs.

The City may search, without employee consent, all areas and property in which the City maintains control or joint control with the employee including, but not limited to, City vehicles, desks, containers, files, lockers and storage facilities. Whenever possible, prior to a search for drugs or alcohol, an attempt shall be made to contact the employee at work or at home to allow the employee to be present during the search. When it is not possible reach the employee or the employee is not present within a reasonable period of time (i.e. not later than 45 minutes), the search shall be conducted by a minimum of two people - the supervisor conducting the search and an observer such as a second supervisor, a law

enforcement officer or a neutral observer. For Police Officers, searches of lockers or an assigned storage space shall be conducted as provided by Government Code Section 3309. Otherwise the City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.

Supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees. Supervisors shall notify the appropriate Department Head or designee when they have reasonable suspicion that an employee may have illegal drugs or alcohol in his or her possession, including areas such as parking areas, break rooms, etc. If the Department Head or designee concurs that there is reasonable suspicion of possession, then he/she may notify the appropriate law enforcement agency.

SECTION 5: CONTROLLED SUBSTANCE (DRUGS) AND/OR ALCOHOL TESTING OF EMPLOYEES

There shall be no random or general testing except as required by federal and/or state law. The City of Lodi shall require every covered employee who performs a safety-sensitive function as described in the FTA regulations Part 655 to submit to a pre-employment, post-accident, random, reasonable suspicion, or a follow-up drug and alcohol test as described in this policy.

An employee may be asked to submit to a urine test to determine the use and/or presence of controlled substances. Alcohol testing shall be conducted by using an evidential breath testing device.

Should an employee be directed to undergo drug/alcohol testing the following provisions shall apply:

- A. All testing shall be performed by a National Institute of Drug Abuse (NIDA) certified facility, determined by the City.
- B. The initial testing shall use the radioimmunoassay (RIA) screening process. If the results are positive, the results will be confirmed by the gas chromatography/mass spectrometer (GC/MS) method.
- C. Alcohol testing is only permitted just before, during, and just after the performance of safety-sensitive duties.
- D. If the initial test result is positive and the confirmation test result is negative, the overall screening is considered negative.
- E. In the event of a positive result, the specimen shall be retained and preserved by the laboratory for a minimum of one year. If during this period the employee requests, the

specimen will be forwarded to another laboratory for independent testing. The cost of this additional handling and testing shall be borne by the employee.

F. If the employee tests positive for a substance(s) with a medically recognized usage as a prescription drug without having disclosed such usage before the test, the employee shall be given the opportunity to produce a prescription for the drug or a physician's (or dentist's) statement relative to the need for such a drug. The said prescription must be dated before the date of the drug screen.

G. In the case of marijuana, the level of the positive test is set high enough to exclude people who have had a casual encounter with the drug, such as being in a room where it is smoked by someone else. A test threshold (NG/ML) for THC - the active substance in marijuana - is used as cutoff, which ensures that someone who registers positive has indeed ingested such a substantial amount of that drug that it precludes inadvertent exposure.

H. The results of the drug screening shall be reviewed by a Medical Review Officer (MRO) for interpretation and validation. The medical provider shall inform the employee and Human Resources of the results of the screening.

* Testing is based on DOT minimum thresholds in 49 CFR Part 40.

SECTION 6:

CONFIDENTIALITY

Specific treatment services provided by the SAP and/or EAP provider are confidential and are not released without the employee's authorization. Specific information shared with SAP or EAP staff is confidential unless required by law for child abuse or threats of bodily harm.

Laboratory reports or test results shall be maintained by the medical provider. Any written records of the test results shall not be placed in an employee's personnel file, but shall be maintained in a separate confidential file unless used to support a disciplinary action. The confidential file shall be maintained by the Human Resources Division. The reports or test results may be disclosed to City management and/or supervisory staff on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's consent, may also occur when the information:

- A. requires immediate contact to the employee
- B. is compelled by law or by judicial or administrative process;
- B. has been placed at issue in a formal dispute between the City of Lodi and the employee;
- C. is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

As an employer the City is required to verify previous violations of DOT drug and alcohol regulations within the last two years of employment with DOT regulated agency or employer. Former employees seeking employment with another DOT regulated

agency shall authorize the City in writing to provide the required drug and alcohol testing information to that agency.

An employer must obtain and review the information listed below from any DOT-regulated employer the employee performed safety-sensitive functions for in the previous two years. The information must be obtained and reviewed prior to the first time an employee performs safety-sensitive functions. The information obtained must include:

1. Information of the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the employee's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test. (including verified adulterated or substituted drug test results)
4. Other violations of DOT agency drug and alcohol testing regulations.

SPECIMEN COLLECTION PROCEDURE

When an individual is directed by the City to the medical provider for drug/alcohol screening, the following procedure is observed:

1. The screening procedure is explained to the individual and any questions answered by the medical provider.
2. The individual is asked to provide all pertinent information to the medical provider and sign a waiver authorizing release of the results to the City of Lodi.
3. The medical provider conducts the screening in a manner so as to prevent tampering and ensure confidentiality. Such procedure shall include, but not be limited to identification verification, removal of all unnecessary garments and bags prior to collection, washing hands, and temperature testing.
4. The specimen shall be sealed, labeled, and initialed by the medical provider and the employee, without the container leaving the employee's presence.
5. An employee will be selected at random each quarterly draw to complete a portion of a Collection Audit Checklist form with Human Resources.

COLLECTION AUDIT CHECKLIST

BASIC INFORMATION

- Step-1 Verify that collectors are trained and certified Yes ___ No ___
- Step-2 Verify that collectors have proof of Proficiency demonstration Yes ___ No ___
- Each collector must demonstrate proficiency in collections under this part by completing five consecutive error free mock collections. The five mock collections must include two uneventful collection scenarios, one insufficient quantity of urine scenario, one temperature out of range scenario, and one scenario in which the employee refuses to sign the CCF and initial the specimen bottle tamper evident seal.
- Step-3 Does the clinic know who to contact at the division? Yes ___ No ___
- An employer must provide to collectors the name and telephone number of appropriate DER to contact about any problems or issues that may arise during the testing process.

PREPARATION OF RESTROOM

- Step-1 Did the collector properly secure all water sources and add bluing agent to the toilet?
- Step-2 Did the collector ensure that there are no foreign substances/items in the restroom prior to allowing the donor to go inside restroom? Yes ___ No ___
- Step-3 Did the collector explain the basic procedures to the donor or show the donor the instructions on the back of the CCF? Yes ___ No ___

COLLECTION OF URINE SAMPLE

- Step-1 Did the collector require to see a valid ID from donor? Yes ___ No ___
- Step-2 Did the collector require the donor to empty pockets? Yes ___ No ___
- Step-3 Did the collector require the donor to remove hat, jacket? Yes ___ No ___
- Step-4 Did the collector require the donor to wash and dry hands? Yes ___ No ___
- Step-5 Did the collector let the donor pick the cup to be used for collection? Yes ___ No ___
- Step-6 Did the collector open the cup in front of the donor? Yes ___ No ___
- Step-7 Did the collector instruct the donor to provide at least 45ml of urine and to come out of the restroom within 4 minutes? Yes ___ No ___
- Step-8 Did the collector ensure that the donor does not take anything other than the collection cup with them into the restroom? Yes ___ No ___
- Step-9 Did the collector instruct the donor not to flush the toilet? Yes ___ No ___
- Step-10 Did the collector read the temp strip and mark it on the CCF? Yes ___ No ___
- Step-11 Did the collector pour the urine into two vials in front of the donor? Yes ___ No ___
- Step-12 Did the collector write the date on the seal strips? Yes ___ No ___
- Step-13 Did the collector have the donor initial the seal strips directly on the vials? Yes ___ No ___
- Step-14 Did the collector sign all appropriate boxes accordingly on the CCF? Yes ___ No ___
- Step-15 Did the collector have the donor sign the CCF (step 5) and did the collector verify the name written on the CCF? Yes ___ No ___
- Step-16 Did the collector seal up the specimen in the pouch correctly? Yes ___ No ___

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: : DRUG-FREE WORKPLACE

DATE ISSUED: : May 7, 2008

DATE REVISED: : December 2010

REFERENCE: : Firefighter Bill of Rights; Drug Free Workplace Act of 1988; Americans With Disabilities Act of 1990; The Rehabilitation Act of 1973; and amendments thereto.

SECTION 1: PURPOSE

The City of Lodi is committed to protecting the safety, health and well being of all employees and other associated individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals and objectives. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale. As a condition of employment, this City of Lodi requires that all employees adhere to a strict policy regarding the use and possession of drugs and alcohol.

This City of Lodi encourages employees to voluntarily seek help with drug and alcohol problems.

SECTION 2: POLICY STATEMENT

It is a violation of the City's drug-free workplace policy to manufacture, use, possess, distribute, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, lunch hours and whenever conducting business or representing the City, while on paid standby, on or off City property including

vehicles. Any individual who conducts business for the City, is applying for a position, or is conducting business on the City's property is covered by our drug-free workplace policy. The City's policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, interns and applicants.

Drug and alcohol consumption on and/or off the job can adversely affect job performance and employee/public safety. The City respects the privacy of its employees and contractors unless involvement with drugs and/or alcohol off the job adversely affects job performance and employee/public safety.

SECTION 3:

SUPPORT SERVICES/EDUCATION/TRAINING

All employees may receive educational information and training regarding the detection and deterrence associated with the use of illegal drugs and alcohol use. Safety Sensitive employees may also receive training annually. For immediate support and guidance employees may contact:

Center for Substance Abuse Treatment 800-662-4357

Employee Assistance Program 209-333-6704

SECTION 4:

CONTROLLED SUBSTANCE (DRUGS) AND/OR ALCOHOL TESTING OF EMPLOYEES

There shall be no random or general testing for employees except as required by federal and/or state law (applicants for employment do however undergo a pre-employment drug/alcohol test). The City's drug and alcohol testing policy for safety sensitive positions (as of the date of this policy, federal and state law does not include sworn personnel in the term, "safety sensitive positions") is fully set forth in the City's Administrative Policy and Procedure Manual.

SECTION 5:

REASONABLE SUSPICION

Reasonable suspicion is cause based on subjective evidence and objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the degree the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

It is the responsibility of the supervisor to gather specific facts and rational inferences from these facts which warrant

reasonable suspicion that the particular employee is under the influence of drugs or alcohol. Co-workers have the responsibility to notify supervisors or Human Resources immediately to report suspicious behavior. In all cases of suspicion of drug/alcohol abuse, all investigative procedures shall be conducted under the auspices of Human Resources.

Reasonable suspicion may be established by, but not limited to any of the following behaviors:

- A. Slurred speech;
- B. Alcohol odor on breath;
- C. Unsteady walking and movement;
- D. An accident involving City property;
- E. Physical or verbal altercation;
- F. Declining work performance;
- G. Possession of alcohol or unauthorized drugs during work hours or while conducting City business;
- H. Information from a co-worker, City employee, or member of the public regarding an employee's performance level.

Supervisors must distinguish between deficient employee behaviors that are ongoing or repetitive in nature, and those that present immediate indication of drug/alcohol influence.

Supervisors may request, through Human Resources, that an employee submit to drug and/or alcohol testing when there is a reasonable suspicion that an employee is under the influence of drugs or alcohol. When there is reasonable suspicion that an employee is under the influence of drugs or alcohol, the supervisor is required to prevent the employee from engaging in further work and advise the employee to remain at the work site until transportation arrangements can be made. Such employee shall be transported by his/her most available supervisor to the appropriate physician/laboratory for drug/alcohol testing.

Upon completion of the sample collection, transportation to the employee's residence shall be provided by the supervisor or a member of the employee's family. Employees who insist on driving and who may be under the influence of drugs or alcohol are subject to arrest by a peace officer.

An Employee subject to reasonable suspicion testing will not be permitted to work until the results of the test have been determined. Upon receipt of the laboratory analysis results,

the employee will be notified. If the test result is negative, then the interim time period shall be considered administrative leave with pay.

Supervisors requesting through Human Resources an employee to submit to a drug/alcohol test shall document, in writing within 24 hours, the facts constituting reasonable suspicion that the employee was intoxicated or under the influence of drugs.

The City may search, without employee consent, all areas and property in which the City maintains control or joint control with the employee, including, but not limited to, City vehicles, desks, containers, files, lockers and storage facilities. Whenever possible, prior to a search for drugs or alcohol, an attempt shall be made to contact the employee at work or at home to allow the employee to be present during the search. When it is not possible reach the employee or the employee is not present within a reasonable period of time (i.e. not later than 45 minutes), the search shall be conducted by a minimum of two people - the supervisor conducting the search and an observer such as a second supervisor, a law enforcement officer or a neutral observer. For Firefighters, searches of lockers or an assigned storage space on City owned or controlled property shall be conducted in accordance with the Firefighters Procedural Bill of Rights Section 3259. For Police Officers, searches of lockers or an assigned storage space on City owned or controlled property shall be conducted as provided by Government Code Section 3309. The City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.

Supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees. Supervisors shall notify the appropriate Department Head or designee when they have reasonable suspicion that an employee may have illegal drugs or alcohol in his or her possession, including areas such as parking areas, break rooms, etc. The Department Head or designee will contact Human Resources and, if there is agreement that there is reasonable suspicion of possession, then the appropriate law enforcement agency will be notified by Human Resources.

SECTION 6:

POST-ACCIDENT TESTING

Post-Accident drug and alcohol testing will be conducted on employees following any accident where there is reasonable suspicion by a supervisor following the accident.

SECTION 7:

CONFIRMATION OF TEST

- A. If the initial test result is positive and the confirmation test result is negative, the overall screening is considered negative.
- B. In the event of a positive result, the specimen shall be retained and preserved by the laboratory for a minimum of one year. During this one year period the employee may request, the specimen will be forwarded to another laboratory for independent testing. The cost of this additional handling and testing shall be borne by the employee.
- C. If the employee tests positive for a substance(s) with a medically recognized usage as a prescription drug without having disclosed such usage before the test, the employee shall be given the opportunity to produce a prescription for the drug or a physician's (or dentist's) statement relative to the need for such a drug; however, the prescription must be dated before the date of the drug test.
- D. In the case of marijuana, the level of the positive test is set high enough to exclude people who have had a casual encounter with the drug, such as being in a room where it is smoked by someone else. A test threshold (NG/ML) for THC - the active substance in marijuana - is used as cutoff, which ensures that someone who registers positive has indeed ingested such a substantial amount of that drug that it precludes second-hand exposure.
- E. The results of the drug/alcohol testing shall be reviewed by the City's Medical Review Officer (MRO) for interpretation and validation. The MRO shall inform the employee and Human Resources of the results of the testing.

SECTION 8:

PRESCRIPTION MEDICATION /LEGAL DRUGS

A legally prescribed drug means that an employee has a prescription or other written approval from a licensed physician or dentist for the use of a drug in the course of medical treatment. The misuse of legal drugs during work

hours or while conducting City business is prohibited at all times.

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to supervisory personnel. Medical advice should be sought, as appropriate, while taking such medication and before performing work-related duties.

An employee taking prescribed drugs which may interfere with safe work performance is required to provide written documentation from the prescribing physician indicating the level of interference with job performance. The prescription or approval must include the employee's name, the name of the substance, quantity/amount to be taken, the period of authorization and physician's signature that the employee may continue to perform their duties while taking such medication

The employee's immediate supervisor or department head shall determine on a case-by-case basis the employee's ability to perform employment responsibilities in conjunction with Human Resources. Failure to notify a supervisor may result in disciplinary action in accordance with City policy and procedure. An employee may be required to provide a statement from a licensed physician or dentist, indicating when the employee is able to work safely, or any limitations she/he may have while taking the prescribed medication.

SECTION 9:

CONFIDENTIALITY

Specific treatment services provided to an employee by a City approved Substance Abuse Professional (SAP) and/or an Employee Assistance Program (EAP) provider are confidential and are not released without the employee's authorization. Specific information shared with SAP or EAP staff is confidential unless disclosure is required by federal or state law.

Laboratory reports or test results shall be maintained by the medical provider. Written records of test results shall not be placed in an employee's personnel file, but shall be maintained in a separate confidential file unless used to support a disciplinary action. The confidential file shall be maintained by

Human Resources. The reports or test results may be disclosed to City management and/or supervisory staff on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's written consent, may also occur when the information:

- A. is compelled by law, judicial or administrative process;
- B. has been placed at issue in a formal dispute between the City of Lodi and the employee;
- C. is needed by medical personnel for the diagnosis or treatment of an employee who is unable to authorize disclosure.

SECTION 10: ENFORCEMENT

In conjunction with Human Resources, department directors, managers, and supervisors are responsible for reasonable enforcement of this policy.

SECTION 11: OPPORTUNITIES OF REHABILITATION

The City of Lodi is committed to providing reasonable opportunities of rehabilitation to those employees with a drug or alcohol problem in accordance with the provisions of federal and/or state law.

An employee who has a drug and/or alcohol abuse problem, has not been selected for reasonable cause or post-accident testing, has not refused a drug or alcohol test, and has not been involved in disciplinary proceedings, may voluntarily refer her or himself to the Human Resources Manager or Internal Services Director, who will refer the individual to the City's Substance Abuse Professional at the expense of the employee. The SAP will evaluate the employee and make specific recommendation regarding appropriate treatment. When an employee voluntarily refers her or himself for treatment, the employee may be eligible for sick leave and disability benefits and/or qualified Family and Medical Leave (FMLA). Employees will be allowed to take accumulated vacation time or may be eligible for unpaid time off to participate in any rehabilitation program at the employee's expense. In addition, the City of Lodi's voluntary Employee Assistance Program (EAP) is available to assist employees who seek help for alcohol or drug problems. Employees are encouraged to contact the EAP directly.

Supervisors/managers may refer an employee to the EAP for reasonable suspicion of drug abuse. Supervisors are

encouraged to refer employees to the EAP for intervention. EAP services are confidential and supervisory referred employees are requested to sign a release of information for attendance purposes if sessions are scheduled during working hours.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : EDUCATION INCENTIVES
DATE ISSUED: : May 1, 1995
DATE REVISED: : March 2009

SECTION 1: PURPOSE

The purpose of education incentives is to reward employees who broaden their professional development through job related specialized training and academic coursework.

SECTION 2: DEFINITION

Education incentives are specified recognized educational attainments (such as degrees, licenses, and certifications) for which specified monies are paid. The types and amounts of incentive payments are specified in accordance with the appropriate memorandum of understanding.

Unless otherwise specified in a memorandum of understanding, contract, or other form of written agreement between an employee and the City of Lodi, education incentives are considered to be those education attainments beyond the minimum requirements for a position. Education attainments essential to an employee's performance of his/her duties or identified as minimum requirements for a position are not considered as education incentives.

SECTION 3: ELIGIBILITY

Full-time regular employees are eligible to receive education incentives upon hire and verification of incentive, subject to the terms and conditions of the appropriate memorandum of understanding.

SECTION 4: PERSONNEL ACTION FORM (PAF)

Once eligibility has been established, a PAF is to be submitted by the employee's department to the Human Resources Division. Proof of incentive (e.g. a copy of the degree or certificate) is to be attached to the PAF. In addition to complete employee information, the PAF needs to include the following:

- Current monthly base salary;

- Each current education incentive(s) and amount(s);
- Current total monthly salary;
- Type of incentive being added or deleted with the amount for each; and
- New total monthly salary.

Education incentive payments shall be effective the first day of the pay period following attainment of the incentive. PAF's received by the Human Resources Division up to 6 months after the appropriate effective date shall be reimbursed retroactively.

SECTION 5:

EDUCATION INCENTIVES AND PERSONNEL ACTIONS

Personnel actions such as promotions, demotions, and merit increases shall be computed based upon an employee's base salary. After computation of the employee's new salary resulting from the personnel action, the appropriate education incentive amounts will be added to the new salary.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : ELECTRONIC COMMUNICATION DEVICE
-Policy

DATE ISSUED: : July 1, 2008

SECTION: : E

REFERENCE: : Administrative Memorandum

SECTION 1: PURPOSE

This purpose of this policy is to establish safe guidelines and criteria for electronic communication device use. Electronic communication devices such as cellular phones, personal data assistants (PDAs), pagers or computers, can be useful tools in assisting employees in their daily operations. They can also be instrumental in dealing with natural disasters and other types of emergencies.

SECTION 2: GENERAL POLICY GUIDELINES

No employee shall use any electronic devices (i.e., computers or personal data assistants) while driving other than a mobile phone or radio which is in accordance with the 2008 Vehicle Code § 23123, which makes it an infraction to use a wireless telephone while operating a motor vehicle, unless it is designed and configured to allow hands-free listening and dialing and is used in that manner. Emergency personnel are exempt under Vehicle Code § 23123 but should follow their respective department policies regarding this subject.

The City of Lodi is committed to provide a safe and healthful work environment for our employees. The use of mobile telephones, radios, pagers, computers, PDA's also referred to as Mobile Office Technology or Two-way Communication devices, have become important tools in improving our communication abilities as well as our ability to work more efficiently. For this reason, it is necessary that this policy be developed to provide safety guidelines and procedures on the use of such devices while conducting City business and operating vehicles/equipment. It is imperative that employees use these devices safely and not put their life or the life of others at risk in order to use them.

Public Safety Officers who utilize these communication devices shall take extra care while operating vehicles/equipment. Non-Public Safety personnel may use City authorized hand-held mobile telephones while operating vehicles/equipment only if a headset, speakerphone, ear bud, or some other technology is used that frees both hands while talking. Drivers involved in emergency situations are exempt from this requirement.

All personnel may continue to use two-way radios while operating vehicles/equipment as long as care is taken to safely operate vehicles/equipment and all laws are adhered to. Departments may have their own policies to this regard which will supersede this item.

Text messaging is prohibited at all times when operating vehicles/equipment.

To avoid inattention and distraction while driving, employees should allow telephone calls to be forwarded to an answering device or service until the vehicle/equipment is safely out of traffic and in a parked position. Messages can then be retrieved and responded to accordingly. As the alternative, the employee may make arrangement to have calls forwarded to another individual for a response.

In the event that an incoming call must be received, an employee may accept an incoming call if they are utilizing a hands free device. The device must be able to answer the incoming call and terminate the call with minimal disruption to the employee while driving their vehicle. In no event should employees entertain lengthy, complex calls while their vehicle is in motion. Never take notes while driving. Pull off the road to jot something down; if it's a phone number, many mobile phones have an electronic scratchpad that allows you to key in a new number while having a conversation.

An employee may not initiate an outgoing call, by manually dialing a number while the vehicle is in motion. Employees should pull their vehicles to the side of the road, parking in a safe place prior to dialing a call. Vehicles or cellular devices equipped with hands free/voice activated dialing or single digit speed dialing may be used while a vehicle is in motion but employees must insure that their primary focus of attention is on the operation of their vehicle, not the cellular device.

Drivers are to inform passengers if their use of these devices is distracting their attention from the road. Employees should request that the passenger not use them until such time as the vehicle/equipment is parked in a safe location, if necessary.

THE SAFE OPERATION OF VEHICLES/EQUIPMENT SHALL TAKE PRECEDENT OVER THE USAGE OF THESE COMMUNICATION DEVICES.

CITY OF LODI
ADMINISTRATIVE POLICY MANUAL

SUBJECT: : EMERGENCY RESPONSE TIME

DATE ISSUED: : May 1, 1995

DATE REVIEWED: : November 2010

SECTION 1: PURPOSE

The purpose of this policy is to ensure the security and wellbeing of City residents and their property; maintain essential public services; maintain efficiency of governmental operations; and to provide necessary actions to carry out the City of Lodi's mission in emergencies.

SECTION 2: STATEMENT

Employees whose duties include responding to urgent or emergency situations must be able to report to their normal worksite within a thirty (30) minute response time commencing from the time of the request to return to work.

SECTION 3: AFFECTED CLASSIFICATIONS

Classifications required to meet the emergency response time requirement are those deemed to be affected by the respective Department Head. Department Heads have the option to allow a twenty (20) minute response time at their sole discretion.

Such classification shall include the following:

<u>Department</u>	<u>Classification</u>
Electric Utility	Electric Troubleshooter Utility Service Operator I/II Utility Service Operator – Relief
Police	Police Officer Police Sergeant Police Lieutenant Police Captain Dispatcher/Jailer

All affected employees hired after the effective date of this policy must be able to meet the response requirement within

six (6) months from the date of successfully completing probation.

SECTION 4:

EXCEPTIONS

Employees desiring to reside outside the emergency response radius of their normal worksite may submit a written request for permission through their Department Head to the City Manager. The reason for the request must be clearly presented. Approval may be granted as a result of hardship of other unusual circumstances.

RESOLUTION NO. 2011-51

A RESOLUTION OF THE LODI CITY COUNCIL RESCINDING
RESOLUTION NOS. 3312 AND 3344; AND FURTHER
ADOPTING AND IMPLEMENTING PROCEDURES FOR
ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS

=====

WHEREAS, the Lodi City Council adopted Resolution Nos. 3312 and 3344 on October 15, 1969 and January 21, 1970, respectively, implementing the Meyers-Milias-Brown Act, Government Code Sections 3500-3511, for the purpose of promoting improved employer-employee relations between public employers and their employees by establishing uniform and orderly methods of communication between employees and the public agencies by which they are employed; and

WHEREAS, Government Code Section 3507 empowers a city to adopt reasonable rules and regulations after consultation in good faith with representatives of its employee organizations for the administration of employer-employee relations; and

WHEREAS, the City has consulted in good faith with representatives of its employee organizations to adopt reasonable rules and regulations as authorized by law for the administration of employer-employee relations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY RESCIND RESOLUTION NOS. 3312 AND 3344 AND RESOLVES AND ADOPTS THE FOLLOWING:

SECTION 1. TITLE OF RESOLUTION

This Resolution shall be known as the City of Lodi Employer-Employee Relations Resolution.

SECTION 2. STATEMENT OF PURPOSE

This Resolution is to implement the Meyers-Milias-Brown Act by providing orderly procedures for the administration of employer-employee relations between the City and its Employee Organizations and for resolving disputes regarding wages, hours, and other terms and conditions of employment. Nothing in this Resolution shall be deemed to supersede any provision of state law; instead it is intended to strengthen employer-employee relations through the establishment of uniform and orderly methods of communication between Employees, Employee Organizations, and the City of Lodi ("City").

It is the purpose of this Resolution to provide procedures for meeting and conferring in good faith with each Exclusively Recognized Employee Organization regarding matters that directly and significantly affect and primarily involve the wages, hours, and other terms and conditions of employment of Employees in an Appropriate Unit and that are not preempted by federal or state law. However, nothing in this Resolution shall be construed to restrict any legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which includes among others, the exclusive right to determine the mission of its constituent departments and divisions, commissions, and boards; set standards or service; determine the procedures and standards of selection for employment; direct its Employees; take

disciplinary action; relieve its Employees from duty because of a lack of work or for other lawful reason(s); determine the content of job classifications; subcontract work; maintain the efficiency of governmental operations; determine the methods, means, and personnel by which City operations are to be conducted; take all necessary actions to carry out the mission of the City in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

SECTION 3. DEFINITIONS

As used in this Resolution, the following terms shall have the meanings as indicated:

- A. **APPROPRIATE UNIT OR BARGAINING UNIT** – A group of employee classifications or positions placed in an Appropriate Unit established pursuant to Section 15 (Appropriate Unit) of this Resolution.
- B. **CITY** – The City of Lodi, a municipal corporation. Where appropriate herein “City” shall refer to the City Council, the governing body of the City, or any duly authorized management employee of City as herein defined.
- C. **CONFIDENTIAL EMPLOYEE** – An employee who, in the course of her/his duties, has access to information relating to the City’s administration of employer-employee relations or decisions of City management affecting employer-employee relations.
- D. **CONSULT / CONSULTATION IN GOOD FAITH** - To communicate orally or in writing with affected Exclusively Recognized Employee Organizations for the purpose of presenting and obtaining views or advising of intended actions in a good faith effort to reach consensus; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counter proposals in an endeavor to reach agreement in the form of a memorandum of understanding. Neither is it subject to Section 19 (Resolution of Impasse) or Section 22 (Administration) of this Resolution.
- E. **DAY** - Calendar day, unless expressly stated otherwise.
- F. **EMPLOYEE(S)** - Any person(s) employed by the City except those persons elected by popular vote.
- G. **EMPLOYEE ORGANIZATION** - Any organization which includes employees of the City and has as one of its primary purposes representing City employees in their employment relations with the City.
- H. **EMPLOYEE RELATIONS OFFICER** - The City Manager or his/her designated representative(s), who shall be the City’s principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation including wages, hours, and other terms and conditions of employment.
- I. **EMPLOYER-EMPLOYEE RELATIONS** - The relationship between the City and its Employees and their Employee Organizations, or when used in a general sense, the relationship between City management and Employees or Employee Organizations in matters involving Employee wages, hours, and other terms and conditions of employment.

J. EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION - An Employee Organization which has been formally acknowledged by the City as the sole Employee Organization representing City employees in an Appropriate Unit designated by the Employee Relations Officer. The rights accompanying such recognition include the right to meet and confer in good faith with the City as the exclusive representative of an Appropriate Unit, in matters involving Employee wages and other items and conditions of employment as may be statutorily required subjects pertaining to Employees in an Appropriate Unit, and as such assume the corresponding obligation to fairly represent such Employees.

K. GRIEVANCE - As this term is defined in Section 20 (Grievance) of this Resolution.

L. IMPASSE - An impasse occurs when the representatives of the City and an Exclusively Recognized Employee Organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding, and concerning which they are required to meet and confer have reached a stalemate and remain so substantial and prolonged that further meeting and conferring would be futile.

M. MAJORITY REPRESENTATIVE - An Employee Organization, or its duly authorized representative, that has been granted formal recognition by the Employee Relations Officer as representing employees in a City designated Appropriate Unit.

N. MANAGEMENT EMPLOYEE -

1. Any Employee having significant responsibilities for formulating and administering City policies and programs, including but not limited to the City Manager and the department heads; and
2. Any Employee having authority to exercise independent judgment in the interests of the City to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

O. MEDIATION - The effort by an impartial party to assist the parties in reconciling a dispute regarding wages, hours, and other terms and conditions of employment between the City and an Exclusively Recognized Employee Organization through interpretation, suggestion, or advice. Mediation shall not be binding upon the City without the express authorization of the City Council.

P. MEET AND CONFER IN GOOD FAITH - (Sometimes referred to herein as "meet and confer" or "meeting and conferring") - Performance by duly authorized representatives of an Employee Organization and the City of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation, including wages, hours, and other terms and conditions of employment, in an effort to (1) reach agreement on those matters within the authority of such representatives, and (2) reach agreement on what will be recommended to the Appropriate Unit and to the City Council for ratification. This does not require either party to agree to a proposal or to make a concession.

Q. PEACE OFFICER - As defined in Penal Code section 830.1.

R. PROFESSIONAL EMPLOYEE - Employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of chemical and biological scientists.

S. PROOF OF EMPLOYEE SUPPORT -

1. An authorization card recently signed and personally dated by an Employee provided that the card has not been subsequently revoked in writing by the employee prior to its submission; or
2. A verified authorization petition or petitions recently signed and personally dated by an Employee; or
3. Employee dues deduction authorization, using the payroll register for the period immediately prior to the date a petition is filed hereunder, except that dues deduction authorizations for more than one Employee Organization for the account of any one Employee shall not be considered as proof of Employee support for any Employee Organization.
4. The only authorization which shall be considered as proof of Employee support hereunder shall be the authorization last signed by an Employee.
5. The words "recently signed" shall mean within the 90 calendar days prior to submission of the authorization card, petition, or dues deduction authorization, as the case may be.

T. RESOLUTION - This Employer-Employee Relations Resolution unless the context indicates otherwise.

U. SCOPE OF REPRESENTATION - All matters relating to wages, hours, and other terms and conditions of employment concerning Employees in a City designated Appropriate Unit. - City Rights (Section 5) are excluded from the scope of representation as are matters involving the merits, necessity, or organization of any service or activity provided by law or executive order.

V. SUPERVISORY EMPLOYEE - Any Employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

W. Terms not defined herein shall have the meanings as set forth in the Meyers-Milias-Brown Act.

SECTION 4. EMPLOYEE RIGHTS

Employees of the City have the right to form, join, and participate in the activities of Employee Organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including, wages, hours, and other terms and conditions of employment. Employees of the City also have the right to refuse to join or participate in the activities of Employee Organizations; however for purposes of this Resolution the classification or position held by the Employee shall be represented by the Exclusively Recognized Employee Organization. Only Management Employees and Confidential Employees shall have the right to represent themselves individually in their employment relations with the City. As required by law, no Employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or any Employee Organization because of their exercise of these rights. In addition, Employees have additional rights as may be granted to them by any memorandum of understanding which may be entered between the City and an Exclusively Recognized Employee Organization of which the Employee is a member.

SECTION 5. CITY RIGHTS

The City retains and has the exclusive decision making authority which includes, but is not limited to, the rights to:

- A. Determine and modify the mission of the City, its organization, its constituent departments, commissions and boards;
- B. Determine the nature, standards, levels, and mode of delivery of services to be offered, and the methods, means, and number and kinds of personnel by which services are to be provided;
- C. Determine the procedures and standards of selection for employment and promotions;
- D. Relieve Employees from duty because of lack of work, lack of funds, or for other lawful reasons;
- E. Maintain the efficiency of governmental operations;
- F. Determine and/or change the facilities, methods, technology, means, organizational structure, and size and composition of the work force, and allocate and assign work by which the City operations are to be conducted;
- G. Determine the content and scope of job classifications;
- H. Determine methods of financing City operations and whether services shall be provided by the City or shall be purchased or contracted for;
- I. Determine style and/or types of City issued wearing apparel, equipment or technology to be used, and to establish and enforce dress and grooming standards;

- J. Determine and change the number of locations, relocations, and types of operations, processes, and materials to be used in carrying out all City functions including, but not limited to, the right to contract and/or subcontract for any work or operations of the City;
- K. Direct its Employees and assign work to and schedule Employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon notice, including scheduling and assigning work, work hours, and overtime;
- L. Implement rules, regulations, and directives consistent with law and with applicable memoranda of understanding;
- M. Establish and modify productivity programs and standards;
- N. Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline Employees in accordance with applicable law;
- O. Establish Employee performance standards including, but not limited to, quality and quantity standards, and to require compliance therewith; and
- P. Take all necessary actions to protect the public and carry out the City's mission in emergencies.

SECTION 6. MEET AND CONFER IN GOOD FAITH - SCOPE

A. The City through its representatives shall meet and confer in good faith with representatives of Exclusively Recognized Employee Organizations regarding matters within the scope of representation including wages, hours, and other terms and conditions of employment of Employees of a designated Appropriate Unit.

B. The City shall not be required to meet and confer in good faith on any subject preempted by federal or state law or by Lodi City Ordinance, nor shall it be required to meet and confer in good faith on Employee or City Rights as defined in Sections 4 and 5, respectively, of this Resolution. Proposed amendments to this Resolution are excluded from the scope of meeting and conferring.

SECTION 7. CONSULTATION IN GOOD FAITH - SCOPE

The City through its representatives, shall consult in good faith with representatives of Exclusively Recognized Employee Organizations prior to the modification of any rules and regulations for the administration of employer-employee relations, including any amendments to this Resolution. Advance notice on matters subject to consultation, but outside the scope of representation is desirable, but not mandatory.

SECTION 8. ADVANCE NOTICE

A. Reasonable written notice shall be given to each Exclusively Recognized Employee Organization affected by any ordinance, rule, resolution, or regulation, directly

relating to matters within the scope of representation proposed to be adopted by the City, and each shall be given the opportunity to be represented before the City Council prior to adoption.

B. In cases of emergency when the City or City Council determines that an ordinance, rule, resolution, or regulation must be adopted immediately without prior notice of meeting with a Exclusively Recognized Employee Organization, the City or City Council shall provide such notice and Opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation. Any ordinance, rule, resolution, or regulation affecting matters within the scope of representation as herein defined is subject to the meet and confer process as herein defined.

SECTION 9. PETITION FOR RECOGNITION

A. The Right to Meet and Confer in Good Faith as Exclusive Representative. An Employee Organization that seeks formal recognition for purposes of meeting and conferring in good faith as the exclusive representative of a City designated Appropriate Unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

1. Name and address of the Employee Organization.
2. Names and titles of its officers.
3. Names of Employee Organization representatives who are authorized to speak on behalf of its members.
4. A statement that the Employee Organization has, as one of its primary purposes, representing employees in their employment relations with the City.
5. A statement whether the Employee Organization is a chapter or local of, or is affiliated directly or indirectly in any manner with, a regional, state, national, or international organization and, if so, the name and address of each such organization.
6. Certified copies of the Employee Organization's constitution and by-laws.
7. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the Employee Organization for any purpose.
8. A statement that the Employee Organization recognizes that the provisions of Labor Code section 923 do not apply to City Employees.
9. A statement that the Employee Organization has no restriction on membership based on race, color, religion, sex, national origin, ancestry, physical or mental disability, marital status, veteran status, sexual orientation, medical condition (cancer or genetic characteristic), age (40 and over), or other restriction prohibited by law.

10. The job classifications or titles of Employees in the unit designated by the Employee Relations Officer to be appropriate and the approximate number of member Employees therein.
11. A statement that the Employee Organization has in its possession written proof, dated within 90 days of the date upon which the petition is filed, to establish that thirty percent (30%) of the Employees in the unit claimed to be appropriate have designated the Employee Organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.
12. A request that the Employee Relations Officer recognize the Employee Organization as the majority representative of the Employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.

B. Petition to be Verified. The petition, including all accompanying documents, shall be verified, under oath, by the executive officer and secretary of the Employee Organization certifying that the statements are true. All changes in such information shall be filed in like manner with the Employee Relations Officer within 10 days of any change.

C. Determination by the Employee Relations Officer. Upon receipt of the petition for recognition, the Employee Relations Officer shall determine whether:

1. There has been compliance with the requirements set forth herein for a recognition petition; and
2. The proposed representation unit is an Appropriate Unit in accordance with Section 15 (Appropriate Unit) herein.

If an affirmative determination is made by the Employee Relations Officer on both of the foregoing two matters, the Employee Relations Officer shall so inform the petitioning Employee Organization, shall give written notice of such request for recognition to the employees in the unit, and shall take no action on said request for 30 days thereafter.

If either of the foregoing matters is not affirmatively determined, the Employee Relations Officer shall so advise the petitioning Employee Organization and shall offer to consult thereon with the petitioning organization. If the determination thereafter remains unchanged, the Employee Relations Officer shall inform the petitioning Employee Organization of the reasons for the determination in writing. The petitioning Employee Organization may appeal such determination in accordance with Section 16 (Appeals) herein.

D. Open Period for Filing Challenging Petition. Within 30 days of the date written notice was given to affected Employees that a valid recognition petition for an Appropriate Unit has been filed, any other Employee Organization may file a competing request to be formally acknowledged as the Exclusively Recognized Employee Organization of the Employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of Employee support in the unit claimed to be appropriate of at least

thirty percent (30%) and otherwise in the same form and manner as set forth in section 9A (The Right to Meet and Confer in Good Faith as Exclusive Representative) herein.

If a challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing. The hearing shall be conducted within 30 days of the receipt of the challenging petition, on such overlapping petition for the purpose of ascertaining the more Appropriate Unit, at which time the petitioning Employee Organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the Appropriate Unit or units in accordance with the standards in Section 15 (Appropriate Unit) herein.

The petitioning Employee Organizations shall have 15 days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petition to conform to such determination or to appeal the determination pursuant to Section 16 (Appeals) herein.

SECTION 10. GRANTING RECOGNITION WITHOUT AN ELECTION

If the proof of support shows that a majority of the employees in the Appropriate Unit has designated the petitioning Employee Organization to represent them, and if no other Employee Organization has filed a challenging petition, the petitioning Employee Organization and the Employee Relations Officer shall request the California State Mediation and Conciliation Service, or another agreed upon neutral third party, to review the count, form, accuracy and propriety of the proof of support. If the neutral third party makes an affirmative determination on all points, the Employee Relations Officer shall formally acknowledge the petitioning Employee Organization as the Exclusive Recognized Employee Organization for the designated unit without holding an election.

SECTION 11. ELECTION PROCEDURE

A. if recognition is not granted pursuant to Section 10, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by the California State Mediation and Conciliation Service or some other party agreed to by the Employee Relations Officer and the concerned Employee Organizations(s).

B. All Employee Organizations which have duly submitted petitions and which have been determined to be in conformance with Section 9 (Petition for Recognition) shall be included on the ballot. The ballot shall also offer employees the choice of representing themselves individually in their employment relations with the City under the heading of "no exclusive bargaining agent" or some other label determined by the party conducting the election.

C. Employees entitled to vote in such election shall be those persons employed in positions within the designated Appropriate Unit who were employed during the pay period immediately prior to the date which ended at least 15 days before the election commences. This includes those who did not work during such period because of illness, vacation or other authorized leaves of absence and who are employed in positions by the City in the same unit on the date of the election.

D. An Employee Organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated Appropriate Unit following an election or run-off election if the organization received a numerical majority (50% + 1) of all valid votes cast in the election.

E. In an election involving three or more choices (one of which was "no exclusive bargaining agent"), where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted]within 30 days of the original election] between the two choices receiving the largest numbers of valid votes cast. The rules governing an initial election shall also apply to a run-off election.

F. There shall be no more than one valid election, or one valid run-off election, under this Resolution pursuant to any petition in a 12-month period affecting the same Appropriate Unit. Costs of conducting elections shall be borne in equal shares by the City and by each Employee Organization appearing on the ballot.

SECTION 12. PROCEDURE FOR DECERTIFICATION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION

A. Filing Period. A decertification petition] alleging that an incumbent Exclusively Recognized Employee Organization no longer represents a majority of the Employees in the designated Appropriate Unit, may be filed no earlier than 12 months from the date of recognition of the Unit. No more than one valid decertification petition affecting the same Appropriate Unit may be filed in any one calendar year provided a period of at least 12 months has elapsed from the filing of any prior petition. Petitions shall be filed with the Employee Relations Officer.

B. Decertification Petition. A decertification petition may be filed by two or more Employees or their representative] or by an Employee Organization] and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct, and complete:

1. The name, address, and telephone number of the petitioner(s) and a designated representative authorized to receive notices or requests for further information;
2. The name of the established Appropriate Unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit;
3. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the Employees in the Appropriate Unit, and any other relevant and material facts relating thereto; and
4. Proof of Employee support that at least thirty percent (30%) of the Employees in the established Appropriate Unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in this Resolution.

C. Recognition Petition. An Employee Organization may, in satisfaction of the decertification petition requirements hereunder, file a petition under this Section 12 in the form of a recognition petition that evidences proof of Employee support of at least thirty percent (30%) of the Appropriate Unit, that includes the allegation and information required by this Section, and otherwise conforms to the requirements of Section 9 (Petition for Recognition) herein.

D. Determination by the Employee Relations Officer. The Employee Relations Officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this Resolution. If the Employee Relations Officer's determination is in the negative, he or she shall so notify the petitioner and shall offer to consult thereon with the representative(s) of such petitioning Employee(s) or Employee Organization and, if such determination thereafter remains unchanged, shall return such petition to the Employees or Employee Organization with a written statement of the reasons therefore.

E. Appeal. The petitioning Employee(s) or Employee Organization may appeal such determination in accordance with Section 16 (Appeals) of this Resolution. If the determination of the Employee Relations Officer is in the affirmative, or if his or her negative determination is reversed on appeal, the Employee Relations Officer shall give written notice of such decertification or recognition petition to the incumbent Exclusively Recognized Employee Organization and to Employees of the Appropriate Unit.

F. Secret Ballot. The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about 30 days after such notice to determine the wishes of the Appropriate Unit employees as to the question of decertification and, if a recognition petition was duly filed hereunder, the question of representation. The election shall be conducted in conformance with Section 11 (Election Procedure) herein.

G. City Initiated Notice of Election. During the period specified in the paragraph A of this Section 12, the Employee Relations Officer may, on his or her own motion, when he or she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent Exclusively Recognized Employee Organization, give notice to that organization and all Employees of the Appropriate Unit that he or she will arrange for an election to determine that issue. In such event, any other Employee Organization may, within 15 days of such notice, file a recognition petition in accordance with this Section 12, which the Employee Relations Officer shall act on in accordance with this Resolution.

H. Acknowledgement of a Different Employee Organization. If pursuant to this Section 12 a different Employee Organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any memorandum of understanding then in effect for its remaining term.

I. Decertified Employee Organization. If pursuant to this Section 12 an Employee Organization is decertified, and no other Employee Organization is formally acknowledged as the Exclusively Recognized Employee Organization, those Employees formerly represented by the decertified organization shall thereupon become unrepresented Employees and they shall be bound by all the terms and conditions of any memorandum of understanding then in effect for its remaining term, unless the City Council determines otherwise.

SECTION 13. PROCEDURE FOR MODIFICATION OF ESTABLISHED APPROPRIATE UNITS

A. Requests by Employee Organizations for modifications of established Appropriate Units may be considered by the Employee Relations Officer only during the period specified in Section 12 (Procedure for Decertification of Exclusively Recognized Employee Organization) herein. Such requests shall be submitted in the form of a recognition petition and, in addition to the requirements set forth in Section 9 (Petition for Recognition) herein, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 15 (Appropriate Unit) herein. The Employee Relations Officer shall process such petitions the same as other recognition petitions under this Section 13.

B. The Employee Relations Officer may propose, on his or her own motion, during the period specified in Section 12 (Procedure for Decertification of Exclusively Recognized Organization) herein, that an established Appropriate Unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected Employee Organization and shall hold a meeting concerning the proposed modification(s) at which time all affected Employee Organizations shall be heard.

C. Thereafter the Employee Relations Officer shall determine the composition of the Appropriate Unit(s) in accordance with Section 15 (Appropriate Unit) herein and shall give written notice of such determination to the affected Employee Organizations. The Employee Relations Officer's determination may be appealed as provided in Section 16 (Appeals) herein.

D. If an Appropriate Unit is modified pursuant to the motion of the Employee Relations Officer hereunder, Employee Organizations may thereafter file recognition petitions seeking to become the Exclusively Recognized Employee Organization for any new unrepresented Appropriate Unit(s) pursuant to Section 9 (Petition for Recognition) herein.

E. The Employee Relations Officer shall review all requests for establishment of additional units or the deletion and merger of existing units. The Employee Relations Officer's recommendations after consultation with Employee Organizations shall be submitted to the City Council for proposed adoption.

SECTION 14. PROCEDURE FOR PROCESSING REQUESTS FOR RECOGNITION OF APPROPRIATE UNITS

An Employee Organization may file a request to become the Exclusively Recognized Employee Organization of a unit alleged to be an Appropriate Unit that consists of a group of Employees who are already a part of a larger established unit represented by another recognized Employee Organization. The timing, form and processing of such request shall be as specified in Section 13 (Procedure for Modification of Established Appropriate Units) for modification requests.

SECTION 15. POLICY AND STANDARDS FOR DETERMINATION OF APPROPRIATE UNIT(S)

A. The Employee Relations Officer, after reviewing the petition filed by an Employee Organization seeking formal recognition as an Exclusively Recognized Employee Organization, shall determine whether the proposed unit is an Appropriate Unit. The principal criterion in making this determination is whether there is a community of interest among the Employees in

the proposed unit compatible with continued and efficient public employment. The following factors, among others, are to be considered in making such determination:

1. Which unit will assure employees the fullest freedom in the exercise of rights set forth under this Resolution.
2. The history of employee relations in the unit and among other Employees of the City.
3. The effect of the unit on the efficient operation of the City and sound employer-employee relations.
4. The extent to which Employees have common skills, working conditions, job duties, or similar educational requirements.
5. The effect on the existing classification structure of dividing a single classification among two or more units.

No unit, however, shall be established solely on the basis of the extent to which Employees in the proposed unit have organized.

B. In the establishment of Appropriate Units

1. Professional Employees shall not be denied the right to be represented separately from non-professional Employees; and
2. Management Employees and Confidential Employees may not be included in the same unit with non-management or non-confidential employees, except that Professional Employees may be included in a unit with Management and/or Confidential Employees. Management Employees and Confidential Employees shall not represent any Employee Organization which represents City Employees who are not Management Employees or Confidential Employees on matters within the scope of representation as defined by the Meyers-Milias-Brown Act.

C. The policy objectives in determining the appropriateness of units shall be the affect of a proposed unit on:

1. The efficient operations of the City and its compatibility with the primary responsibility of the City and its Employees to carry out the City's mission effectively and economically; and
2. Providing Employees with effective representation based on recognized community of interest considerations.

D. These policy objectives require that the Appropriate Unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions;
2. History of representation in the City and similar employment. However, no unit shall be deemed to be an Appropriate Unit solely on the basis of the extent to which Employees in the proposed unit have organized;
3. Consistency with the organizational patterns of the City;
4. Number of Employees and classifications and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units; and
5. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

E. The Employee Relations Officer shall, after notice to and consultation with affected Employee Organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate, or delete modified classifications or positions in units in accordance with the provisions of this Section 15. The decision(s) of the Employee Relations Officer shall be final and is not subject to appeal under this Resolution.

SECTION 16. APPEALS

A. An Employee Organization aggrieved by an Appropriate Unit determination of the Employee Relations Officer under this Resolution may, within 10 days of notice thereof, request mediation through the California State Mediation and Conciliation Service, or may, in lieu thereof or thereafter, appeal such determination to the City Council for final decision.

B. An Employee Organization aggrieved by a determination of the Employee Relations Officer that a Petition for Recognition (Sections 9A, 9B and (C), Challenging Petition (Section 9D), Decertification Petition (Section 12) or Severance Request (Section 14), or Employees aggrieved by a determination of the Employee Relations Officer that a Decertification Petition (Section 12) has not been filed in compliance with the applicable provisions of this Section may, within 15 days of notice of such determination, appeal the determination to the City Council for final decision.

C. Appeals to the City Council shall be filed in writing with the City Clerk, and a copy thereof shall be served on the Employee Relations Officer. The City Council shall commence to consider the matter within 30 days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a third party hearing process for a recommended decision. Any decision of the City Council on the use of such procedure, and/or any decision of the City Council determining the substance of the dispute, shall be final and binding.

SECTION 17. DURATION OF FORMAL RECOGNITION

When an Employee Organization has been formally recognized by the City, such recognition shall remain in effect thereafter until such time as the Employee Relations Officer shall determine, on the basis of a secret ballot election conducted in accordance with this Resolution that the Exclusively Recognized Employee Organization no longer represents a

majority of the Employees in the Appropriate Unit or until such time as the Appropriate Unit may be modified.

SECTION 18. DESIGNATION OF EMPLOYEE RELATIONS OFFICER

A. The City Council by the adoption of this Resolution designates the City Manager as the Employee Relations Officer, who shall be the City's principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation including wages, hours, and other terms and conditions of employment.

B. The Employee Relations Officer is authorized to delegate these duties and responsibilities within his/her discretion.

C. The Employee Relations Officer shall, after notice to and consultation with affected Employee Organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate, or delete modified classifications or positions from units in accordance with the provisions of this Resolution. The decision of the Employee Relations Officer shall be final and is not subject to appeal under this Resolution.

SECTION 19. RESOLUTION OF IMPASSES

A. Impasse. If the meet and confer process has reached impasse (as defined in Section 3 of this Resolution), either party may initiate the impasse procedure by filing with the other affected party (or parties) a written declaration of Impasse and request an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled and held by the Employee Relations Officer within 30 days after the date of the filing of the written declaration of Impasse, with written notice to all parties affected. The purpose of such a meeting is:

1. To permit a review of the position of all parties in a final effort to reach agreement on the disputed issues; and
2. If the impasse is not resolved, to discuss the utilization of the impasse procedures set forth in this Section 19B.

B. Impasse Procedures.

1. If either party makes a last, best, and final offer on wages, hours, or working conditions, the other party must provide notice to its principals before presenting the proposal to the other party. Consequently, the City must present any last, best, and final offer to the City Council in closed session, and the Exclusively Recognized Employee Organization must present any last, best, and final offer to its membership. Within 2 business days after consideration of a last, best, and final offer, a party shall inform the other party as to whether the offer is accepted or rejected.
2. If a last, best, and final offer is rejected, either party has the option to request that the dispute be submitted to mediation. If the parties agree to mediate, the costs of mediation shall be borne equally by the City and by

the Employee Organization(s) requesting the Impasse procedure. Mediation shall be conducted by a mutually agreed upon mediator, or a mediator selected by utilizing the California State Mediation and Conciliation Service. All mediation proceedings shall be confidential. The mediator shall not make any public recommendations or take any public position concerning the issue(s) in dispute.

3. If the issue(s) in dispute is not resolved after mediation, or if either party refuses to mediate, the dispute shall be resolved by the City Council. In resolving an Impasse, the City Council may take such action regarding the Impasse as it deems appropriate and in the public interest. Any legislative action by the City Council on the Impasse shall be final and binding on the parties.
4. This Section 19 shall not cover day-to-day meet and confer subjects; rather, this Impasse resolution procedure is intended to apply only to economic provisions set forth in memoranda of understanding between the City and Exclusively Recognized Employee Organizations.

SECTION 20. GRIEVANCE

A grievance is any dispute concerning the interpretation or application of this Resolution, or of a memorandum of understanding between the City and Exclusively Recognized Employee Organizations, or of rules or regulations City policies and procedures governing personnel practices or other non-economic terms and conditions of employment shall be resolved under the grievance procedures set forth in a memorandum of understanding between the City and an Exclusively Recognized Employee Organization or in the absence of such a procedure under the memorandum of understanding, pursuant to the City's Rules for Personnel Administration.

Grievances shall be processed in accordance with procedures established in memoranda of understanding between the City and Exclusively Recognized Employee Organizations.

SECTION 21. MEMORANDUM OF UNDERSTANDING

If a meet and confer process is concluded with full agreement between the City and an Exclusively Recognized Employee Organization, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized City and organization representatives.

The memorandum of understanding shall then be submitted for ratification votes by the City Council and by the Employees of the particular Exclusively Recognized Employee Organization.

SECTION 22. ADMINISTRATION

A. Submission of Current Information. All changes in the information filed with the City by an Exclusively Recognized Employee Organization under items (1) through (12) of its recognition petition under section 9A (Petition for Recognition) herein, shall be submitted in writing to the Employee Relations Officer within 15 days of such change.

B. Submission of Financial Report – Agency Shop Provision. Exclusively Recognized Employee Organizations that are party to an agency shop provision shall annually provide to the Employee Relations Officer and to unit members within 60 days after the end of its fiscal year the financial report as required by Government Code section 3502.5(f).

C. Payroll Deduction on Behalf of Employee Organization. Only Employees of an Exclusively Recognized Employee Organization may be provided payroll deductions of membership dues and then only upon written authorization of the Employees represented in that organization.

D. Use of City Resources. Access to City work locations and the use of City paid time, facilities, equipment, and other resources by Employee Organizations and those representing them shall be authorized only to the extent provided for in the applicable memoranda of understanding and/or administrative procedures, shall be limited to lawful activities consistent with the provisions of this Resolution that pertain directly to the employer-employee relationship and not such internal Employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety, and security of City operations.

E. Availability of Information to Exclusively Recognized Employee Organizations.

1. The City shall make available to Exclusively Recognized Employee Organizations such non-confidential information pertaining to employer-employee relations as is contained in the public records of the City subject to the limitations and conditions set forth in this Resolution and the California Public Records Act (Government Code §§6250, et. seq.).
 - a. Such information shall be made available during regular City business hours in accordance with the City's rules and procedures for making public records available and after payment of statutorily recoverable costs for reproduction of records.
2. Nothing in this Section 22E shall be construed to require disclosure of records:
 - a. That contain personnel or medical information or consist of information, the disclosure of which would constitute an unwarranted invasion of personal privacy;
 - b. Are not retained in the ordinary course of City business;
 - c. When the public interest served by not making the record available clearly outweighs the public interest served by disclosure of the record;
 - d. Pertaining to threatened or pending litigation to which the City is likely to be or is a party, or to claims or appeals that have not been settled; or
 - e. Exempt from disclosure under the California Public Records Act or other applicable law.

3. Nothing in this Section 22E shall be construed to require the City to do research for an inquirer or to do programming or to assemble data in a manner or to an extent other than usually done by the City in the normal course of business or is required by law.

F. Administrative Rules and Procedures. The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected Employee Organizations.

SECTION 23. RULES AND REGULATIONS

The City Council may adopt such rules and regulations necessary or convenient to implement the provisions of this Resolution and the Meyers-Milias-Brown Act.

SECTION 24. CONSTRUCTION

A. Nothing in this Resolution shall be construed to deny any person or Employee the rights granted by federal or state law or City ordinance.

B. The rights, powers, and authority of the City Council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Resolution.

C. Nothing contained in this Resolution shall abrogate any written agreement between any Employee Organization and the City in effect on the effective date of this Resolution. All such agreements shall continue in effect for the duration of the term specified therein, unless modified or rescinded by mutual agreement of the parties thereto.

D. The provisions of this Resolution are not intended to conflict with the provisions of the Meyers-Milias-Brown Act. To the extent this Agreement conflicts with any provision of the Meyers-Milias Brown Act, the Meyers-Milias Brown Act will control.

SECTION 25. AMENDMENTS

Proposed amendments to this Resolution are excluded from the scope of meeting and conferring, but are subject to consultation with Exclusively Recognized Employee Organizations pursuant to Government Code section 3507.

SECTION 26. SEVERABILITY

If any provision of this Resolution, or the application of such provision to any person or circumstances, shall be held invalid or unenforceable by any decision maker with jurisdiction to do so, the remainder of this Resolution, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby and, as such, the provisions of this Resolution as severable.

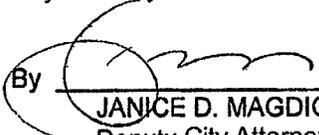
Approved this 6th day of April, 2011.


BOB JOHNSON
Mayor

ATTEST:


RANDI JOHL
City Clerk

APPROVED AS TO FORM:
D. STEPHEN SCHWABAUER
City Attorney

By 
JANICE D. MAGDICH
Deputy City Attorney

I hereby certify that Resolution No. 2011-51 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 6, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, Nakanishi, and Mayor Johnson
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None

RANDI JOHL
City Clerk

2011-51

CITY OF LODI
ADMINISTRATIVE POLICIES MANUAL

SUBJECT: : FAMILY MEDICAL LEAVE /
PREGNANCY DISABILITY LEAVE

DATE ISSUED: : May 1, 1995

DATE REVISED: : February 2011

SECTION 1: PURPOSE

The purpose of this policy is to grant job protected unpaid family and medical leave to employees with one or more years of service. Leave shall be granted for up to 12 weeks per 12-month period (rolling year) for any one or more of the following reasons:

- A. The birth of a child of an employee and in order to care for such child or the placement of a child with an employee in connection with the adoption or foster care of child by an employee (such leave must be taken within the 12-month period following the child's birth or placement with employee); or
- B. To care for a child, parent or a spouse who has a serious health condition; or
- C. Because of a serious health condition that makes the employee unable to perform the functions of his/her position.

SECTION 2: DEFINITIONS

- A. Child: One for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, or a son or daughter of person standing in loco parentis, who is under 18 years of age, or who is 18 years of age or older who is incapable of self-care because of a mental or physical disability, or who is between the ages of 18 and 24 and is a full-time student.
- B. Parent: A biological, foster, or adoptive parent, a stepparent, or a legal guardian. Parent does not include a parent-in-law or grandparent.

- C. Spouse: A partner in marriage as defined in California Civil code Section 4100.
- D. Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care; or
 - b. Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
 - c. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 - d. Prenatal care by a health care provider.

SECTION 3:

INTERMITTENT OR REDUCED LEAVE

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when “medically necessary.”

SECTION 4:

PREGNANCY DISABILITY LEAVE

To provide a leave of absence without pay for a period of up to four months for the period of disability on account of pregnancy, childbirth or a related medical condition.

An employee on pregnancy disability leave may use any accrued vacation, sick or other leave in order to receive regular compensation benefits during the absence.

Pregnancy disability leave is considered in conjunction with Leave of Absence policy and the Family Medical Leave policy. The provisions of the Leave of Absence policy are applicable to Pregnancy Disability Leave. Pregnancy Disability Leave may be taken in conjunction with or in addition to Family Medical Leave.

SECTION 5:

CERTIFICATION

An employee may be required to submit the appropriate form certifying the employee's or family member's serious health condition. The form shall be completed by the employee's or family member's treating physician or practitioner, and submitted to Human Resources.

SECTION 6:

HEALTH BENEFITS

Health benefits coverage will continue during the leave at the level and under the conditions coverage is provided prior to the leave. An employee may be required to reimburse the City for the premiums paid by the City during the leave if the employee fails to return to work from the leave for a reason other than the continuation, recurrence or onset of a serious health condition that would entitle the employee to leave, or other circumstances beyond the employee's control.

Certification issued by the health care provider of the child, spouse, parent, or employee, indicating that the employee is unable to return to work because of the continuation, recurrence or onset of a serious health condition may be required.

SECTION 7:

ADDITIONAL PROVISIONS

Any additional provisions under the California Family Rights Act and/or the Federal Family and Medical Leave Act will be addressed by Human Resources on a case-by-case basis.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : FAMILY/MEDICAL LEAVE -
Procedure

DATE ISSUED: : May 1, 1995

SECTION: : L

REFERENCE: : California Family Rights Act of 1993 Family and
Medical Leave Act of 1993.

SECTION 1: PURPOSE

The purpose of this procedure is to describe the implementation of the City's Family/Medical Leave policy.

SECTION 2: NOTICE REQUIREMENT

Any employee requesting Family/Medical Leave shall submit the appropriate form to the Personnel Department.

The employee shall provide at least thirty (30) calendar days written advance notice for foreseeable events (such as the expected birth of child or a planned medical treatment of a family member). For events which are unforeseeable thirty (30) days in advance, the employee shall provide notification as soon as he/she has learned of the need for the leave, followed by the completed appropriate form.

SECTION 3: REVIEW OF REQUEST FOR APPROVAL

The employee's department shall review and submit the request, to the Personnel Department for approval. The approval of Family/Medical Leave is subject, but not limited to a number of considerations such as length of employment, reason for the leave, the effect of the leave on the department, and the duration of the leave. Approval or denial of the request shall be given within ten (10) working days of receipt of the request by the department.

SECTION 4: MEDICAL CERTIFICATION

For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed certification form to the Personnel Department. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

The City may require a second or third opinion, periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.

All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the Personnel Department. All forms may be obtained from the Personnel Department.

SECTION 5: EFFECT OF FAMILY/MEDICAL LEAVE ON SERVICE AND BENEFITS

Family/Medical Leave shall not constitute a break in service for purposes of the City of Lodi's service award, nor shall it impair an employee's status as a regular full-time employee. An employee returning to employment after a leave shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the leave commenced.

P.E.R.S. contributions will continue to be made as long as an employee continues to receive compensation from his/her accumulated leave balances. The amount of the contributions will vary according to the amount of compensation being received from the accumulated leave balances.

While an employee is on Family/Medical Leave, he/she may receive compensation from his/her accumulated leave balances in accordance with the City's policies on leave usage and Leave of Absence policy.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : FITNESS FOR DUTY

DATE ISSUED: : May 1, 1995

DATE REVIEWED: : November 2012

SECTION 1: PURPOSE

The purpose of fitness for duty examinations is to ensure that employees are able to satisfactorily perform the duties of their positions and to maintain the City's commitment in the provision of services at a minimum of risk to the safety of other employees and the citizens of Lodi.

SECTION 2: POLICY STATEMENT

The City may direct an employee to submit to an examination with a medical professional selected by the City, if the employee is not able to perform the duties of his/her position at a minimum of risk to the safety of the employee, other employees and the citizens of Lodi. This exam will be at the City's expense.

Such direction shall be based upon, but not limited to any of the following:

- A. Excessive or unusual absences from work for physical or psychological reasons;
- B. Failure to perform or unsatisfactory performance of the full range of assigned duties; and
- C. Complaints of physical discomfort in performing assigned tasks.

Prior to resuming his/her duties, an employee who has been on sick leave or a leave of absence may be required to take a physical, medical and/or psychological examination. The employment record and the results of such examination shall be considered in determining the employee's fitness to return to work.

In unusual circumstances where an employee may present a hazard to himself/herself, co-workers, or others, the Department Head may order the employee's reassignment, or compulsory leave pending results of a medical or psychological examination.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : HOLIDAY LEAVE - *Policy*

DATE ISSUED: : May 1, 1995

SECTION: : H

SECTION 1: PURPOSE

The purpose of holiday leave is for City employees to receive paid time off from work in observance of person(s) and events(s) significant to United States history and culture.

SECTION 2: ELIGIBILITY

All full-time regular and probationary employees are eligible for holiday leave upon employment. Employees will receive a paid holiday if they are in a paid status on the day before the holiday. Part-time, temporary, and seasonal employees do not receive paid holidays.

SECTION 3: ACCUMULATION

On January 1, of each calendar year, employees are credited with a specified number of floating holidays and fixed holidays, or a corresponding number of holiday hours according to the appropriate memorandum of understanding.

Employees hired after the first pay period of the year are credited with fixed holidays plus a prorated share of floating holidays for the remainder of the calendar year. Employees separating from employment shall be debited the fixed holidays and the prorated share of floating holidays for the remainder of the calendar year.

Holiday leave balances must be exhausted prior to the end of each calendar year, and may not be carried into the following calendar year. Holiday hours may be taken in quarter hour increments.

SECTION 4: FIXED HOLIDAYS

Fixed holidays consist of a specified number of holidays observed each calendar year by the City of Lodi and the appropriate memorandum of understanding.

SECTION 5: HOLIDAY OBSERVANCE

Holidays that fall during a regularly scheduled work day will be observed on that day.

Holidays that fall on the first regularly scheduled day off shall be observed on the preceding work day. Holidays which fall on any other regularly scheduled day off shall be observed on the next regularly scheduled work day. The exception will be if the next regularly scheduled work day is also a holiday in which case the first holiday will be observed on the preceding work day.

SECTION 6: HOLIDAYS DURING LEAVE OF ABSENCE, SICK AND VACATION LEAVES

The following circumstances pertain to fixed holidays.

A. Leave of Absence: If a holiday falls while an employee is on a leave of absence without pay, the employee will not receive credit for the holiday. If a holiday falls while an employee is on a leave of absence with pay, such that the employee is in a paid status on the day before and the day after the holiday, he/she will receive credit or payment for the holiday.

B. Vacation Leave: If a holiday falls during a scheduled vacation, the employee shall not be charged as using vacation leave for that day.

C. Sick Leave: When a holiday occurs on a day on which an employee is taking sick leave with pay, such employee shall not be charged as using sick leave for that day. The employee's compensation for that day shall be a holiday.

SECTION 7:

COMPENSATION

Holiday Worked: Hours worked on a fixed holiday as part of an employee's regular work schedule shall be compensated at the straight rate of pay plus the appropriate overtime rate of pay in accordance with the terms and conditions of the appropriate memorandum of understanding.

SECTION 8:

FLOATING HOLIDAYS

Floating holidays consist of a specified number of days the employee is permitted to be absent from work, the leave compensation of which is designated as Holiday Leave. The scheduling of floating holiday leave is determined between the employee and his/her department head.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : INFECTIOUS AND COMMUNICABLE
DISEASES - *Policy*

DATE ISSUED: : May 1, 1995

REFERENCE:: Health and Safety Code Sections 199.2 et. seq.;
California Occupational Safety and Health Act, Labor
Code Sections 6300 et. seq.

SECTION 1: PURPOSE

The purpose of this policy is to provide guidance in the understanding of and guidelines in working with person who may be or are infected with an infectious or communicable disease.

SECTION 2: POLICY STATEMENT

The City of Lodi does not discriminate in its employment policies and practices solely on the basis of exposure to infectious or communicable diseases, or the physical conditions produced by such a disease. The City is committed to a course of action which will prevent the spread of infectious diseases, and reduce fears and dispel myths about such diseases. This policy is intended to balance the interests of persons suffering from such diseases with the interests of the City in protecting its employees from any dangers associated with those diseases. The City Manager has authority to adopt any necessary regulations which are consistent with this policy, and to use them to determine, on a case-by-case basis, whether persons infected with such diseases should be isolated or excluded.

SECTION 3: INFECTIOUS OR COMMUNICABLE DISEASES

Infectious or communicable diseases include but are not limited to HIV (the virus which causes AIDS), ARC (AIDS Related Condition), AIDS (Acquired Immune Deficiency Syndrome), tuberculosis (TB), Cytomegalovirus (CMV), Herpes Simplex virus (HSV Type I and Type II), HSV related diseases such as chicken pox, shingles, infectious mononucleosis, and Hepatitis-B.

SECTION 4: REASONABLE ACCOMMODATION

Employees with AIDS, AIDS Related Complex, or a positive HTLV-III antibody test shall be afforded normal attendance, and working conditions, and

participation in an unrestricted manner as long as they are physically and psychologically able to do so.

The City shall provide reasonable accommodation to employees with infectious diseases, including AIDS and related illnesses, in a manner consistent with those provided for other medical problems.

SECTION 5: CONFIDENTIALITY

Except for legally required reporting, confidentiality of all medical conditions shall be maintained. The number of persons who will be informed of the employee's condition shall be kept at the minimum needed to assure proper care of the employee, and to detect situations where the potential for transmission may increase.

The Personnel Director, the employee's department head and immediate supervisor shall be informed of an employee's condition. These persons shall be provided with appropriate information concerning any precautions which are necessary to ensure the safety of the employee, and others. They shall be specifically cautioned regarding the employee's right to privacy and confidentiality.

SECTION 6: EMPLOYEES WITH INFECTIOUS OR COMMUNICABLE DISEASES

In all cases of medical absence due to a communicable disease, or its potential, the affected employee shall notify the Department Head immediately of such condition, and shall be required to provide medical evidence of employability before returning to work.

If the City received notice that an employee is suffering from an infectious or communicable disease, it shall make decisions regarding the employee's continued employment based on the behavior, neurological development and physical conditions of the employee, and the health and safety of other persons with whom the employee will interact.

All employees of the City must be physically and mentally able to perform the duties and responsibilities of their positions, and must be free of any condition or disease which may be detrimental to the health and/or safety of fellow employees and members of the public as determined by the City.

Each instance of an employee suffering from an infectious or communicable disease shall be considered on a case-by-case basis. The department head where the employee is assigned, in conjunction with the [Personnel Department/City Manager] shall decide whether the employee is free of transmissible infection and does not pose a risk to the public or other employees, in consultation, as necessary, with public health personnel, the employee's physician and the employee.

SECTION 7:

EMPLOYEE RESPONSIBILITIES

Employees shall exercise the procedures consistent with their respective departmental plan in accordance with the City policy on Injury and Illness Prevention for the purpose of the prevention and control of infectious and communicable diseases.

If an employee has concerns about the presence of a person with AIDS virus, or any other infectious disease, that individual should be directed to a knowledgeable counselor or manager to help allay fears. Referral should be made to appropriate community agencies for those persons with continuing fears or concerns about the disease.

All managers/supervisors are to schedule staff development workshops for all employees to disseminate information and answer questions about AIDS.

CITY OF LODI
ADMINISTRATIVE POLICIES

SUBJECT: : INFORMATION SYSTEMS

DATE ISSUED: : DECEMBER 2010

This portion of the Administrative Policy and Procedure Manual defines the policies and procedures applicable to the City's information systems. Primary responsibility for these policies and procedures rests with the Deputy City Manager/Internal Services Director and are administered through the Information Services Division of the Internal Services Department. These policies and procedure apply to all departments, divisions and individuals within the City of Lodi.

SECTION 1: ELECTRONIC MEDIA ACCEPTABLE USAGE

PURPOSE

This policy addresses the acceptable use of Electronic Media¹ at the City of Lodi. These rules are in place to protect the employees and the City. Inappropriate use of Electronic Media exposes the City to risks including computer virus attacks, compromise of network systems and services, and legal issues.

¹ For purposes of this policy Electronic Media means:

- (1) Electronic storage media including memory devices in computers (hard drives) and any removable/transportable digital memory medium, such as magnetic tape or disk, optical disk, or digital memory card; or
- (2) Transmission media used to exchange information already in electronic storage media. Transmission media include, for example, the internet (wide-open), extranet (using internet technology to link a business with information accessible only to collaborating parties), leased lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic storage media. Certain transmissions, including of paper, via facsimile, and of voice, via telephone, are not considered to be transmissions via electronic media, because the information being exchanged did not exist in electronic form before the transmission.

SCOPE

Anyone using the City of Lodi's computing and information resources is expected to act in a responsible manner by complying with all policies, relevant laws, and contractual agreements related to computers, networks, communication equipment (such as telephones, cell phones and radios, software), and electronically stored or generated information.

This policy applies to anyone who has access to the City of Lodi's computing and information resources, which includes City employees (full-time and part-time), contractors, consultants, temporary employees, volunteers, and elected and appointed officials. This policy also applies to all equipment that is owned or leased by the City or personal equipment that is connected to, networked, or used to read or transmit Electronic Media that contains information that originated from City information systems.

In recognition of the diverse nature of some Police Department activities related to investigations and also Library staff to comply with the Child Internet Protection Act – and by extension Information Systems Division as they may be called upon to investigate alleged violation of these policies – exception to these policies as it relates to storage and/or access to sexual materials may be granted with the approval of the Police Chief and Deputy City Manager, respectively. In all cases, the respective department heads shall be ultimately responsible for oversight and ensuring that exemptions are being used for their intended purposes.

DESCRIPTION

Management's commitment is to protect the City's employees, volunteers, vendors, partners, and the organization from illegal or damaging actions by intentional or unintentional means.

Internet/Intranet/Extranet-related systems, including, but not limited to, computer equipment, software, operating systems, storage media, network accounts that provide electronic mail, Web browsing, and file transfer protocols, are the property of the City. These systems shall be used only for authorized City business purposes in serving the interests of the organization and the public in the course of NORMAL operations.

Effective security is a team effort involving the participation and support of every City employee and affiliate who deals with information and/or information systems. Every user of Electronic Media is responsible for knowing the content of this policy and conducting their activities in compliance with it.

GENERAL USE AND OWNERSHIP

While the City's Information Systems administrators desire to provide a reasonable level of privacy, users should be aware that the data they create on

the City systems remains the property of the City. Because of the need to protect the City's network, management cannot guarantee the confidentiality of information stored on any network device owned, leased or controlled by the City, medical and criminal data stored on secure City systems notwithstanding.

Department heads have ultimate accountability for subordinate compliance of acceptable use policies and responsibility to ensure that the use of technical resources is consistent with the business and service purposes of the department. Anyone provided access to the City of Lodi's computing and information resources has the responsibility to understand and comply with these policies.

The Information Systems Division (ISD) assumes responsibility for the policies herein contained, as follows:

Resolve issues where compliance with these policies conflict with those imposed by State or Federal agencies on City departments and agencies.

Work as requested with departments and others to ensure a solid understanding of these policies.

Review and recommend modifications to these policies to remain current with changing technology and issues relative to information sharing, confidentiality, and data security.

ISD staff may monitor equipment, systems, and network traffic at any time for security, network maintenance and policy compliance purposes.

The City will conduct assessments on a periodic basis to ensure compliance with this policy.

PRIVACY

With the exception of data and information protected by law, information employees create or use on City systems is not necessarily confidential or private. All of the City's Electronic Media and information relating to these electronic media are City property. Although employees have passwords that restrict access to their computers, the City reserves the right to access this information. While Electronic Media files and information will not be monitored as a routine matter, the City reserves the right to do so without prior notification. By way of example, the City may electronically scan email messages for the presence of specific content such as viruses, malicious code, or passwords, and to maintain system integrity. The City will also respond to legal processes and fulfill any obligations to third parties.

Only Department Heads, Council Appointees or the Information Systems Manager can authorize the reading of Electronic Media information, which includes, but is not limited to, email and voicemail messages, for employees under their supervision.

For clarification, Electronic Media related to Lodi City Council Members is managed and supervised the City Clerk.

UNACCEPTABLE USE

The following activities are prohibited; however, any information by the City regarding illegal activities under local, state, federal, or international laws will be turned over to the appropriate authorities. The list below are by no means exhaustive, but attempts to provide a framework for activities that fall into the category of unacceptable use.

System and Network Activities

- Products that are not appropriately licensed for use by the City or those that violate the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of “pirated” or other software cannot be used on City equipment.
- Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the City or the end user does not have an active license is strictly prohibited.
- Exporting software, technical information, encryption software, or technology, in violation of international or regional export control laws is illegal. Consult management prior to exporting any material that is in question.
- Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, spyware, etc.) is prohibited.
- Using a City computing asset to actively engage in procuring or transmitting material in violation of sexual harassment or hostile workplace laws in the user’s local jurisdiction.
- Using a City computing asset to actively engage in procuring, storing, transmitting or viewing sexually graphic material, child-pornography, or sexual material that is in violation of local, state, federal, or international laws.
- Making fraudulent offers of products, items, or services originating from any City account or redirecting or “capturing” intranet or Internet traffic destined for legitimate websites to fraudulent websites.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the individual is not an intended recipient or logging into a server or account that the individual is not expressly authorized to access. For purposes of this section, “disruption” includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

- Deliberate introduction of monitoring software (a.k.a. “spyware”), remote control software (e.g. WinVNC), or the attachment of devices, whether physically or in close proximity, for the purpose of capturing keystrokes (a.k.a. “key-loggers”) onto a computer, without the end-user’s permission, is expressly prohibited. Exception to this would be software or devices provided by law enforcement as part of an official criminal investigations, or ISD for routine purposes.
- Port scanning or security scanning of internal or external networks is expressly prohibited unless these activities are within defined job duties and specifically authorized by the Information Systems Manager, or Network Administrator and the Deputy City Manager/Internal Services Director.
- Executing any form of network monitoring unless defined by job duties and specifically authorized by the Information Systems Manager or Network Administrator and the Deputy City Manager/Internal Services Director.
- Circumventing user authentication or security of any host, network, or account.
- Interfering with or denying service to any user (e.g., denial of service attack).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user’s terminal session, via any means, locally or via the Internet/Intranet/Extranet.
- Providing information about, or lists of, City employees to parties outside the City, or for personal use, without department head and City Attorney approval.
- Establishing remote access to City data networks, computer assets or communication systems without approval of the department head and the City’s Information Systems Manager or designated Information Systems Division staff.
- Authorized users are assigned accounts for their specific use based on the defined needs of their position with the City. Users are responsible for the security of their accounts. Passwords are provided to enable users to keep their account secure. Users are not authorized to share their passwords.

WIRELESS NETWORK EQUIPMENT

Written permission must be obtained from the Information Systems Manager or authorized ISD staff before any wireless network device can be connected to internal City networks.

Security settings and personal firewall features must be enabled when using City equipment with wireless capabilities.

Wireless network packet “sniffing” utilities and scanning tools are not allowed to be used in or near City owned buildings or facilities unless authorized by the Information Systems Manager.

ELECTRONIC MAIL (EMAIL) AND MESSAGING

In addition to the foregoing provisions, employees should be aware that certain kinds of Electronic Media may be subject to record retention requirements or disclosure, either as "public records" or pursuant to discovery in litigation.

Email Retention: As a courtesy to City employees and as a matter of routine, the Information Systems Division shall make and retain backup copies of e-mail messages for a period of 30 days, after which time they will be subject to deletion. Under some circumstances, communications sent by e-mail may be subject to public disclosure under the Public Records Act or by litigation. E-mail deemed to be public record should be printed out in hardcopy form and kept for a prescribed period of time. As an alternative, subject e-mail messages may be kept in electronic form on the individual user's computer hard drive or on some other storage media (e.g. CD-ROM, floppy disk, DVD, etc.) In any case, it is the responsibility of each City employee to determine if a message qualifies for the Public Records Act, and if it does, make provisions for its safekeeping. Messages not deemed to be part of the public record may be deleted at any time by the user.

Unacceptable Email Use: The following activities are prohibited. Information regarding illegal activities under local, state, federal, or international laws will be turned over to the appropriate authorities. The list below, while not exhaustive, provides a framework for activities that fall into the category of unacceptable email or messaging use.

- Accessing messaging services such as, but not limited to Yahoo Messenger, MSN Messenger or Instant Messaging using City Electronic Media resources without department head authorization is strictly prohibited.
- Sending harassing, threatening, or violent messages is prohibited.
- Forgery of email, including concealment of the sender's identity, is prohibited.
- Sending general or broadcast announcements to all email recipients by individuals is prohibited. Only designated staff are allowed to send broadcast announcements via email, voicemail, or network messaging.
- Creating, storing, sending or forwarding email SPAM (i.e. unsolicited messages that are non-work related), chain letters, solicitations, or advertising, to any internal or external email recipient is prohibited.
- Using a City Electronic Media asset to actively engage in procuring, storing, transmitting viewing, sending, forwarding or relaying sexually graphic material, child-pornography, or sexual images, that is in violation of local, state, federal, or international laws, to any internal or external email recipient or system is prohibited.
- Use of City e-mail account for non-work related purposes.

PORTABLE COMPUTING AND MEDIA

The following minimum requirements for securing all portable computing and media devices (e.g. Personal Digital Assistants (PDA), USB drives, laptop/tablet-PC/hand-held computers, and cellular/wireless telephones) shall be enforced. Due to the prevalence of convenient portable media used in enhancing productivity, the need for organizational controls and oversight are paramount. This policy is designed to ensure that the mobility and ease of use does not lead to inadvertent or accidental disclosure, loss or misuse of City informational assets. Portable Computing and Media controls shall include the following items:

- City information should only be copied onto portable media when there is a valid business need to do so.
- Any information stored on portable media shall, at a minimum, be secured by password.
- Depending on the type of device, file protection tools should be enabled to protect any information stored on portable media. This may include, but is not limited to encryption, passwords, third party security products, encrypted file systems or other security measures.
- Portable media should be securely stored and safeguarded against theft, loss, or unauthorized access or usage at all times.
- Portable media used to backup information shall be protected from loss or damage and be password protected.
- Portable Media Disposal: Before disposal of portable media, the information stored on these devices should be removed or sanitized.

SECTION 2: NETWORK ACCESS AND ACCEPTABLE USE

PURPOSE

To ensure appropriate management of the City of Lodi's local and wide area network systems by controlling access, promoting consistency in use, and providing administrative functions to support the business of the City.

POLICY

This Policy applies to all individuals who have been provided access rights to the City of Lodi networks, City-provided email, and/or Internet via City-issued network or system User ID's.

General

- Use of the City of Lodi's network shall be in accordance with all applicable rules, regulations, and policies.
- All network systems and information created on, stored within, or transferred from or to other media (floppy disk, tape, CD) are, and shall remain, the property of City of Lodi, subject to its sole control.

- Users shall be given Limited User Rights (rights govern access to local and network resources) on their local PC; local administrative rights shall only be issued when approved by the Information Systems Manager, Department Head and Deputy City Manager, when circumstances warrant.
- Virtual Private Network (VPN) access shall be granted only upon completion of a properly signed and executed VPN Acceptable Use Agreement and approved by the Information Systems Manager and Department Head.
- IBM user accounts shall be issued only upon completion of a properly signed and executed User Access Application.

Access to City of Lodi's Network

- City of Lodi employees shall be assigned a user account for the duration of employment within the City of Lodi. It is the responsibility of an employee's supervisor to file requests to add, modify, or delete network accounts via the City's Helpdesk system.
- Contract employees shall be assigned a user account when appropriate. The City of Lodi supervisor responsible for contract management shall file appropriate requests to add, modify, or delete a user accounts.

NETWORK ACCOUNTS AND PASSWORDS

Users shall be issued a network logon consisting of a username and temporary password. The Username shall include the first initial of the user's first name and as much of the last name as possible, expressed together as one word or contiguous string, e.g., "jdoe." The user's middle initial may also be used in the case of two users with the same name.

Passwords shall meet the following minimum standards:

- Passwords will expire every 90 days, at which time a new one must be created.
- Users may change their passwords more often, if desired.
- The system will prompt users to change passwords as they expire.
- Password changes may be made from your computer.
- The same password cannot be used until at least four unique passwords have been used.
- Passwords must be at least six characters in length.
- Passwords must contain characters from at least three (3) of the following four (4) classes:

<u>Description</u>	<u>Examples</u>
Upper case letters	A, B, C, ... Z
Lower case letters	a, b, c, ... z

Westernized Arabic numerals 0, 1, 2, ... 9
Non-alphanumeric ("special characters") such as punctuation symbols (# (&)).

- Passwords may not contain the user's name or any part of their full name (password cannot be "Bill#1" if your name is Bill Smith).

Regular password changes are also required for IBM AS400 users:

- Passwords will expire every 90 days.
- Passwords must start with a letter (e.g., "A", "Z", etc).
- Passwords can be no longer than 10 characters on the AS400.
- Special characters may also be used for these passwords.

Exceptions to the above standards may be granted in special cases, as approved by the Information Systems Manager, or his/her designee, or the Network Administrator.

MANAGEMENT OF NETWORK DIRECTORIES

A network is a collection of desktop computers and devices that has the ability to electronically communicate between devices and share resources. The City of Lodi's network provides users with additional storage space for data and information in a central, controlled environment. This allows for efficient sharing of data and information as well as secured access and mass backup functions. The network directories shall be managed as follows:

- The Information Systems Division (ISD) is responsible for setting up network directories to accommodate sharing of files among users within business defined work units. Directories will be created in such a way as to restrict uncontrolled access. ISD will work with the business units to determine the best sets of shared directories, based upon requirements for efficient sharing and storing of business files and security for that data.
- Department Heads are responsible for designating those users who will be granted rights to access specific directories. Supervisors are responsible for requesting additions, modifications, and deletions to the user list.
- Only designated ISD technical staff shall have administrative control rights on the City of Lodi's network in order to support and maintain the system.
- Department Heads are responsible for approving access requests to shared directories for City of Lodi's users outside of the defined work unit. Department Heads shall forward approved requests to the ISD Help Desk for implementation.
- The Information Systems Division shall determine the location of applications files. Installation of software is the responsibility of ISD.

USE OF NETWORK

Electronic files are stored in locations accessed from the desktop, either locally on the individual desktop hard drive (commonly called the C: drive) or in locations referred to as network directories (e.g. P: drive). Each authorized user is provided a network account with access to a personal home directory and to an assigned shared directory.

City of Lodi reserves the right to monitor network use either at random or for cause. Appropriate use is determined by the City of Lodi's Electronic Media Acceptable Usage Policy. Inappropriate use will be subject to loss of account privileges or disciplinary action, up to and including dismissal.

Personal Home Directory:

- Only the named user will have rights to that user's personal home directory.
- Use of the personal home directory (commonly called the P: drive) for personal files relating to specific job duties (i.e. working drafts, confidential personnel files, etc.).
- Designated ISD technical staff may obtain access when necessary in their duty of supporting the user of the account.

Shared Directory:

- Only those users or groups of users determined by specific departments or divisions shall have rights to designated shared directories.
- Users should use the assigned shared directory for City of Lodi business files that are accessed, used, viewed, or otherwise shared with other employees (i.e. reports, correspondence, project documents, reference materials, etc.).
- Designated City of Lodi technical staff may obtain access when necessary in their duty of supporting the user of the account.

Local Hard Drive:

- The user of the desktop has access to the local drive. This drive is not necessarily secure from access by unauthorized users.
- The hard drive (commonly called the C: drive or local drive) should not be used for permanent City of Lodi file storage, as data could be lost in the case of malfunction.
- ISD does not perform routine backups of the hard drive contents.
- Designated ISD technical staff may obtain access when necessary in their duty of supporting the user of the account.

Prohibitions

- Sending or sharing with unauthorized persons any information that is confidential by federal or state law, rule or regulation or City policy.
- Installing software that has not been authorized by the respective department head in concurrence with the Information Systems Division
- Installing or attaching to the City's network any personal or non-City owned devices (e.g. laptops, thumb drives, other computing devices) without the knowledge and approval of ISD and the respective department head
- Attaching processing devices that have not been authorized by the respective department head in concurrence with the Information Systems Division
- Using network resources to play or download games, music or videos that are not in support of business functions
- Leaving workstation unattended without engaging password protection for the keyboard or workstation
- Utilizing unauthorized peer-to-peer networking or peer-to-peer file sharing
- Using network resources in support of unlawful activities as defined by federal, state, and local law
- Utilizing network resources for activities that violate policies established by the City of Lodi.
- City network resources may not be used to engage in union or bargaining unit activities
- Users shall not share their passwords and shall be solely responsible for maintaining the secrecy of their password.

NETWORK MAINTENANCE

Network storage space is limited. There is an optimal amount of free space at which efficient use and speed of the network occurs for storing and retrieval activities. Users must actively manage the amount of information stored on the network.

- Users are responsible for identifying files that are no longer required as determined by their business unit supervisor. Obsolete files should be moved or purged from the network drives.
- Users shall be limited to the following storage limits: 50MB for email, 75MB for network files.

NETWORK BACKUP

ISD is responsible for establishing a routine backup scheme to copy information from the City of Lodi network directories to a second medium as a precaution in case of network failure.

- Network backups will include all network directories, including all personal and shared folders.
- At a minimum, backups will occur daily of all network data files that have been modified or added since the last full, archival backup. These daily backups are kept for only short periods of time.
- Archival backups, backup of all network files, shall occur at least monthly. These full backups are kept for at least one month and may be kept for longer periods, up to and including permanent storage.

Local Hard Drive Backup

- Users are responsible for all backups of data and information stored on their desktop local drive (C:). Users are encouraged to regularly backup any important files kept on the local drive.

Periodic reviews of users and user rights

- The Information Systems Division shall periodically review the lists of system and application users to ensure that access rights are authorized and up-to-date. Reviews shall be done at least annually and will be performed by submitting a list of users and their respective access rights to Department Heads for certification. Department Heads shall report to the Information Systems Division any changes in users or their respective access rights, and the Information Systems Division personnel shall adjust in a timely manner the users and user rights as recommended by the department heads. The reviewed lists of system and application users shall be kept on file by the Information Systems Division as documentation of these actions.

SECTION 3: SOCIAL NETWORKING

PURPOSE

The purpose of this policy is to reduce the City's security risks; protect the productivity of its employees; reduce the reputational risk to employees, Departments and the City; mitigate the potential risk of exposure or leakage of sensitive or protected information such as copyrighted material, intellectual property, personally identifying information, etc.; to manage network bandwidth; and to reduce the potential for malware introduction into the City's Information Technology environment.

For the purpose of this policy, “social networking” is defined as interactive communication in which participants in online communities share thoughts via text, photographs, video, audio, etc. Online communities or “social media” include, but are not limited to, Facebook, MySpace, YouTube, Twitter and similar websites.

SCOPE

This policy shall apply to all City departments and staff. Individual departments may adopt Social Networking policies for their staff that are more restrictive than this policy, but may not adopt policies that are more permissive than this policy.

POLICY

IT Administrator Requirements: The City’s Information Systems Division (ISD) shall limit Internet access to Social Media web sites according to the limitations of the City’s Electronic Media Acceptable Usage and Web Filtering Policies. All users, except elected officials, shall be blocked, by default, from Social Media sites. Exceptions shall be based upon the terms and conditions set forth in the City’s current Web Filtering Policy.

User Requirements:

- Users shall connect to, and exchange information with, only those Social Media web sites that have been authorized by the appropriate Department Head in accordance with the requirements within this and other City policies.
- Users shall minimize their use of “other than government” sections of the Social Media web sites.
- Users shall not post or release proprietary, confidential, sensitive, personally identifiable information, or other City government Intellectual Property on Social Media web sites.
- Users who connect to Social Media web sites through City computing assets, who speak officially on behalf of the City, or who may be perceived as speaking on behalf of the City, are subject to City requirements addressing prohibited or inappropriate behavior in the workplace, including acceptable use policies, user agreements, sexual harassment policies, etc.
- Users shall not speak in Social Media web sites or other on-line forums on behalf of the City, unless specifically authorized by the user’s Department Head or the City Manager.
- Users who are authorized to speak on behalf of the City of Lodi shall identify themselves by: 1) Full Name; 2) Title; 3) Department; and 4) Contact Information, when posting or exchanging information on Social Media forums, and shall address issues only within the scope of their specific authorization.

- Users who are not authorized to speak on behalf of the City of Lodi shall clarify that the information is being presented on the user's personal behalf and does not represent any position or policy of the City.
- Users shall not utilize tools or techniques to spoof, masquerade, or assume any identity or credentials except for legitimate law enforcement purposes, or for other legitimate City purposes as defined in this or other City policies.
- Users shall avoid mixing their professional information with their personal information.
- Users shall not use their work password on Social Media web sites.

SECTION 4: WEB FILTERING

PURPOSE

The purpose of this policy is to reduce the City's security risks, protect the productivity of its employees, and to manage network bandwidth via controlled access to Internet Web sites.

SCOPE

This policy shall apply to all City departments and employees with access to the Internet from City networks.

POLICY

Web Filtering Technology: All Internet access through City networks shall be subject to Web filtering technology. Department Heads will ensure that web access is used only for required departmental business functions.

Web Filtering: Anyone accessing the Internet through City networks will be governed by rules implemented through web filtering. Rules will be established by the City's Information Systems Division (ISD), subject to the approval of the City Manager. Exceptions to current Web filtering rules may be granted to individuals upon request and upon approval of the appropriate Department Head. Incidental exceptions may be granted at ISD's discretion. Written documentation identifying each exception will be maintained by ISD.

Web Filtering Selection: Blocked sites shall be based on a list developed and maintained by ISD, or an independent subscription service, subject to approval by the City Manager. Such sites shall be identified by either category or domain. The City may subscribe to an independent service that will categorize all Internet sites and URLs. Sites or categories on this list may be blocked for all City users, at the City's discretion. Exceptions may be made, as referenced in this Policy.

Exceptions to the established Web Filtering rules must meet the following criteria:

- Must be for legitimate departmental business purposes.

- Must not expose the City or its computing or network infrastructure to excessive risk or bandwidth reduction, as determined by ISD.
- Must be for a determinate period, e.g. one day, one month, or one year. Exceptions must be re-evaluated by ISD every six months. Exceptions may be renewed for up to one year. Departments must notify ISD in a timely fashion, in writing (email), when an exception is no longer justified under this Policy.
- Individuals who have been granted an exception to the established Web Filtering rules may be required to log in for authentication purposes. Sharing one's login credentials for the purpose of circumventing this Policy, or any other reason, is against City policy and strictly forbidden.

SECTION 5: SOFTWARE SELECTION AND ACQUISITION

PURPOSE

As information systems are replaced and new ones put into place, it is in the best interests of the City to establish a process and procedure for selecting and acquiring software in order to ensure that needs are met while the greatest value is realized. The purpose of this Policy is to formalize the process for selecting and obtaining the most suitable software in a timely manner, at the lowest cost, and which will meet user needs in conjunction with and as further clarification to the policies and procedures contained in the City's Purchasing Policy.

General. Three categories of software have been identified. The following process and procedure does not apply to personal applications as described below.

Enterprise Systems and Applications: Software that uses a database as its "backend" and is multi-user within a department or has users in multiple departments.

Limited Use Applications: Software used for specialized applications within a Department or division.

Personal Applications: Software used or developed by one employee.

Although these definitions have been designed to address the varying needs during the acquisition of these types of software, it is recognized that not all software purchases will fit neatly into one of these categories. The degree of integration with the City's existing computing environment will greatly influence who should be involved in the software selection and acquisition process.

Procedure for new, upgrade or expansion of existing software

The following steps are established for software acquisitions and pertain primarily when the acquisition involves an expenditure of \$20,000 or more, are for Enterprise Systems or Applications as herein defined, or affect a user group larger than 25. They may be reduced or eliminated for Limited Use Applications or less comprehensive acquisitions, with concurrence of the Information Systems Manager and the City Manager.

Recognize Need, Appoint Committee and/or Project Manager: For Enterprise Systems and Applications, a project committee shall be appointed with the majority of members being users from functional areas and end users, joined by information systems staff, whose chairman is jointly selected by the Information Systems Manager and the City Manager's Office. The role of the Committee shall be to represent all of the departments, divisions and users who will be affected by the Project, in addition to overseeing the successful completion of the following steps. A Project Manager may be appointed by the Information Systems Manager and affected Department heads in lieu of a Committee.

Procurement Process: In all cases, the City's established Purchasing Policy guidelines shall apply.

Define General Needs and Develop Budget Projection: General needs should be identified based on the problems to be solved as well as what could reasonably be expected to be available in the marketplace. Preliminary budget projections may cover only the cost of software and a general estimate of other expenses.

Investigate the Market: Investigating the market may involve site visits, communication with other institutions using the product, vendor demonstrations, or a Request for Information (RFI). A Business Case Analysis or Cost Benefit Analysis shall be completed as part of this investigation, including a section describing Total Cost of Ownership (TCO) and Return On Investment (ROI).

Refine the Budget and Identify a Funding Plan: Before proceeding with the project, a refined budget plan should be prepared which covers all costs of consulting, acquisition, licensing, hardware, additional staffing, implementation, testing, training, maintenance, and upgrades, for a five year period. Consideration should also be given to costs of integration with existing systems, and to savings which may be obtained from phasing out systems that are no longer needed. Identify funding sources and obtain appropriate approvals.

Define Detailed Needs: A thorough needs analysis of software requirements should be conducted. For example, for a Human Resources system, this analysis should encompass the needs of functional staff

(such as Human Resources), end users (such as departmental users), and technical staff (such as ISD staff responsible for maintaining the system). The analysis should distinguish between required and desired capabilities and should also cover such things as maintenance, support, training, upgrades, existing or proposed hardware, and the computing infrastructure. If necessary, the budget plan should be revised.

Upon completion of the needs analysis, if it is determined that a critical, mandatory feature is only available from one vendor, and only from one distribution source, a designated committee representative should develop the justification for a sole source purchase. If appropriate justification is provided, it will not be necessary to issue an RFP. Upon approval of the sole source justification by the City Manager, a written offering should be sought from the sole source vendor and evaluated for its fulfillment of the identified needs.

Purchasing Procedure: "Acquisition of electronic hardware and software shall be by negotiation, requests for proposal, or competitive bids, and award shall be based on 'best value' criteria as established by [Lodi Municipal Code] Section 3.20.015, under direction of the information systems manager, and set forth in the terms of the negotiation, request for proposals, or bid. Alternatively, purchase of electronic hardware and software may be made in accordance with [Lodi Municipal Code] Section 3.20.045. (Ord. 1763 § 2 (part), 2005). The bidding process described in this code may be waived when advantageous for the city, and authorized by the city manager for purchase of supplies, equipment or contractual services awarded in accordance with formally adopted bidding or negotiation procedures approved by the governing boards of other California public agencies. Purchases or contracts in excess of twenty thousand dollars shall require the approval of the city council. (Ord. 1763 § 2 (part), 2005)"

Follow Purchasing Policy software purchasing guidelines (see City's current Purchasing Policy as set forth in the Lodi Municipal Code.)

Follow Change Control Policy for implementation procedures (see City's Change Control Policy set forth below).

Maintenance

The initial periods of maintenance should be included in the RFP specifications.

SECTION 6: CHANGE CONTROL

PURPOSE

As information systems are modified or replaced and as new systems are put into place, the changes may impact the confidentiality, integrity or availability of information in the system. To reduce the likelihood of such unanticipated consequences, this Policy establishes a mandatory “change control” process whereby changes to Enterprise Systems or Applications and departmentally supported systems shall be documented as herein set forth.

POLICY

Change control is good practice for any system. The change control requirement instituted by this Policy applies to any Enterprise System or Application or departmentally supported system of the City. For the purposes of this Policy, an Enterprise System or Application is one that uses a database as its “backend” and is used by more than just one person (i.e. is not considered a personal application). Departmentally supported systems are those systems and applications that are supported at the department level with little or no support provided by the Information Systems Division.

This Policy, which applies to all employees identified by the Information Systems Division (ISD) as being authorized to modify, patch or make changes to City systems, shall implement a change control process for such systems in order to minimize the possibility of security risks and access disruption that can be caused by inadequately tested or implemented changes. Changes to any system or application shall be tested, documented and authorized, as deemed appropriate by the Information Systems Manager, or designee, for ISD supported systems. For departmentally supported systems, change requests shall be tested, documented and authorized by the appropriate Department Head and ISD. ISD shall acknowledge the change request by email, telephone or other appropriate means within two working days of receiving the request. The person responsible for creating the change shall not also authorize the move into the production environment. Instead, the Information Systems Manager or designee (or Department Head for departmentally supported systems) shall authorize the move to production.

1) Procedure

- a) Change Request: Users shall submit requested changes to their appropriate supervisor for approval. Following approval by the appropriate Department Head, requests shall be forwarded to Information Systems Division personnel via the Helpdesk Request system. ISD shall acknowledge the change request within two working days of receiving the request. Change requests shall specify reasons for the change and describe the nature of the requested change. A business case justification may be required at the discretion of the Information Systems Manager or the affected Department Head for departmentally supported systems. In

cases where changes are initiated by ISD staff, the staff person shall notify the Information Systems Manager, or designee, of the change request and log such request through the Helpdesk system.

- b) Information Risk Assessment: ISD staff assigned to the change request shall conduct a risk assessment to identify threats and vulnerabilities that result from the requested change to a process or a system, as needed. The Information Services Manager, or designee, will work with department staff on the risk assessment for departmentally supported systems. The risk review and recommendations for addressing any identified risks shall be documented, and said documentation shall be retained by ISD for a period of one year after change is implemented. The Information Systems Manager or Network Administrator, or designees, shall be consulted on risks whenever new systems or upgrades are planned.
- c) Approvals Major Upgrades: All changes and upgrades to systems or applications shall first be approved by the Information Systems Manager, applicable Department Head(s) and the City Manager's office.
- d) Documentation: All system and configuration changes shall be documented in a change control log (example and required format attached). Documentation shall include details about what was changed or modified, how changes were made, name and location of relative files or objects, issues or problems encountered while implementing the change and what the resolutions were, and contact information for outside vendors or personnel who assisted with the project. All documentation referenced in this policy shall be filed with the Information Systems Manager, or his designee. Documentation of program changes inside the program do not replace the need for documentation in the change control log.
- e) Backup: A backup of all system software, system configurations, applications and data installed on systems shall take place prior to deployment of a changed or upgraded system. The backup process provides a method to restore systems if the change process fails.
- f) Training: As far as possible and as part of deployment for new or significantly modified systems, both ISD and affected users shall be adequately trained on the new, changed or upgraded systems.
- g) Testing: As required by the Information Systems Manager, or designee, a user shall test all changes prior to their deployment on a production system. An individual or entity other than the developer of the new or updated system shall perform the test. The testing shall include verification that all expected functionality exists and performs as needed. To the extent possible, testing should include positive testing to validate expected results and negative testing to ensure no unanticipated impacts occur. The results from testing shall be documented, including how tests were done, what files or objects were included in the test, and what problems were encountered, if any, along with a description of solutions to

problems encountered. Such testing results shall be retained by ISD until the system is no longer used in production. Program testing must be reviewed and approved by the Information Systems Manager, or designee, before implementation into the production environment. For departmentally supported systems, the Information Systems Manager and the appropriate Department Head shall review and approve testing before implementation into the production environment.

- h) Move to Production: The process of moving new or modified programs into the production system shall be performed by someone other than the programmer who developed it or managed the project.
- i) Customer Notification: Affected users shall be notified at least seven business days prior to the production implementation of any new or modified system or program. Notification may be done via email, telephone, or other suitable means of communication. If the modification will have no meaningful impact on users, then notification may be limited to the respective department or division head. In all cases the Information Systems Manager shall be notified before any new or modified system or program is put into production.

SECTION 7: PATCH MANAGEMENT

PURPOSE

The purpose of this Policy is to ensure computer systems attached to the City of Lodi network are updated accurately and in a timely fashion with security protection mechanisms (patches) for known vulnerabilities and exploits, and for fixing or improving the underlying software. These mechanisms are intended to reduce or eliminate the vulnerabilities, exploits and problems with limited impact to the business.

POLICY

This policy applies to all employees identified by the Internal Services Division as being authorized to apply patches as herein described. City of Lodi computing resources have been developed to encourage widespread access and distribution of data and information for the purpose of accomplishing the missions of the organization.

General

- Patch management for operating systems and applications shall follow current Change Control policy and procedures.
- All networked devices belonging to or managed by City of Lodi departments, divisions, or other affiliated or partner organizations, will be patched with vendor provided updates, patches and fixes.

- All updates, regardless of their type (whether they are service packs, hotfixes or security patches), are to be applied according to their criticality as determined by the Information Systems Manager, Network Administrator, or their designee(s).
- Once alerted to a new patch, Information Systems Division, or departmental, personnel will download and review the new patch within 24 hours of its availability, or as soon as possible after download. Information Systems Division personnel shall categorize the criticality of the patch according to the following:

Emergency — an imminent threat to City of Lodi network

Critical — targets a security vulnerability

Not Critical — a standard patch release update

Before applying any service pack, hotfix or security patch, all relevant documentation will be read and, depending upon its criticality as determined by the Information Systems Manager, Network Administrator, or their designee, peer reviewed as a way of mitigating the risk of a single person missing critical and relevant points when evaluating the update.

To the extent possible or practical, service packs and hotfixes must be tested on a representative non-production environment prior to being deployed to production.

Where possible, service packs, hotfixes and security patches must be installed such that they can be uninstalled, if required. If the patch does not allow for it to be uninstalled then a back-out plan must be developed prior to the application of the patch that will allow the system and enterprise to return to their original state.

A full system backup should be done just prior to implementing patches, hotfixes or service packs to production systems so that restoration to original state can be completed, if necessary.

Helpdesk staff and unit managers should be notified of the pending changes so they may be ready for arising issues or outages. Notifications shall be made via email or other appropriate communications method, as determined by the Information Systems Manager or designee, in compliance with the seven day notice procedure as described in the Change Control Policy, or at least 24 hours in advance of scheduled patch application.

SECTION 8: E-WASTE DISPOSAL

PURPOSE

The purpose of this Policy is to set forth procedures and guidelines for the appropriate and responsible disposal of retired or surplus electronic components,

also known as “e-waste.” This Policy applies to all departments and employees of the City.

INCLUDED COMPONENTS

Electronic components subject to this Policy are included on, but not limited to, the following list:

Computers (CPU) (includes desktop, laptop, server)
External data storage/back-up devices
PDAs and “smart phones”
Copiers that have data storage capability
Printers (includes all types, laser, inkjet, bubble jet, dot matrix, plotters, etc.)
Telephone systems and handsets, cellular Phones, cell phone batteries, cell phone headsets
Hubs, routers, switches
Peripherals (includes keyboards, mouse, speakers, monitors)
Fax machines

POLICY

Before transferring or disposing of surplus electronic equipment, special procedures must be followed to protect data confidentiality and to ensure compliance with federal copyright laws, software licensing agreements and waste disposal regulations.

All computer systems and electronic devices shall be properly cleaned of sensitive data and software by the removal of hard drives and RAM memory before being disposed of, recycled, returned to vendors, sold or otherwise transferred outside the City.

Hard drives must be sanitized by using software that is compliant with Department of Defense standards, or physically destroyed. Non-rewritable media, such as CDs or non-usable hard drives, must be physically destroyed.

Memory sticks or modules, including flash memory, must be destroyed if they are not to be re-used by the City.

Information Systems Division (ISD) has primary responsibility for deeming that an electronic component included in this Policy is to be retired, receiving removed storage devices and memory modules, and for their destruction or cleaning.

Computer and other electronic equipment referred to in this Policy may be deemed surplus by ISD personnel, using the following criteria:

1. IT equipment that no longer supports software used by the City
2. Is not interoperable with other required IT equipment

3. Is not cost effective to make interoperable with other required IT equipment used by the City
4. Component is non-functional and cannot be repaired, or cannot be made suitably functional by upgrading or replacing parts

PROCEDURE

The following procedure will be followed for surplus or retired equipment:

- i) Notification: Departments shall notify ISD through the Helpdesk system when a piece of electronic equipment referred to in this Policy is suspected of needing to be replaced or retired.
- ii) Assessment. ISD shall make an assessment of the component's condition and determine the best course of action, whether it can be repaired or upgraded, or should be retired.
- iii) Device Removal: ISD personnel, or their designee, shall remove hard drives and memory devices, as herein described, from systems and components deemed to be retired.
- iv) Remove ID Tags: City asset ID tags shall be removed from systems and components before disposal, sale or recycling.
- v) Device Cleansing or Destruction: ISD shall, at its discretion, cleanse memory and storage devices if they are to be reused, or destroy, or cause to be destroyed, if they are going to be disposed of. A certificate of destruction shall be secured if a third party is hired to perform the destruction and disposal of these components.
- vi) Update Inventory: An inventory listing of all computers, including details of each unit, and network devices and components shall be kept by ISD. Electronic equipment covered by this Policy that is retired or is transferred from the City shall be removed from inventory by notation.
 - (1) ISD shall notify Finance of items removed from its inventory so that the fixed asset records can be updated.
- vii) Transported for Disposal: Retired electronic equipment covered under this Policy shall be transported to the city's warehouse for final disposition.
 - (1) Equipment for disposal shall bear a stamp or mark from ISD indicating that it has been cleansed of confidential data and is ready for disposal.
- viii) Disposal: Electronic equipment covered by this Policy may be sold, donated, recycled or destroyed according to applicable city policy at the discretion of the City Manager or Internal Services Department director.

- ix) Recycling: All applicable laws governing the disposal or recycling of electronic equipment, parts and components must be followed. Vendors must provide the City with certification that all components were recycled in accordance with applicable federal, state and local laws and regulations governing such activities.
- x) Cost of disposal: Costs associated with disposal of e-waste, if any, shall be borne by the Purchasing Division of the Internal Services Department.

City of Lodi
INJURY & ILLNESS PREVENTION PROGRAM

Safety Policy

*No function at the City of Lodi is so critical as to require or justify
a compromise of safety and health.*

We believe that everyone benefits from a safe and healthful work environment. We are committed to maintain a safe workplace and to comply with applicable laws and regulations governing safety.

To achieve this goal, The City of Lodi has adopted an *Injury & Illness Prevention Program (IIPP)*. This program is everyone's responsibility as we work together to identify and eliminate conditions, practices, policies and procedures that compromise safety.

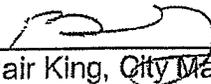
To this end, each and every manager, supervisor and employee has the authority to take action to prevent mishaps.

It takes positive and genuine effort to ensure a safe work environment. The alternative is wasted money and wasted time due to occupational injuries and illness and their associated pain and suffering.

Our expectations are that everyone will:

1. Do the right thing the first time.
2. Seek to integrate safety into all tasks.
3. Avoid taking short cuts.
4. Take time to ensure a safe workplace.
5. Have a safe and healthy work experience here at the City of Lodi.

Please join me in striving to achieve our ultimate goal of an injury-free workplace.



Blair King, City Manager

5/27/08

Date

Responsibilities

1. Administrator
The IIPP Administrator is the Human Resources Manager who has the responsibility for the implementation, maintenance, and update of this policy.
2. Managers/Supervisors
Managers and supervisors have the responsibility of providing a safe place to work including plant facilities, equipment, standards and procedures, adequate supervision and recognition for a job done properly. They are responsible for training all of their employees to perform their jobs properly and safely. They teach, demonstrate, observe and enforce compliance with established safety standards.
3. Employees
Employees have the responsibility of performing their tasks properly and safely. They are to assure themselves that they know how to do the job properly, and ask for additional training or assistance when they feel there is a gap in their ability, knowledge, or training. They should never undertake any task, job, or operation unless they are able to perform it safely.

Compliance

1. Management Responsibility
Management is responsible for ensuring that organizational safety and health policies are clearly communicated and understood by employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.
2. Employee Responsibility
All employees are responsible for using safe work practices, for following directives, policies and procedures, and for assisting in maintaining a safe work environment.
3. Performance Evaluations
As part of employees' regular performance reviews, they are evaluated on their compliance with safe work practices.
4. Employee Recognition
Employees, who make a significant contribution to the maintenance of a safe workplace, as determined by their supervisors, receive written acknowledgment that is maintained in the employees' personnel files.
5. Employee Training
Employees who are unaware of correct safety and health procedures are trained or retrained.
6. Employee Correction
Employees who fail to follow safe work practices and/or procedures, or who violate organizational rules or directives, are subject to disciplinary action, up to and including termination.

Supervisors discipline employees for safety violations in a manner considered appropriate by organizational management.

Communication

1. Two-Way Communication
Management recognizes that open, two-way communication between management and staff on health and safety issues is essential to an injury-free, productive workplace.
2. The City of Lodi System of Communication
The following system of communication is designed to facilitate a continuous flow of safety and health information between management and staff in a form that is readily understandable.
 - a. An orientation program is given to all new employees and includes a review of the *Injury & Illness Prevention Program* and a discussion of policies and procedures that the employee is expected to follow.
 - b. Representatives from each department and bargaining group will comprise an Executive Safety Committee that will meet once each quarter to address safety issues.
 - c. The City of Lodi has safety meetings where safety is freely and openly discussed by all present. Such meetings are held quarterly at a minimum, monthly and every 2 weeks (depending on department) and all employees are expected to attend and are encouraged to participate in discussion.
 - d. From time to time, written safety notifications are posted on organization bulletin boards or in the Human Resources section of the City's intranet.
 - e. Other methods of communicating pertinent to health and safety information are used as they are identified.
3. Safety Suggestions and Hazard Reporting
 - a. All employees are encouraged to inform their supervisors, or other management personnel of any matter which they perceive to be a workplace hazard, or a potential workplace hazard. They are also encouraged to report suggestions for safety improvement.

This reporting can be done orally or preferably in writing. If done in writing, the notification may be given directly to the supervisor, the IIPP Administrator or other management personnel.

- b. If an employee wishes to report anonymously, a hazard, safety suggestion, or other safety problem he or she can complete a *Safety Suggestion Form*, found on the Human Resources section of the intranet and send it to the IIPP Administrator, not filling in their name.

- c. No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.
- d. Risk Management reviews all suggestions and hazard reports.
- e. If employees provide their names in regard to the notification, they are informed of what is being done.
- f. The resolution will be communicated to employees in accordance with paragraph 2 under the subject of *Communications*.

Hazard Identification & Evaluation

Inspection of the workplace is the primary tool used to identify unsafe conditions and practices. While we encourage all employees to continuously identify and correct hazards and poor safety practices, certain situations require formal evaluation and documentation.

- 1. **Safety Inspections**
Internal safety inspections are conducted on a quarterly basis. Hazards found are corrected on the spot or recommendations are submitted for future corrections.

A member of management/supervision and at least one employee conduct the quarterly tour.

- 2. **Additional Inspections**
Inspections are also conducted in accordance with Cal-OSHA requirements:
 - a. Whenever new substances, processes, procedures or equipment present a new safety or health hazard.
 - b. Whenever management/supervision become aware of a new or previously unrecognized hazard, either independently or by receipt of information from an employee.
 - c. Whenever it is appropriate to conduct an unannounced inspection.

Injury/Illness Investigation

- 1. **Investigation**
All accidents resulting in injury or property damage, however slight, including "near-hits," are investigated to determine the primary and contributing causes within seven working days of the initial report. This information is documented and analyzed to assist in obtaining corrective actions to prevent similar accidents from occurring in the future. The responsibility to see that this investigation is performed rests with the IIPP Administrator.
- 2. **Reporting**

All facts, findings, and recommendations are documented on an accident investigation report. Management reviews accident investigation reports with a view towards determining adequacy of corrective action.

3. Reporting to Cal-OSHA

The following incidents are reported orally, in person or by telephone, to the closest Area office of Cal-OSHA within 8 hours of occurrence:

- a. Fatalities
- b. In-patient hospitalization of one or more employees

The following information must be given:

- Establishment name
- Location of incident
- Time of the incident
- Number of fatalities or hospitalized employees
- Contact person
- Phone number
- Brief description of the incident

Correction of Hazards

When a hazard exists, it is corrected on a timely basis based on the severity of the hazard.

If imminent danger exists to any employees, management and supervision remove these employees from the danger at once, and personnel who are provided with the necessary safeguards and training correct the hazard.

The correction process is based upon information obtained from employees, inspections, and investigations.

Training

1. Human Resources conducts the initial orientation on general safety. Employees sign for all materials that are distributed. Some safety materials are provided during the orientation, while other materials are provided during their employment:

- a. The Injury & Illness Prevention Program (IIPP)

All employees are given a copy of the IIPP and those rules and regulations (Code of Safe Practices) that apply to their work environment.

- b. Emergency Action Plan

All employees will be given a copy of those aspects of the Emergency Action Plan that pertain to them when the plan is completed.

c. Fire Prevention Plan

All employees will be given a copy of those aspects of the Fire Prevention Plan that pertain to them when the plan is completed.

d. Hazard Communication Program

Employees are provided with information about their "right-to-know" about hazardous substances in their work environment during their employment.

e. Specific accident prevention tips on the most common types of employee injuries are provided during their employment:

- 1) Back injury control
- 2) Slips, trips and fall prevention
- 3) Cut prevention
- 4) Driving safety

2. Initial On-The-Job Training

Shortly after an employee starts to work, a manager/supervisor provides the employee safety training for the purpose of educating the new employee on the hazards of the work environment and the required safety procedures that mitigate those hazards. Appropriate documentation is kept regarding this training.

Human Resources representatives conduct this training.

3. Specific City-Wide Training

Each of the following training programs are given as specifically directed below:

a. Emergency Action Plan

This training includes the City's disaster preparedness structure and how the employee fits into the structure, i.e., what the employee is to do under specific circumstances, such as fire, earthquake, medical emergency, and bomb threat. Refresher training is also given.

b. First Aid, CPR, and Bloodborne Pathogen Training

Designated employees receive First Aid, CPR and A.E.D and/or bloodborne pathogen training in accordance with the American Red Cross, American Heart Association requirements and/or the National Safety Council.

c. Defensive Driver Training

All employees who may drive on organization business receive defensive driver training. Driving on organization business includes driving organization vehicles as

well as personal vehicles on organization business. Additional safe driving subjects are covered in safety meetings on an as-needed basis.

4. **Retraining**
Reasons for retraining include change of job assignment, change of operations or materials, observation of poor work habits, or update of training methods. Managers/supervisors/IIPP Administrator perform retraining:
 - a. When an existing employee changes job functions.
 - b. As needed as a refresher program.

Such training includes general workplace safety, job-specific hazards, and/or hazardous materials, as applicable.

5. **Specialized Training**
 - a. Supervisors are trained in their responsibilities for the safety and health of their employees. Such training includes both safety management and technical subjects.

Supervisors are trained in the hazards and risks faced by the employees under their immediate direction if they are not already knowledgeable.

- b. Managers/supervisors/IIPP Administrator:
 - 1) Determine safety-training needs
 - 2) Implement new training programs.
 - 3) Evaluate the effectiveness of these programs.
- c. In addition, training is provided whenever:
 - 1) New substances, processes, procedures or equipment pose a new hazard and there is a lack of skill or knowledge to deal with the situation.
 - 2) Management, supervision, the IIPP Administrator become aware of a previously unrecognized hazard and there is a lack of skill or knowledge to deal with the hazard.

Recordkeeping

The City of Lodi maintains records for the purpose of:

1. Tracking and evaluating the City's loss experience and loss exposures.
2. Tracking and evaluating the safety activities that have been accomplished.
3. Providing a documentation of the safety activities.

All documentation is maintained on site for two years after the year that the safety activity was completed. After that time, the City of Lodi determines how long such records should be kept based upon the City's legal requirements including Federal, State, and local regulations.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : INSURANCE - PERSONAL AUTOMOBILE
Policy

DATE ISSUED: : May 1, 1995

REFERENCE: : California Joint Powers Risk Management
Authority

SECTION 1: PURPOSE

The purpose of this policy is to provide employees with information regarding their responsibilities and insurance considerations in the operation of City vehicles.

SECTION 2: USE OF PERSONAL VEHICLES

The City of Lodi obtains Automobile/General Liability coverage through a self insurance program as well as membership in the California Joint Powers Risk Management Authority. Use of city pool cars should take priority over use of personal vehicles on city business.

All city employees must obtain authorization to use their own personal vehicles on city business. Department employees obtain authorization from their department head. Department heads obtain authorization from the City Manager. Authorization may be given on a trip-by-trip basis, or extended to cover all city business travel for the duration of the employee's employment with the City. Authorization should be given in the form of a written statement if it is intended to cover more than one city business trip.

Authorization may be given in the form of a simple, clear, verbal agreement before each and every city business trip where both parties understand that the employees vehicle will be driven strictly on city business.

SECTION 3: GENERAL LIABILITY

The City's insurance program will cover, up to specified limits, property damage or injuries to other persons which might result from the operation of a personal automobile owned by a city employee while engaged in official city business. The type of general liability coverage is the same as that afforded when damages or injuries result from the operation of a city owned automobile.

SECTION 4: COLLISION

The City does not carry collision or uninsured/underinsured motorist coverage on its vehicles. Therefore, no collision or uninsured/underinsured motorist coverage is available to personally owned automobiles used in City business. However, a personal automobile may be covered for this type of damage under its own policy.

Employees injured while on city business are covered by the City's Workers' Compensation program.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : LAYOFF - *Procedure*
DATE ISSUED: : May 1, 1995
SECTION: : L

SECTION 1: PURPOSE

The purpose of this procedure is to provide the plan of implementation in the event of a workforce reduction.

SECTION 2: ORDER OF LAYOFFS

- A. Temporary employees in affected classifications will be laid off first whenever possible unless programs rely on them solely to operate.
- B. Laid off employees will be given the option of accepting part-time temporary jobs in their same classifications if those positions so exist.
- C. Positions to be eliminated shall be determined within City departments.
- D. Layoffs shall be based on an employee's seniority.

SECTION 3: BUMPING RIGHTS

- A. Affected employees may demote to a job which is vacant in their classification series.
- B. Employees may bump/displace a person in the same or a lower level classification if the employee has greater seniority and has previously held the classification or the classification is within the affected employee's classification series (see Section 7). Due consideration will be given to reclassification and title changes in positions previously held.

C. Employees may only bump classifications within their own department unless they have previously held the position they would bump to in another department, or the classification is listed as part of a classification series (See Section 7) or the classification is generic to other city departments. Generic classifications are defined as follows:

- 1) Administrative Assistant
- 2) Department Secretary
Supervising Administrative Clerk
Administrative Clerk III
Administrative Clerk II/I
- 3) Building Service Worker
- 4) Maintenance Worker II/I/ Laborer/Parks
Maintenance Worker II/I/ Laborer
- 6) Welder-Mechanic

D. In the event of a tie in seniority dates, rank on the eligibility list from which the affected employee was hired will be used to break the tie. If an additional tie exists or if the eligible list was unranked, a system mutually agreed upon by the City and respective bargaining unit will be used to break the tie.

E. Employees who do not exercise their right to bump to another classification and choose to leave city service will not be placed on any re-employment lists.

SECTION 4:

REINSTATEMENT/JOB TRAINING

A. The names of employees who are laid off or are bumped or who have bumped will be maintained on a re-employment list for the classification they were laid off or bumped from and those classifications within their classification series which are of equal or lessor salary for 36 months. When using a re-employment list to fill a position in a classification from which layoffs have occurred, the city shall re-employ laid off employees from the list in reverse order of layoff. During the 36 month period, no employee shall be hired nor shall any employee be promoted to a classification from which layoffs have occurred until all employees on layoff status in that classification have had the opportunity to return to work.

B. A laid off employee may be removed from City re-employment lists for any of the following reasons: 1) expiration of 36 months; or 2) regular re-employment with the City; or 3) failure to accept employment with the City; or 4) failure to appear for a job interview after 14 days notification (from postmarked date of letter) by certified mail of the interview; or 5) failure to report to work within 20 calendar days (from date of letter) of notification of available employment, 6) a written request by the affected employee to be removed from the list and 7) failure to meet the minimum qualifications of the position. It is the responsibility of the laid off employee to advise the Personnel Department of any change in address or phone number.

C. It is the City's intention to assist laid off employees through the transition from City service. Job counseling and outplacement services will be provided through the Personnel Department in conjunction with the Private Industry Council. Employees whose positions are proposed for reduction may schedule a meeting with a representative from the Personnel Department. In addition to providing job counseling to employees facing layoff, Personnel will function as a clearinghouse for resources, information and referrals on outside employment, training opportunities, and potential re-employment with the City.

SECTION 5:

SALARY AND BENEFITS

A. A laid off employee's accumulated sick leave will be reinstated to the employee if the employee is re-employed within 36 months from the date of lay off.

B. Any employee who is reinstated from a re-employment list within 36 months from the date of layoff shall be entitled to full restoration of regular employment status, and credit for all years of service for the purposes of sick leave conversion and vacation accrual. Placement of the employee shall be at the same step of the salary range the employee held at the time of layoff. In the case of re-employment to a classification within the employee's class series the procedure outlined in subsection C (below) would be followed.

C. Employees exercising the option of bumping and therefore demoting to a lower classification in lieu of layoff will be placed at the next lower salary step of the salary range than the salary step they were receiving.

D. Any employee participating in the flexible spending account plan shall not be required to reimburse the city for the unreimbursed benefits option selected during the calendar year.

E. Each employee is eligible to continue group health insurance benefits (at his/her own expense) under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) with the City's group health plan for a period of 18 months following the date of separation. In addition to this period of time, the city will extend group eligibility to employees for an additional 18 months (36 months total).

F. Under the provisions of COBRA, employees may also elect to continue dental, vision, and chiropractic coverage for 18 months at their own expense. In addition to this period of time, the city will extend group eligibility to employees for an additional 18 months (36 months total).

If the employee elects this coverage it shall remain in effect until:

- 1) The expiration of 36 months from the date of separation, or
- 2) The employee becomes covered under any other group health plan as an employee or dependent, or
- 3) The employee or covered dependent becomes eligible for Medicare, or
- 4) The employee fails to make premium payments in a timely manner.

Employees who are laid off will continue to receive coverage under the Employee Assistance Program for a period of 36 months. This coverage will be paid by the City of Lodi.

SECTION 6:

DEFINITIONS

Cutback - An action taken to reduce costs. Cutbacks include but are not limited to layoffs, hiring freezes, benefit freezes, wage freezes, benefit cuts or voluntary early retirement programs.

Classification Series - A group of classes (two or more) similar in duties but different in level.

Layoff - An elimination of a job based on a reduction in the workforce. They may be of a temporary, indefinite, or permanent duration.

Re-Employment List - A list for a specific position or classification containing the names of laid-off employees who have reinstatement rights to that classification or position.

Regular Employee - An employee who occupies an authorized budgeted position.

Seniority - Length of continuous service in all regular positions within the City as determined by personnel records.

SECTION 7:

CLASSIFICATION SERIES

ADMINISTRATION

Secretary to City Manager

Legal Secretary

Risk Management Technician

Deputy City Clerk

Information Systems Coordinator

COMMUNITY CENTER

Sr. Services Coordinator

COMMUNITY DEVELOPMENT

Sr. Planner

Associate/Assistant/Junior Planner

Chief Building Inspector

Sr. Building Inspector

Building Inspector II/I

FINANCE

Purchasing Officer

Buyer

Sr. Storekeeper/Buyer

Storekeeper

Accounting Manager/Revenue Manager

Accountant II/I

Accounting Technician

Sr. Account Clerk

Parking Enforcement Assistant

Account Clerk

Purchasing Assistant

Support Services Supervisor

Data Processing Manager
Senior Programmer Analyst
Data Processing Operations Specialist

Customer Services Supervisor
Accounts Collector
Meter Reader

FIRE

Fire Division Chief
Fire Battalion Chief
Fire Captain
Fire Inspector
Fire Engineer/Firefighter II/I

LIBRARY

Manager of Adult Services
Children's Librarian
Librarian II/I

Sr. Library Assistant
Library Assistant

Building Service Worker

PARKS & RECREATION

Recreation Supervisor

Park Superintendent
Parks Supervisor
Sr. Building Maintenance Worker
Park Maintenance Worker III
Park Maintenance Worker II/I/Laborer

Welder-Mechanic

Sr. Park Ranger

PERSONNEL

Personnel Analyst II/I

Personnel Technician

POLICE

Police Captain

Police Lieutenant

Police Corporal

Police Sergeant

Police Officer

Police Records Clerk III

Police Records Clerk II/I

Community Service Officer

Lead Dispatcher/Jailer

Dispatcher/Jailer

Animal Control Officer

Assistant Animal Control Officer

PUBLIC WORKS

Engineering

City Engineer

Sr. Civil Engineer

Associate Civil/Assistant/Junior Engineer

Engineering Technician Supervisor/Sr.

Engineering Technician/Engineering

Asst.

Engineering Technician II/I

Public Works Inspector II/I

Building & Equipment Maintenance

Building & Equipment Supt.
Equipment Maintenance Supervisor
Lead Equipment Mechanic
Heavy Equipment Mechanic

Welder-Mechanic

Building & Equipment Supt.
Sr. Building Maintenance Worker
Building Service Worker

Street

Street Superintendent
Street Supervisor
Street Maintenance Worker III
Street Sweeper Operator
Maintenance Worker II/I/Laborer

Water/Wastewater

Water/Wastewater Superintendent
Asst. Water/Wastewater Supt.
Water/Wastewater Supervisor
Plant & Equipment Mechanic
Water/Wastewater Maintenance Worker III
Maintenance Worker II/I/Laborer

Asst. Wastewater Treatment Superintendent
Chief Wastewater Plant Operator
Wastewater Plant Operator II/I

Laboratory Services Supervisor
Water/Wastewater Inspector
Laboratory Technician II/I

ELECTRIC UTILITY

Electric Utility Superintendent

Electric Foreman/Forewoman
Electric Troubleshooter
Electric Lineman/Linewoman
Electric Apparatus Mechanic

Electric Systems Supervisor
Electric Meter Technician
Electrical Technician / Electrician / Metering
Electrician

Manager Rates & Resources
Sr. Electric Utility Rate Analyst
Electric Utility Rate Analyst

Utility Operations Supervisor
Utility Service Operator II/I / Utility Service
Operator - Relief

Electrical Drafting Technician

Assistant Electric Utility Director
Electrical Engineer
Electrical Estimator

END

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : LEAVE OF ABSENCE - *Policy*
DATE ISSUED: : May 1, 1995
DATE REVISED: : March 2008

SECTION 1: PURPOSE

The purpose of this policy is to define the types of leave of absence and to provide clarification regarding the effect of leave of absence on employment.

SECTION 2: LEAVE OF ABSENCE

A leave of absence may be granted for a specified period of time (not to exceed one year) with or without pay, for an employee to be absent from duty for a specified purpose. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request and the duration of such leave.

The granting of a leave of absence provides the employee the right to return to the same position or a position similar to the one vacated.

Requests for leave of absences for medical reasons must be accompanied by the appropriate health care practitioner documentation.

A leave of absence shall not constitute a break in service for purposes of the City of Lodi's service award, nor shall it impair an employee's status as a regular full-time employee. An employee returning to employment after a leave of absence shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the leave of absence commenced.

Employees shall not be entitled to a leave of absence as a matter of right (except as provided by Federal or State law), but only upon the determination of the City that it is in the best interest of public service and that there is a presumption that the employee intends to return to work upon the expiration of the leave of absence. Failure on the part of the employee on

leave to report promptly at its expiration, or at a reasonable time after notice to return to duty, shall be considered abandonment of position.

The approval of a leave of absence is subject, but not limited to a number of considerations such as length of employment, performance record, reasons for the leave of absence, the effect of the absence on the department, and duration of the leave of absence.

P.E.R.S. contributions will continue to be made as long as an employee continues to receive compensation from his/her accumulated leave balances. The amount of the contributions will vary according to the amount of compensation being received from the accumulated leave balances.

While an employee is on a leave of absence, he/she may receive compensation from his/her accumulated leave balances in accordance with applicable City policies. The amount of compensation received from these balances determines the employee's pay status.

SECTION 3:

PAY STATUS

An employee is on pay status when they are receiving compensation from his/her accumulated leave balances. To be eligible for City benefits, a regular, full-time employee must be on pay status at the rate equivalent to hours worked in at least one half of a pay period (40 hours). The only exception to this condition pertains to the receipt of compensation from accumulated leave balances while receiving Workers' Compensation payments. Such employee must use all his/her accumulated leave balances until exhausted.

SECTION 4:

LEAVE OF ABSENCE WITH PAY

A leave of absence with pay is when an employee is considered to be in a pay status. An employee in a pay status will continue to receive all benefits including leave accruals.

SECTION 5:

LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay is determined as such when an employee is no longer in a pay status or has exhausted all accumulated leave balances (according to applicable City policies).

A leave of absence without pay shall constitute a break in service for the purposes of determining benefit eligibility, performance evaluation and subsequent merit increase eligibility time frames if the employee is not on pay status at the rate equivalent to hours worked in at least one half of a pay period (40 hours). The length of such leave to the nearest pay period shall be deducted from service credit.

Failure of an employee to return to his/her employment upon the termination of any leave of absence may result in the employee being required to reimburse the City for health insurance premiums paid by the City during the leave. For reasons other than disability, employees and their dependents may continue their health/medical insurance by paying the premiums for such time as the employee is in a leave without pay status.

All employees granted a leave of absence without pay may have his/her personnel action date extended by the amount of the leave of absence, if such absence is greater than one pay period

SECTION 6:

APPLICATION

All leaves of absence shall be requested in writing by the employee and shall require written approval by the Department Head. In addition to Department Head approval, leaves of absence without pay shall be approved by the City Manager. All requests shall be routed through the Human Resources Department and must include the following information:

- (1) Employee identification information such as employee number, class title, etc.;
- (2) Dates of commencement and expiration; and
- (3) Reason for absence.

SECTION 7:

LEAVE OF ABSENCE WITHOUT PAY AND THE PERSONNEL ACTION FORM (PAF)

A Personnel Action Form shall be submitted by the respective department to the Human Resources Department for all leaves of absence without pay with a duration greater than one full pay period. The form should be submitted prior to the commencement of such leave and immediately upon or prior to the employee's return to work.

SECTION 8:

PAYROLL RECORDS

All time card employees must have time cards submitted to payroll during leaves of absence indicating the type and amount of accumulated leave balance(s) to be charged. An employee on a leave of absence without pay should submit his/her time card indicating such status.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : PARKING - CIVIC CENTER - *Policy*
DATE ISSUED: : May 12, 2004
SECTION: : P
REFERENCE: : Lodi Municipal Code Section 10.44.140

SECTION 1: CITY VEHICLE/DEPARTMENT HEAD PARKING

Reserved Spaces - Spaces marked "Reserved" or other specific identifiers are for specific vehicles/purposes as designated by the City Manager. These shall not be used by other City vehicles or employees, except as described below. In order to provide the maximum use of available parking in the Civic Center area, any persons assigned to these reserved stalls should designate another employee to use their stall in their absence. Additional stalls may be designated for special purposes (i.e., electric vehicle recharging, United Way "prize," etc.

Civic Center Based Vehicles - Civic Center-based vehicles shall be parked in the stalls or areas marked "City vehicle". If parking in these areas is not available, the vehicle should be parked on the north side of Pine Street, between Church Street and the westerly boundary of the Carnegie Forum property. Only after exploring these options may the City vehicle be parked in the City employee permit parking lots. City vehicles assigned to Inspectors, may be parked for short term in the designated areas along the north side of Pine Street without first looking in the parking lot for "City vehicle" stalls. Posted parking time limits shall be observed. City vehicles shall not be parked in stalls marked for visitors.

Department Heads who use their personal vehicle in lieu of a City vehicle are permitted to park in stalls designated for "City vehicle" or in the City employee permit parking lots (with valid parking sticker). Department Heads shall not park their personal vehicles or City vehicles in "reserved" parking stalls assigned to others unless authorization is received.

Non-Civic Center Based Vehicles - City vehicles from departments or divisions not based at the Civic Center shall be parked in the "City vehicle" stalls or on the north side of Pine Street in front of City Hall and Carnegie Forum (per posted time limits). Visitor parking stalls shall not be used. City employee permit parking stalls should not be used.

Police Department - Police vehicles shall be parked in the Police Building secured parking lot. Police Department employees authorized by the Police Chief may also use this lot.

City Vehicles Stored at MSC - Miscellaneous City vehicles periodically used, such as motor pool vehicles, shall be stored at the MSC or as designated otherwise.

SECTION 2:

CITY EMPLOYEE PARKING (Personal Vehicles)

All Employees - Employees are eligible for parking stickers for their personal vehicles from the Finance Department. When properly displayed, these stickers are valid in the City employee permit parking lots along Church Street, the Zone B permit parking area, and the on-street Zone B permit parking areas on the west side of Church Street, between Elm Street and Pine Street.

All-day parking is also allowed in the Courthouse public parking lot (north of Carnegie Forum) and any all-day, on-street parking locations. While on the job, City employees' personal vehicles shall not be parked in the visitor/business parking stalls on the east side of the City Hall building during business hours. Employees are not to park in any timed parking zones. Motorcycle parking is permitted in the parking area located under the canopy adjacent to the Facilities Maintenance Shop.

Fire Department Employees - Fire Department employees may also park their personal vehicles all day in the two parking stalls marked "Fire" located in the parking lot immediately south of the Fire Department. These vehicles shall be moved when Fire or Police vehicles need to be washed.

SECTION 3:

MISCELLANEOUS/JURORS PARKING

Court Employees - Court employees should continue to park in the Courthouse public parking lot (north of Carnegie Forum) and in any all-day, on-street parking location.

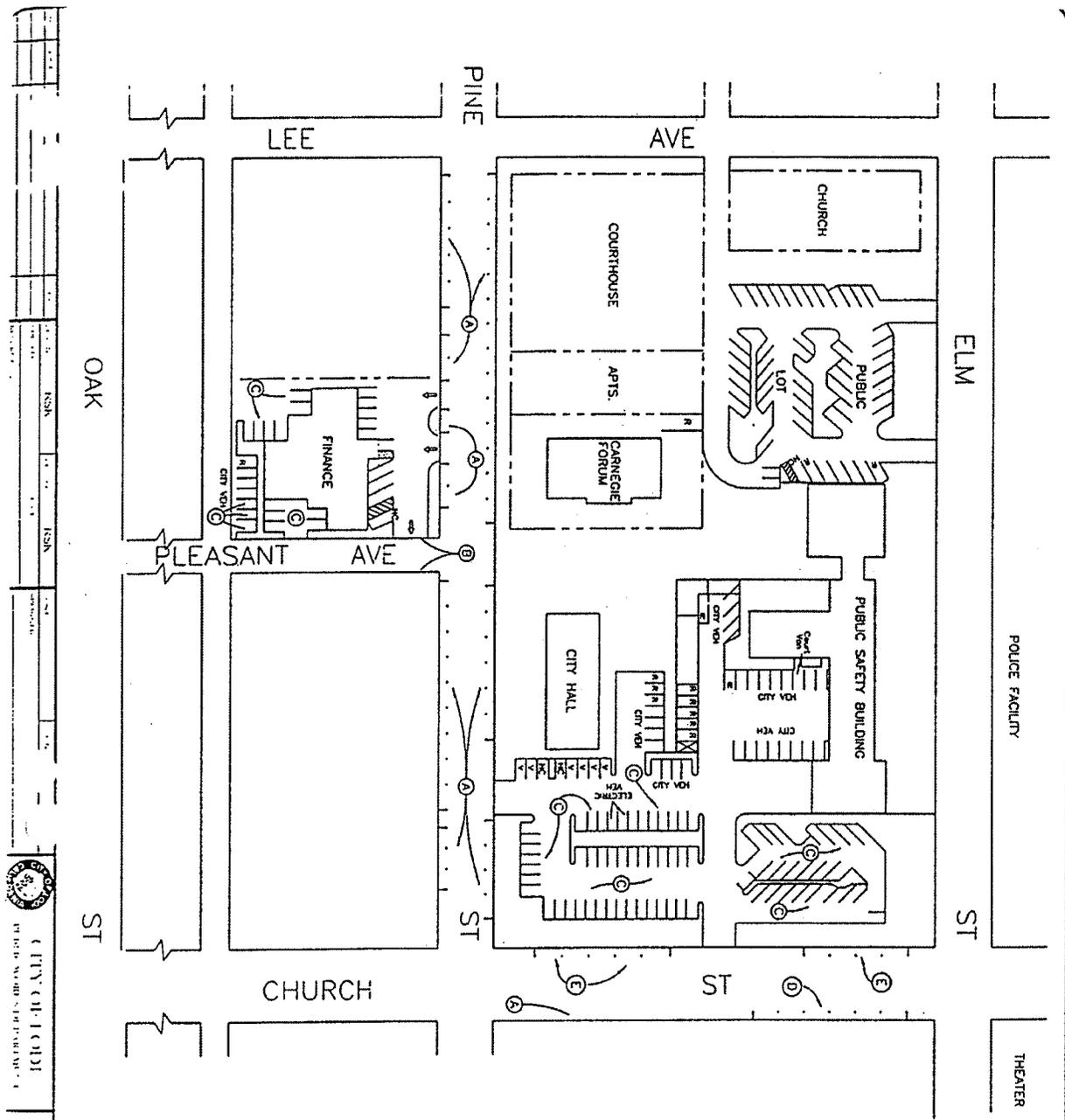
Special Visitor - Temporary parking permits are available for special visitors (oral boards, auditors, etc.) from the Administrative Secretaries. These permits are valid in the City visitor and employee parking areas.

Loading and Unloading of Supplies - Loading and unloading of supplies may be performed adjacent to the rear of City Hall and adjacent to the entrances at the Public Safety Building.

SECTION 4:

ENFORCEMENT OF PARKING VIOLATIONS

Parking violations will be enforced in these areas. All parked vehicles found in violation of this Policy or the California Vehicle Code will be cited. City vehicles ("E" plates) are not exempt from these restrictions. The person operating the vehicle, whether it be a personal vehicle or City vehicle, will be responsible for payment of the fine. If payment is not received, or if the employee is repeatedly in violation, disciplinary action may be taken.



LEGEND

- Ⓐ - DOWNTOWN PARKING LIMIT*
- Ⓑ - ALL DAY
- Ⓒ - CITY EMPLOYEE (PERMIT PARKING)
- Ⓓ - ZONE B*
- Ⓔ - ZONE B* + CITY EMPLOYEE
- R - RESERVED
- V - VISITOR
- HC - HANDICAPPED

* PER ON-STREET SIGNAGE

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: : PERSONNEL RECORDS

DATE ISSUED: : May 1, 1995

DATE REVIEWED: : May 2011

SECTION 1: CONFIDENTIALITY

The official personnel files for all employees are maintained in and by Human Resources. Only the following personnel may have access to this information without prior authorization or release: Human Resources and other department staff assigned to work on the file, City Manager, Deputy City Manager, City Attorney, and Deputy City Attorney.

SECTION 2: ACCESSIBILITY

The accessibility of Personnel Files is described for the following individuals:

- A. Employee: May have access to own personnel file during regular business hours following reasonable notice.
- B. Former Employee: May have access to personnel file during regular business hours following reasonable notice. Must pay a charge for copies.
- C. Department Head: May view the files of employees within his/her department.
- D. All Outside Agencies, Business, and Interested Parties: Not allowed without court order (other than verification of employment) or statutory mandate. Court orders and subpoena's will be reviewed by the City Attorney prior to release of any information.

SECTION 3: EMPLOYEE PERSONAL INFORMATION (EMPLOYMENT, SALARY, AND STATUS VERIFICATION). All requests for employment verification should be referred to Human Resources. Only the following information may be verified: Name, title, and salary.

Additional information may be released only upon written authority from the employee (for instance, verification of

employment to purchase a home). The Finance Division (Payroll) shall provide requested salary information.

SECTION 4:

USE OF PERSONNEL INFORMATION BY EMPLOYEES

Human Resources is designated as the official custodian of all personnel records. All employees who have access or are exposed to personnel information during the course of their regular duties shall maintain confidentiality in accordance with this policy.

The following items are personal and confidential:

- a. All employee personal data such as address, phone number, social security number, deductions, health insurance.
- b. All documentation pertaining to employment status such as performance evaluations, medical evaluations, and all correspondences.
- c. All medical records and/or reports shall be kept in a separate file; all training records will be kept in another, separate file.

SECTION 5:

ENFORCEMENT

Any person who intentionally uses or discloses information, not otherwise public, which they know or should reasonably know was obtained from personal information maintained by the City, may be subject to disciplinary action and/or civil action for invasion of privacy.

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: PURCHASE OF SURPLUS CITY PROPERTY

DATE ISSUED: July 28, 2008

REFERENCE: California Government Code Section 1090;
Administrative Memorandum (7-1-92)

SECTION 1: PURPOSE

The purpose of this policy is to delineate terms regarding the purchase of City surplus property by employees.

SECTION 2: POLICY

City employees shall not be the purchasers at any sale of surplus real or personal property of the City, except through on-line and/or third party auctioneers.

This disqualification shall extend to the immediate family members of such employees and any third persons acting at the direction or request of a disqualified employee where the purchase or sale is intended for the benefit of such employee.

Any exceptions to this policy, except as noted above, will only be made at the direction of the City Manager.

Violation of this policy may result in disciplinary action up to and including discharge.



REQUEST FOR SAFETY GLASSES

Name/Number: _____ # _____ Date: _____

Department: _____ Title: _____

INSTRUCTIONS

A request for safety glasses must be signed by the supervisor for authorization. Once authorized, the employee takes the request (along with their prescription) to a participating Optometrist. Refer to the Safety Glasses Policy in the Policy and Procedure Manual for policies regarding procedures and coverage.

CHECK THE APPROPRIATE ITEMS BELOW

- Initial Request Prescription Non-Prescription
- Lost
- Damaged
- Prescription Change
- Lenses Requested Clear Tinted Photogrey
- Frames Requested

Explanation for loss or damage(s) _____

Employee must submit a written explanation for safety glasses before approval will be granted.
Damaged safety glasses must be submitted with request form.

Employee signature

Supervisor signature

Account number to be charged

Original to: Finance Department
Copy to: File

CITY OF LODI
ADMINISTRATIVE POLICY

SUBJECT: : SALARY

DATE ISSUED/REVISED: : May 1, 1995; October 2012

SECTION 1: PURPOSE

The purpose of this policy is to provide guidance in the administration of the City of Lodi salary plan. All pay rates prescribed shall be fixed on the basis of full-time service in regular allocated positions, unless otherwise designated.

SECTION 2: SALARY

Salary shall refer to the base salary defined as the monthly monetary compensation step in a class salary range as indicated in the City's salary schedule.

SECTION 3: SALARY AT INITIAL APPOINTMENT

Salary at initial employment shall be at a salary step as determined by the Department Head. Appointments made above "B" step must have prior approval by the City Manager.

SECTION 4: CALCULATION OF PERSONNEL ACTION DATE

The personnel action date shall be established as the effective date of employment, merit advancement, promotion or demotion in the City service.

The personnel action date of those reemployed shall be the effective date of reemployment. The personnel action date of those reinstated shall be the effective date of reinstatement. The reinstatement date shall govern the employee's seniority.

SECTION 5: MERIT SALARY INCREASES

Department Heads may recommend merit salary increases for those employees who have demonstrated an ability to satisfactorily perform the duties of the job. Satisfactory performance shall be documented through the employee's annual evaluation, typically completed using the "Employee Performance Evaluation" Form. After completing the evaluation, merit increases may be recommended to the next step in the salary range for the classification. An employee who demonstrates exceptional meritorious performance may receive a merit increase at a higher step. All merit increases are subject to the final approval of the City Manager.

An employee shall be eligible to receive a merit increase after performing the duties of his/her position for a full 26 pay periods, or in accordance with the appropriate memorandum of understanding. Merit increases in salary are not automatic and are made on the basis of increased service value of the employee to the City as documented in performance evaluations by the department. The denial of a merit increase is not grievable.

SECTION 6:

RETENTION OF SALARY AND "Y" RATES

When a pay range for a given class is adjusted downward, incumbents, on approval of the City Manager, may retain their same dollar amount of salary within the lower pay range, or if their present rate exceeds the maximum of the lower range, may continue to receive the same dollar amount and said amount shall be designated a "Y" rate. Such "Y" rate shall not be eligible to receive cost-of-living or merit increases. Said "Y" rate shall be cancelled on vacancy of the position or when general salary adjustments increase the salary to a rate which exceeds the "Y" rated salary.

SECTION 7:

APPLICABLE SALARY FOLLOWING REEMPLOYMENT

Upon the appointment of an employee from a reemployment list, the employee shall receive the salary step in the pay range the employee received prior to layoff.

SECTION 8:

APPLICABLE SALARY FOLLOWING PROMOTION

Upon the promotion of any employee, such employee shall be placed at the step of the new range that provides a minimum five percent (5%) increase over the base salary received unless the top step of the new range is less than five percent in which case they shall be placed at the top step of the new range. Effective on the date of the promotion, a new personnel action date shall be established coinciding with the effective date of the promotion.

The applicable salary after promotion from a represented class to a Mid-Management class shall be based upon merit and minimum qualifications.

SECTION 9:

MERIT INCREASE ON DATE OF PROMOTION

When a merit increase becomes effective on the date an employee is promoted to a higher class, the employee shall receive first any merit increase to which entitled in the lower class, and then the promotional adjustment as provided in Section 8 of this policy.

SECTION 10:

APPLICABLE SALARY FOLLOWING TRANSFER

Upon the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the same personnel action date.

SECTION 11:

APPLICABLE SALARY FOLLOWING DEMOTION TO A LOWER CLASS

Upon the demotion of any employee to a class with a lower maximum salary, the employee shall be assigned to a salary step in the lower pay range as follows:

- A. If the demotion is a disciplinary demotion, the employee may be assigned to any designated step in the lower class pay range which results in a minimum 5% decrease in salary.
- B. If the demotion is a voluntary demotion, the employee shall be assigned to that salary step in the new pay range so as to receive the same salary he/she was receiving in the old range. If the same salary is not a step in the new range, he/she shall be placed on a step within the new range closest to the salary of the demoted employee. When the City Manager determines that it is in the best interest of the City, an employee may be "Y" rated upon a voluntary demotion.

SECTION 12:

APPLICABLE SALARY FOLLOWING RECLASSIFICATION

If a position is reallocated to a class which has the same maximum salary, the salary and the personnel action date of the incumbent shall not change.

If a position is reallocated to a class which has a higher maximum salary of less than 5%, the incumbent shall remain at his/her present salary step, and retain the same personnel action date. If the difference in salary ranges between classes is greater than 5%, the reclassification shall be considered a promotion subject to Section 8 of this policy.

If a position is reallocated to a class which has a lower maximum salary, the incumbent shall be placed at the step of the new salary range closest to the salary of the reclassified employee. The employee may be Y-rated as provided in Section 6 of this Policy.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : SEXUAL HARASSMENT - Policy
DATE ISSUED: : May 1, 1995
DATE REVISED: : November, 2010

SECTION 1:

PURPOSE

It is the policy of the City of Lodi to provide a productive and pleasant working environment and to ensure that all applicants and employees are treated with respect and dignity. To this end, the City shall not condone any form of sexual harassment in the workplace. Such conduct by a City employee, contractor, board or commission member, or councilmember, shall not be permitted, and disciplinary action up to and including termination shall be taken against any employee engaged in unlawful sexual harassment. In addition, the City of Lodi shall endeavor to protect applicants and employees, to the greatest extent possible, from harassment by non-employees in the workplace.

SECTION 2:

DEFINITION

For the purposes of this policy, sexual harassment is defined as unsolicited and unwelcome sexual overtures, by any employee, supervisor, or manager, be they written, verbal, physical, and/or manager, be they written, verbal, physical, and/or visual, that they occur when:

1. Submission is made either explicitly or implicitly a term or condition of employment.
2. Submission or rejection by an employee is used as a basis for employment decisions affecting the employee; or
3. Such conduct has the potential to negatively affect an employee's work performance and/or create an intimidating, hostile, or otherwise offensive work environment.

Written examples of sexual harassment include: suggestive or obscene letters, notes, invitations, poems, or literature.

Verbal examples include: derogatory or sexually oriented comments, slurs, jokes, rumors or gossip, whistles, propositions, demands, innuendoes, double ententes, or references to an individual's anatomy.

Physical examples include: rape, assault, touching, pinching, patting, grabbing, fondling, or blocking passage.

Visual examples include: gawking, leering, gestures, or displays of sexually suggestive objects, picture, cartoons, calendars, or posters.

Other examples include: threats of reprisal; implying or actually withholding support for appointments, promotions, or transfers; rejection while on probation; punitive actions; change of assignments: or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

Sexual harassment, as defined above, constitutes an illegal form of sex discrimination and violated Title VII of the 1964 Civil Rights Act, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission and the California Commission.

It should be noted that this policy covers sexual harassment between two persons of the same sex if such conduct has the potential to affect an employee's work performance negatively and/or create and intimidating, hostile, or otherwise offensive work environment.

SECTION 3:

IMPLEMENTATION

Each department head is responsible for ensuring that the work environment in his or her department is free of sexual harassment by:

1. Having division heads and supervisors discuss the City policy and complaint resolution procedure with all employees under his or her direction.
2. Requiring division heads and supervisors to convey to their employees their strong disapproval of sexual harassment; to monitor the work environment of their employees to ensure that sexual harassment is not tolerated; to post the City of Lodi Sexual Harassment Policy bulletin prominently; to cooperate in the investigation and resolution of related

complaints; and to ensure that employees involved in complaints of sexual harassment are not subjected to retaliation.

A non-employee (such as a contractor, vendor, etc.) who subjects an employee to sexual harassment in the workplace shall be informed of the sexual harassment policy by the employee's supervisor, division head, or department head and appropriate actions such as contacting the supervisor of the offending person shall be taken to ensure that harassment is stopped as soon as possible. Failure or refusal of contractor or vendors to take appropriate steps to deal with a complaint involving one or more of their employees may result in sanctions such as the cancellation of agreements or denial of the privilege of doing business with the City of Lodi.

In instances where members of the general public sexually harass City employees, the affected employee should promptly notify the harasser that such conduct is inappropriate, offensive, and unwelcome. If such conduct persists, the employee should contact his or her supervisor, who shall be responsible to take appropriate action.

SECTION 4:

COMPLAINT RESOLUTION

Informal Procedure: In order to assure that further incidents do not occur, employees who believe that they have been subjected to sexual harassment should promptly inform the harasser that such conduct is inappropriate, offensive, and unwelcome. If an issue cannot be immediately resolved, the employee would promptly refer the matter to his or her supervisor, department head, and/or the Human Resources office (or designee), who shall be responsible to investigate and resolve the alleged incident(s) of sexual harassment.

Formal Procedure: In the event that informal resolution does not result in a satisfactory conclusion, the employee may pursue formal resolution by submitting a written and signed statement on the appropriate complaint form (available from the Human Resources Department) to the Human Resources Manager. This statement shall include the dates, times, and places of incident(s), a description of the circumstances, and the names of the persons involved and witnesses present. Employees shall have the right to file such complaints without fear of reprisal or recrimination. Employees engaging in acts of reprisal or recrimination resulting from a complaint of sexual harassment shall be subject to disciplinary action up to and

including termination. The Human Resources Manager shall investigate this complain in a prompt and impartial manner by taking the following steps:

1. Reviewing the written complaint;
2. Interviewing the compliant, alleged harasser, and other relevant parties, such as witnesses and the employee's supervisor;
3. Reviewing any pertinent documents or records;
4. Preparing a written report regarding the findings and conclusions reached, which shall be furnished to the complainant, the alleged harasser, and the City Manager; and
5. Recommending to the City Manager disciplinary action up to and including termination as may be appropriate; in the event that it is determined that sexual harassment has occurred.

The severity of the disciplinary action shall be determined by the severity and/or frequency of the offense(s). The complainant and the harasser shall both be notified of the action(s) to be taken. Disciplinary actions taken as a result of this policy may be appealed in accordance with relevant grievance procedures.

SECTION 5:

CONFIDENTIALITY

To the extent feasible, proceedings under this policy and all reports and records filed shall be confidential to the parties involved, and reasonable efforts shall be made to protect the privacy interests of the parties concerned.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : SICK LEAVE
DATE ISSUED: : May 1, 1995
DATE REVISED: : September 2010

SECTION 1: PURPOSE

The purpose of sick leave is to provide paid time off for employees who cannot perform their job duties because of personal illness, injury, confinement for medical treatment, or to care for a member of an employee's immediate family. Sick leave with pay is intended to ensure adequate compensation due to illnesses or injuries that physically incapacitate an employee's ability to perform on the job.

Please refer to the City's Family/Medical Leave Policy for the City's policy related to the Family Medical Leave Act.

SECTION 2: FAMILY SICK LEAVE

As of the date of this policy, employees are eligible to utilize up to half of their annual sick leave accrual as authorized according to state law to care for a member of their immediate family. Family members are described as children, parents, spouse or domestic partner. Exceptions may be granted only after the employee has submitted a written request to the Department Head and City Manager.

SECTION 3: ELIGIBILITY

Sick leave is available only to full-time regular and probationary employees. Employees working on a part-time, temporary, provisional, or seasonal basis, are not eligible to receive sick leave benefits.

SECTION 4: ACCUMULATION RATE

The rate at which sick leave is earned varies according to the appropriate memorandum of understanding or management pay plan. Sick leave may be accumulated with no maximum amount.

An employee will earn sick leave accruals for each pay period the employee is in a pay status (at work, vacation, workers

compensation, sick leave or other paid leave) and works a minimum of forty (40) hours in a pay period.

SECTION 5: HOLIDAYS DURING SICK LEAVE ABSENCES

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking sick leave with pay, such employee shall not be charged as using sick leave for that day. The employee's compensation for that day shall be a holiday and he/she shall not be charged for sick leave.

SECTION 6: EXPIRATION OF SICK LEAVE

Employees are not permitted to take sick leave with pay in excess of their accumulated balance. If sick leave accruals are exhausted, other leave balances may be utilized at the discretion of the employee's supervisor.

SECTION 7: CERTIFICATE FOR ABSENCE

A Department Head may request a physician's certificate for absences at any time for reasonable cause.

SECTION 8: REQUEST FOR SICK LEAVE

Any employee requesting sick leave shall notify his/her supervisor or Department Head before his/her work shift begins or immediately when taken ill during work hours unless otherwise specified by the Department Head. It is the responsibility of the employee to keep his/her supervisor informed on a daily basis if absence is for more than one day. Sick leave may be taken in quarter hour increments.

No employee who is on sick leave shall engage in work or other activities at any time which would be detrimental to the employee's ability to return to work and to perform the duties assigned.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : SICK LEAVE CONVERSION - *Policy*

DATE ISSUED: : May 1, 1995

SECTION: : S

REFERENCE: : Memoranda of Understanding; Management/Mid-Management Statement of Benefits.

SECTION 1: COMPENSATION OR CREDIT FOR SICK LEAVE UPON TERMINATION

An employee who resigns, is laid off, or is dismissed from City service forfeits all further eligibility to and shall not be paid for any accrued unused sick leave.

An employee with ten (10) years of total service with the City of Lodi, upon retirement, may convert unused sick leave into medical insurance coverage or cash in accordance with the appropriate memorandum of understanding or statement of benefits in effect at the time of the employee's retirement.

SECTION 2: PROGRAM

After 10 years of service an employee vests 50% in unused accrued sick leave with an additional vesting of 2 1/2% per additional year of service, to a maximum of 30 years. In accordance with the appropriate memorandum of understanding or statement of benefits, there may be up to four options available for conversion of sick leave.

SECTION 3: ADDITIONAL PROVISIONS

A. A retiring employee not enrolled in the medical insurance plan may enroll upon retirement in order to take advantage of the Sick Leave Conversion program. The employee may enroll dependents at the same time provided said dependents meet the qualifications set forth by the medical insurance for a qualifying dependent status and the employee carried dependent coverage prior to dropping the medical coverage.

B. Upon expiration of Council term, a member of the Lodi City Council with 10 years of service is eligible to purchase, at his/her expense, medical insurance for an unlimited amount of time.

C. Retiring employees enrolled into the Sick Leave Conversion program will follow the rules and provisions set forth in the memorandum of understanding/statement of benefits in effect at the time of their retirement.

D. In accordance with the appropriate memorandum of understanding/statement of benefits, a retiring employee may choose to defer enrollment into the sick leave conversion program for a period of up to five (5) years following his/her retirement date. Reinstatement into the medical plan must coincide with an open enrollment period.

City of Lodi

Travel Policy

Adopted by Lodi City Council September 21, 2016

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INTRODUCTION

1.1 PURPOSE

The purpose of this policy is to:

- Provide approved travel policy and information needed for the preparation and reconciliation of travel requests;
- Provide guidance to travelers and approvers on cost-effective management of travel expenses;
- Identify reimbursable versus non-reimbursable expenses; and
- Clarify employee responsibility for controlling and reporting travel expenses.

It is impossible to anticipate every situation that may be encountered while traveling on business. Each employee is expected to exercise good judgment in incurring travel expenses and to obtain prior Department Head approval or, in the absence of the Department Head, approval from the person acting in their place, for all foreseeable travel-related expenditures.

Expenses which are not approved or which are not in compliance with this policy will be the traveler's personal responsibility.

1.2 SCOPE

These policies and procedures are applicable to all officers, employees, elected or appointed officials and persons in the service of the City of Lodi.

This policy shall not apply to same day travel of less than 300 miles round trip in a private or City vehicle, regardless of destination, except in regard to meal reimbursement at the discretion of the department. Business mileage reimbursement in a personal vehicle for same day mileage of less than 300 miles shall be requested on a Mileage Reimbursement form (Appendix G) on a monthly basis. All private mileage other than that associated with overnight travel shall be reimbursed monthly using the Mileage Reimbursement Form. This also excludes any and all reimbursements for same day travel, other than mileage, bridge tolls parking, and meals. Meal expenses shall be reimbursed at the discretion of the department and within the provisions of Section 2.7.

All forms referenced in this policy are available on the Finance division intranet site: <http://intranet/finance/finance.asp>

2. POLICIES

2.1 GENERAL

Whenever any person in the service of the City is compelled to travel in the performance of their duties, they shall be reimbursed for their actual and necessary expenditures for transportation, lodging, and meals. This policy shall fix a maximum cost to be paid for such travel, lodging, and meals, which shall be applicable to all such persons alike, including said members of the City Council. These normal maximums have been set forth by the City Council as indicated below. The normal maximums may be exceeded, with department head approval, only when a person in the service of the City incurs expenses incidental to attendance at a conference, convention, other City business, or in the transportation of wards, inmates, or witnesses when such expenses are necessary and unavoidable.

When the cost of travel shall be reimbursed to the employee by another agency, whether state, federal, non-profit, or private, such reimbursement and the intent for same shall be disclosed as a source of funding on the travel reimbursement request. In advance of travel, the employee must decide whether to accept the rates of the City or the other agency. If the travel costs are borne by the City, reimbursement from the other agency shall be paid to the City and deposited as expenditure abatement. If the other agency will reimburse the traveler directly, no City advance shall be made.

Travel and meals associated with Peace Officer Standards Training (POST) shall be governed by the rules and regulations determined by POST. Refer to Appendix F for the reimbursement form associated with POST travel.

In all instances, approval to incur any travel expenses shall be obtained from the Department Head or, in the absence of the Department Head, the person acting in their place, prior to making travel arrangements. The approved travel request form is required for the protection of the employee while traveling as an agent of the City.

2.2 POLICY INTENT

The travel policy enunciated herewith shall be construed so that no officer or employee shall suffer any undue loss while traveling on official City business.

A. California Government Code §53232

In accordance with California Government Code §53232.2(b), any local agency that reimburses members of a legislative body, including members of the City Council, for actual and necessary expenses incurred in the performance of official duties, is required to adopt a written policy specifying the types of occurrences that qualify a member of that legislative body to receive payment and or/reimbursement of expenses related to travel, meal, lodging, and other actual and necessary expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred by officials of legislative bodies in connection with the following types of activities generally constitute authorized expenses, as long as other requirements of this policy are met:

- Official board, council, committee, commission meetings scheduled subject to the Brown Act;
- Attending conferences, seminars, workshops or educational events related to the business or operations of such groups;
- Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels of City boards, commissions, committees, councils and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes;
- Participating in regional, state and national organizations whose activities affect the City's interests;
- Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

Expenditures not specifically covered by this list of occurrences will require prior approval by the City Council, or other legislative body action, at a public meeting before the expense is incurred.

Expense Reports and/or Travel Reimbursement claims covered by this section will be documented and filed in a timely manner with the Finance Division of the Internal Services Department (Finance Division), as required by this Policy.

All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Government Code §6250-6270).

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- 1) loss of reimbursement privileges;
- 2) a demand for restitution to the appropriate legislative body;
- 3) the agency's reporting the expenses as income to the employee or elected official to state and federal tax authorities;
- 4) civil penalties of up to \$1,000 per day and three times the value of the resources used;
- 5) prosecution for misuse of public resources (Government Code §53232.4); and
- 6) discipline, up to, and including, termination.

The guidelines are included as Appendix C.

In accordance with Government Code §53232.3 (d), Council members shall provide a brief report on the meetings attended at City expense at the next available Council meeting. If multiple Council members attended the same meeting, a joint report may be made.

2.3 TRAVEL ARRANGEMENTS

A. Travel Requests and Reimbursement — General Guidelines

Employees should consult with their Department Travel Coordinator, if one has been designated, for guidance with the preparation and submission of travel requests and travel reimbursement requests. The Department Travel Coordinator is responsible for making travel arrangements and can assist employees with these procedures.

All travel requests and travel reimbursement requests must be dated and include the signature of the employee and approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

Travel reimbursement requests shall be submitted to the Finance Division, within 10 working days of returning from travel. Travelers who fail to submit a travel reimbursement request within 12 months of travel will not be eligible for reimbursement pursuant to Section 911.2 of the Government Code.

For additional information regarding travel reimbursement requests and travel advances, refer to *Section 2.5(F) — Delinquent Recovery*.

B. Booking Travel Arrangements

Initial travel arrangements/reservations should be made by the Department.

See *Section 2.8(A) — Air Travel* for additional information on booking airline reservations.

2.4 APPROVING AUTHORITY FOR TRAVEL

All travel requests must be approved in advance by the Department Head or, in the absence of the Department Head, the person acting in their place. Department Head travel, including the Library Director, shall be approved by the City Manager, or the Deputy City Manager in the absence of the City Manager. Council Appointee travel shall be approved by the City Manager or the Deputy City Manager in the absence of the City Manager. City Manager travel shall be approved by the Deputy City Manager. City Council travel shall be approved by the City Clerk, or the City Manager in the absence of the City Clerk. The Finance Division is authorized to reimburse travelers whose expenses are justifiable and in compliance with this policy. Any unresolved disputes

between the Finance Division and the traveler's department shall be resolved/approved by the City Manager. Disputes regarding reimbursement of Councilmember travel costs shall be heard by the Council in open session and resolved by a majority vote.

A. Mandatory Travel

- (1) An officer authorized by law to incur necessary travel expenses when transporting prisoners, court wards or visiting court wards, dependent children, or conservatees who are in placement, shall be required to obtain approval for such travel from the Department Head or, in the absence of the Department Head, the person acting in their place.
 - (a) The Finance Division is authorized to make travel advances for trips involving the transportation of prisoners or court wards. To request an advance to transport prisoners or court wards, a regular travel advance request should be submitted directly to the Finance Division.

B. Long-Term Travel

- (1) Long-term travel shall be defined as employee business travel for 30 or more consecutive calendar days outside of the City, notwithstanding any personal return trips home during the course of the extended work period.
- (2) The Department Head or, in the absence of the Department Head, the person acting in their place is responsible to advise the Finance Division by requesting a meeting with the Finance Manager at least 30 days in advance of any long-term travel. The Finance Division and the department requiring employee long-term travel shall have the authority to negotiate lodging rates, mileage reimbursement rates, and incidental expenses for the traveler that may differ from those designated in this policy. Efforts will be made by the Finance Manager and the Department Head or, in the absence of the Department Head, the person acting in their place to ensure that lodging is adequate for a long-term stay and that the provider will invoice the City, rather than require the traveler to incur the cost of lodging. Employees who choose to make arrangements that differ from the negotiated rates must do so at their own expense.
- (3) Travel advances will generally not be issued for the entire duration of the long-term travel. The Finance Division will work with the traveler's department to ensure the employee has sufficient funds to mitigate any undue hardship, while ensuring the City is not placed at undue risk for recovery of outstanding funds. This process will generally result in the issuance of an initial cash advance to cover anticipated expenses for no more than the first 30 days of travel. After that initial 30-day period, the traveler will submit bi-weekly travel reimbursement requests.

C. Travel Out of State or Out of Country

Travel out of state or outside the United States is authorized when it involves apprehension, investigation and transportation of prisoners, dependents or wards of the Court and training and conferences. The traveler must first complete a travel request form for the approval of the Department Head or, in the absence of the Department Head, the person acting in their place.

All travel out of state or out of country must be pre-approved by the City Manager. See Appendix D for the appropriate approval form.

All costs associated with obtaining a passport or immunizations required for out of country travel are not reimbursable.

D. Candidate Travel Expenses for Selected Employment Applicants

The City Manager, or their designee, may approve payment of employment candidate travel expenses for selected employment interviews when the following circumstances exist:

- (1) Recruiting was done outside the San Joaquin County area.
- (2) The reimbursement would apply only at a point in the selection process that involves a limited number of candidates.
- (3) Reimbursement amounts would be subject to the same limitations as apply to City employees. Human Resources will advise the candidate of the City's travel policy limits and receipt requirements.
- (4) The candidate may book his/her own travel arrangements; however, reimbursement will occur after the fact.

E. Entities Doing or Seeking to Do Business with the City

When on official City business, employees/officials will not conduct City business at the expense of persons/companies doing or seeking to do business with the City. Specifically, transportation and related expenses associated with gaining knowledge about goods and services being offered by private persons or private entities doing business with the City shall be borne by the City. However, this provision may be waived by the City Manager if it is determined to be in the best interest of the City. This provision shall not apply to transportation and related expenses paid as a normal part of a City contract for goods or services.

2.5 TRAVEL ADVANCES

A. Generally Prescribed Expenses

The Finance Division is authorized to pay 100 percent of registration or conference fees to the conference provider and issue an advance to the traveler for up to 90 percent of the estimated lodging and meal expenses for official travel, unless such expenses are expected to be paid with a City-issued credit card. In addition, travel advances may include up to 50 percent of the estimated personal private mileage reimbursement, pursuant to existing employee agreements, when personal vehicles are approved for use for official travel. (Generally this rate will be the current mileage rate authorized by the Internal Revenue Service). Additionally, \$5.00 per day for incidental expenses may be requested as part of the travel advance. Generally, airfare, lodging and car rental expenses are paid via City-issued credit cards and are not advanced to the traveler. When the lodging provider requires pre-payment, see *Section 2.6(G) — Pre-Paid Lodging*, which details this process.

B. Trips Lasting 10-29 Calendar Days

On trips lasting 10 to 29 calendar days, the Finance Division is authorized to advance up to 100 percent of the estimated lodging and meal expenses for official travel and other expenses as deemed appropriate by the traveler's Department Head.

C. Trips Lasting 30 Calendar Days or More

For trips lasting 30 calendar days or longer, please refer to *Section 2.4(C) – Long-Term Travel*.

D. Travel Advance Processing

Travel advance requests shall be received by the Finance Division for processing a minimum of twenty (20) working days prior to any required action on the request. Requests to attend meetings, conferences, or training must include a copy of documentation which indicates the meeting place, time and agenda, if available. Generally, travel advances will not be issued prior to five (5) working days before expected travel and shall not be made for amounts less than \$100.00 unless adequate justification is submitted to show that undue hardship to the individual will result in the event the smaller advance is not made.

Travel advances will be mailed to the address of record of the employee. The Finance Division has the option of withholding advances if a previous advance is unsettled or if the traveler has been notified of ineligibility for an extended period of time pursuant to *Section 2.5(F)(4)*.

E. Travel Advance Reconciliation

Within 10 working days after return from a trip, or within 10 working days of receipt of reimbursement from a third party, a traveler must account for all advances pertaining to that trip by submitting all necessary receipts and a travel reimbursement request form to the Department Head. Any excess of advances over expenses must be refunded immediately by check from the traveler made payable to the City of Lodi. A travel reimbursement request in the amount of the actual travel expense incurred by the traveler must be forwarded to the Finance Division. A check in the amount indicated on the *Amount Owed by Employee* line of the reimbursement form must be forwarded immediately to the Finance Division.

Advances must be returned to the Finance Division when an event is canceled, postponed indefinitely, or another individual will be traveling on the City's behalf. **Travelers are, under no circumstances, to transfer a travel advance to another employee.** If necessary, the Finance Division can issue a replacement travel advance with 24 hours notice.

F. Delinquent Recovery

- (1) Each Department is responsible for monitoring outstanding travel advances for its employees. The Department Travel Coordinator should contact the traveler within 10 working days of return, or within 10 working days of receipt of reimbursement from a third party, if the traveler has not submitted the necessary receipts and a completed travel reimbursement request form.
- (2) Failure to settle outstanding cash advances in a timely manner may result in a delay in reimbursement, and the traveler may be required to pay his/her personal credit card bill prior to reimbursement.
- (3) The Finance Division will send a written memorandum to the Department Head for distribution to the traveler (a sample memo is included as *Appendix A*) when the traveler has not completed the travel reimbursement request form within 11 working days.
- (4) If an outstanding travel advance has not been recovered within 30 calendar days, the Finance Division will notify the traveler's Department Head to advise the employee that travel advance privileges have been revoked and send a copy of this revocation to the employee.
- (5) The Finance Division will create a journal entry and transfer the cost of any outstanding advances that are 60 calendar days delinquent to the traveler's department. Notification of the journal entry will be sent to the traveler's Department Travel Coordinator. Any inaccuracies regarding organization units or general ledger accounts will be the responsibility of the traveler's department. Any collection of funds after

the journal entry has been issued shall be deposited by the traveler's department.

- (6) If an outstanding travel advance has not been recovered within 60 calendar days from the date the accounting for the event was due, the Finance Division may initiate formal collection procedures. These collection procedures will include referral of the full amount outstanding to a collection agency.
- (7) Unrecovered outstanding advances and/or proceeds from discount, rebate, or premium coupons on transportation tickets, which are considered as being a monetary benefit to the employee, are reportable to taxing authorities.

2.6 LODGING

A. Reimbursement – General Guidelines

Reimbursement for the cost of lodging is limited to the actual cost incurred. Generally such costs should not exceed the maximum federal rate (domestic or foreign) excluding tax, per day. The City is not responsible for reimbursement for luxury upgrades (ocean views, king-size beds, suites, etc.).

Domestic and foreign rates, “Federal Foreign & Domestic Per Diem Rates,” are available at: <http://www.gsa.gov/portal/category/100120>

For domestic rates, click on the appropriate state on the map of the United States. Refer to the “Maximum Lodging” which excludes taxes. For foreign rates, click on the world map section below the United States map and select the appropriate foreign area.

Generally, the City will allow an employee to arrive the evening prior to an event when the event location is a 90-minute or more drive from Lodi. Locations in the South Bay Area and in San Francisco are exceptions and will automatically qualify for an overnight stay. Any other exceptions will require prior approval of the Department Head and City Manager.

The City will not reimburse a traveler for costs incurred for a stay at a room-sharing type of location (Air BnB-type site) that is not properly licensed through their respective city, county or state or one that does not pay Transient Occupancy Tax.

B. Extended Stay Accommodations

For trips involving one or more weeks of lodging, the Department should explore the cost of weekly lodging versus daily lodging. In addition, consideration can be given for lodging which includes a refrigerator and microwave at an additional cost. It would then be expected that savings would benefit the department when

the traveler chose to purchase groceries instead of dining out. When requesting reimbursement for such extended stay accommodations, a letter explaining the cost analysis must accompany the completed travel reimbursement request.

C. Additional Allowances

Generally, lodging at conference facilities will be allowed regardless of cost. If the conference facility is full, then lodging at alternate hotels shall be acceptable. The Department shall attempt to locate the least expensive alternative. Additional allowances for lodging sufficient to cover actual costs where it is manifestly impracticable to occupy less costly accommodations may be specifically authorized by the Department Head or, in the absence of the Department Head, the person acting in their place.

Most hotels offer self-parking while some require valet parking. The City preferred parking option is that which offers the lowest cost and will generally be the self-parking option. If valet parking is the only option, or the safest option, that a hotel offers, reimbursement will be approved for the valet option.

D. Travel with a Companion

When a companion accompanies a traveler on official business, reimbursement for lodging will be at the lowest available single-occupancy rate for the accommodations. It is the traveler's responsibility to obtain the lodging rates for both single and double occupancy accommodations and indicate those rates on the travel reimbursement request.

E. Requesting Government Rates

The traveler should ask for government rates at the time of arrival (unless a group or conference rate is less). A City identification card or business card is generally sufficient identification.

F. Hotel Cancellations

Hotel cancellations are the responsibility of the traveler. Any cancellation charges incurred will be billed to the traveler unless proper justification is provided.

G. Pre-Paid Lodging

When lodging must be pre-paid to ensure reservations, the Finance Division may issue a warrant payable to the lodging establishment or the Department may pay the pre-paid amount utilizing a City issued credit card. The Department must present written documentation from either the lodging establishment or the conference materials that states the amount of the required pre-payment. The traveler must sign a statement that he/she will not request reimbursement for any pre-paid lodging on a travel reimbursement request (a sample statement is

included as *Appendix D*). Any travel advance request must be reduced by the amount of any pre-paid lodging expense.

H. Hotel Receipts

When requesting reimbursement for hotel accommodations, the original itemized hotel bill must accompany the completed travel reimbursement request.

2.7 MEALS

A. Reimbursement – General Guidelines

Reimbursement for meals shall be made only when travel extends for a minimum of six (6) hours during the normal working day. In order to be reimbursed for the cost of meals, travel must begin before the times reflected on the following schedule:

MEAL	TRAVEL BEGINS BEFORE
Breakfast	6:00 a.m.
Lunch	11:00 a.m.
Dinner	5:00 p.m.

In addition, the trip must last for a minimum of six (6) hours, ending after 7:00 p.m., to qualify for dinner. For purposes of determining eligibility for reimbursement, travel shall be considered to begin when the traveler departs his/her residence if the trip begins before or after normal office hours. If the trip begins during normal office hours, travel shall be considered to begin when the traveler departs his/her office.

B. Meals Supplied by Common Carriers/Conference/Hotel

Meals which are supplied by common carriers or are included in conference fees or hotel rates will not be reimbursed individually, but are considered to be included in the fees paid directly to the airline, conference or hotel (i.e., if a traveler is booked on a flight which serves lunch at no additional cost, no reimbursement will be provided for the lunch meal). A continental breakfast does not constitute a meal. The traveler or the Department Travel Coordinator should inform the carrier/conference/hotel of any special dietary requirement at the time reservations are made, and the traveler should remind the provider of the special request.

C. Meals Consumed Within Lodi City Limits

Employees who incur costs due to attendance at a meeting, training or conference which includes a meal will not be reimbursed for said meals consumed within the Lodi City limits during the individual's normal working day when it can be demonstrated that the meal or meals involved are included in the cost of the

meeting or conference which the employee is attending for the benefit of the City. Meals within Lodi City limits will also be reimbursed when the meal is approved by the department for same day travel of less than 300 miles round trip within the provisions of Section 2.7.

D. Meal Reimbursement Rates

Meal reimbursement, including tips, will be for actual amounts, supported by itemized receipts, up to the maximum amount, based on the following criteria:

- **Meals consumed within the Continental United States:** Maximum amounts will be based on the meal rates published by the U.S. General Services Agency (GSA) and can be found at:

<http://www.gsa.gov/portal/category/100120>

- **Meals consumed outside the Continental United States:** Maximum amounts will be based on the U.S. Department of State meal rates in effect for the destination and can be found at:

https://aoprals.state.gov/content.asp?contentid=184&menu_id=78

E. Meal Reporting Requirements

The traveler must report on the travel reimbursement request form the **ACTUAL amount expended** for each meal for each day, supported by itemized receipts. Please use the Meal Expense Summary form included in Appendix E. Even if the amount is greater than the maximum allowed under this Policy, meal reimbursement will be reimbursed based upon the maximum amount allowed. Because of Internal Revenue Service (“IRS”) requirements, employees should keep a record of these expenses for Federal Income Tax purposes. The record should include:

- Name and location of establishment where the meal/event took place.
- Exact amount and date of the expense.
- Specific business discussed.

Traveler must include a print-out of the allowance for the appropriate city from the appropriate GSA website referenced in Section 2.7 (D) along with their reimbursement claim.

Meals provided as part of the training/conference are not reimbursable. Traveler must include a copy of the training/conference program showing meals that are included with the cost of the conference/training.

F. Restrictions

No reimbursement shall be made for alcoholic beverages of any kind.

2.8 TRANSPORTATION

Normally, travel will be by the most reasonable means available, taking into consideration requirements for reimbursement for meals and lodging and employee time devoted to travel at the expense of performance of other duties.

A. Air Travel

- (1) The Department Travel Coordinator will arrange for reservations and tickets for approved travel requests authorizing air transportation. The lowest available fare will be used for air travel unless otherwise specifically authorized by the approving authority. As a general rule, employees will be expected to accept flights departing within two (2) hours of the desired departure time. Such a window may not be suitable for all situations.
- (2) The Department Travel Coordinator must carefully monitor flights with cancellation penalties. If cancellation occurs due to a City-related change, the City department will cover the penalty cost. If, however, cancellation occurs due to a traveler's personal request, the traveler will be required to pay the penalty. An exception may be made for cancellations related to a family death (for which the airlines may not impose penalties) or an illness approved by the Department Head.

Note: Most tickets issued today are non-refundable and non-transferable. These tickets will incur a fee for any changes.

- (3) All air travel arrangements for City employees should be made by the Department Travel Coordinator or the designee.
- (4) If an employee wishes to drive their personal vehicle in lieu of air travel and possibly a rental car, reimbursement will be authorized only up to the amount of the least expensive alternative. The request for reimbursement must include a printed copy of the quoted airfare as justification for the cost of air travel and the cost of the employee's mileage and attest to the least expensive alternative.

B. Train Travel

In some instances train travel may be a viable alternative to air travel or car travel. An example would be the AMTRAK to San Francisco, in lieu of a car and paying for parking. The Department should evaluate the cost and time involved, prior to approval. In most instances it would be expected that the traveler would incur additional taxi fares at his/her destination. This cost should be included in the analysis. In addition, the time involved with the trip must be considered as a factor. A two-hour train trip to San Francisco is reasonable, but a 12-hour trip to San Diego would not be reasonable, unless the traveler is taking vacation time en route.

C. Car Rental

- (1) Employees on out-of-town trips should use public conveyances (taxis, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Department Heads have discretion to approve rental cars which do not meet these criteria. Generally, a rental car should not be requested unless one or more of the following criteria are met:
 - a. Multiple business meetings that require travel between points make use of public conveyance impractical.
 - b. Three or more City employees are attending the same meeting and one rental car for the group would be more economical.
 - c. It is less expensive to rent a car overall.
- (2) The Department Travel Coordinator will arrange for reservations only upon receipt of an approved travel request.
- (3) Rental car expenses are to be paid by one of the following methods:
 - a. City issued credit card; or
 - b. Traveler's personal credit card.
- (4) Suggested auto sizes per number of people:
 - 1-2 passengers — compact or subcompact;
 - 3-4 passengers — mid-size permitted.
- (5) Travelers are to waive all additional insurance offered when renting a car. Any additional insurance authorized by the traveler may, at the Department Head or, in the absence of the Department Head, the person acting in their place, discretion, be a reimbursed expense.

- (6) Rental Car Fueling:
 - a. The traveler must fill the gas tank before returning the car to avoid fuel surcharges. Fuel expenses will be reimbursed based upon the receipts provided. Exceptions to the use of self-service fueling will not be allowed unless the employee can demonstrate and justify the reasons for not using available self-service fuel dispensing facilities.
 - b. In emergency situations, use of rental Car Company fueling options may be authorized by the Department Head.
- (7) Where extended personal travel is involved (see *Section 2.13 – Extended Personal Travel*), rental car expenses must be pro-rated to allow reimbursement for only those costs associated with City business.

D. Travel by City Vehicle

- (1) Travel out of the City in City vehicles is the preferred mode of travel after common carrier. The Fleet Services Division has a wide variety of vehicles available to City employees.
- (2) If more than one officer, employee, or person is traveling on the same trip, all reasonable efforts will be made to minimize transportation costs by use of a single vehicle.
- (3) Individuals that are not City staff or participants in City sponsored programs are prohibited from being transported in City-owned vehicles.

E. Travel by Private Vehicle

- (1) While City vehicle use is preferred, Department Head approval is required when the traveler chooses to use a private vehicle. All private vehicle travel will be reimbursed at the current IRS approved mileage rate.
- (2) Authorized out-of-City travel will normally be reimbursed at the IRS approved rate. However, when air travel is the most appropriate and economical means of transportation, maximum reimbursement will be in an amount equal to air coach fare unless the traveler clearly demonstrates in advance to the satisfaction of the Finance Division that travel by other means is more advantageous to the City.
- (3) For reimbursement purposes, mileage shall be determined based upon a starting point of the City office of the traveler, unless mileage is less based upon the traveler's home address. In all cases, normal commute mileage for the traveler shall be deducted from the total miles traveled before determining the total miles eligible for reimbursement. Traveler shall submit a Mapquest directions print-out (or equivalent mileage calculation) that documents the mileage requested for reimbursement.

- (4) For purposes of this Policy, a private vehicle must meet the following:
- The vehicle shall be a conventional four-wheel, enclosed vehicle;
 - The vehicle must be equipped with seat belts;
 - The vehicle must be in sound mechanical condition, adequate for providing required transportation in a safe manner and without unreasonable delay.
 - The vehicle must be insured to, at least, the state minimum required coverages.

Use of a two or three wheel private vehicle is prohibited on City business.

F. Exceptions

The approved mode of travel may differ from that requested as deemed appropriate by the Department Head.

2.9 ADDITIONAL ALLOWANCES

A. Baggage Handling, Tips and Incidentals

When included on the final travel reimbursement request, \$5.00 per travel day will be allowed to cover baggage handling, tips, and incidental expenses. Receipts are not required when requesting the \$5.00 allowance for such expenses. Incidental expenses including laundry and personal telephone calls are not reimbursable.

B. Telephone, Facsimile and Internet Access

Due to the high cost of hotel phone usage, travelers are **strongly discouraged** from making calls from hotel equipment. It is the Department's responsibility to advise all travelers of this recommendation. Acceptable alternatives to hotel phone usage are:

- (1) **Cellular Phones.** Travelers are encouraged to use City-issued or personal cellular phones, provided that long distance is included at no additional cost.
- (2) A Department Head or Designated Department Representative may, at their discretion, authorize payment of hotel phone, facsimile or internet access charges. Any such authorization must include a letter of explanation signed by the Department Head or, in the absence of the Department Head, the person acting in their place.

C. Reimbursable Expenses with Receipts

While traveling on official City business, the following expenses are reimbursable at actual cost **upon presentation of original receipts**:

- (1) Necessary taxicab, airport transportation, bus fares, shuttle charges, or bridge tolls, including tips.

- (2) Conference or seminar registration fees and associated tapes, reports, etc., which can be shown to be of extreme value to the participant in their work for the City. The decision to approve these expenses rests with the Department Head or, in the absence of the Department Head, the person acting in their place.
- (3) Parking fees.
- (4) Traveler's checks surcharge.
- (5) Postage.
- (6) Other justifiable expenses will be approved based on a review of special circumstances.

D. Reimbursable Expenses without Receipts

While traveling on official City business, the following expenses are reimbursable at **actual cost, without receipts**:

- (1) Metered parking and parking in unattended lots (maximum of \$6.00 per travel day).
- (2) Bay Area Rapid Transit (BART) fares (fee schedule must be attached to final travel reimbursement request).

E. Non- Reimbursable Expenses

- (1) Baby-sitting fees.
- (2) Personal toiletries.
- (3) Personal care expenses.
- (4) Traffic fines or parking tickets.
- (5) Hotel luxury upgrades.
- (6) Expenses associated with a non-employee who accompanies the employee on official business.
- (7) Alcoholic beverages.
- (8) Laundry services
- (9) In-room movies.
- (10) Entertainment outside those activities offered as part of the conference registration package.

2.10 FREQUENT FLYER MILES/HOTEL INCENTIVES

Travelers who participate in airline frequent flyer programs or hotel incentive programs may apply City travel to these programs. Any benefit derived from these programs may accrue to the traveler. However, Department Travel Coordinators are not to be hindered from booking the most economical flights, lodging accommodations or car rental in order to benefit the traveler personally.

2.11 OPTIONAL EVENTS AT A CONFERENCE

The City will pay for all events included in a conference registration fee. Where a conference includes other optional events at an additional cost, the traveler must be able to justify the business relationship of the event. Networking with other attendees is **not** a valid business relationship. Where an optional event is not business-related and includes a meal, the traveler can be reimbursed up to the maximum meal reimbursement rate.

Example 1: A conference includes an optional dinner event at a resort with entertainment provided. The cost of the dinner trip is \$50.00. Since there is no business purpose, the traveler can request reimbursement for the current maximum meal rate.

Example 2: A conference includes an optional tour of the world famous San Diego Wild Animal Park. There is no meal provided. This event is not reimbursable.

Example 3: The Conference of Water Quality Officials includes a tour (or a tour and a meal) of the local water treatment plant and a discussion of how the entity has utilized the latest technology. The person traveling works for the City in the water treatment plant. The traveler would submit a statement that this tour was related to their job with the City. The cost of this event would be reimbursable to the employee.

2.12 EXTENDED TRAVEL BASED ON COST SAVINGS

It is acknowledged that travel out of state will generally involve arrival the night before, regardless of the time the event begins. In addition, an employee is expected to return on the last day of the event when the last activity ends prior to 3:00 p.m. If the last activity extends beyond 3:00 p.m., then the City Manager may authorize the traveler to stay the additional night and return the following morning. Occasionally extending a stay beyond that required by the event may result in significant cost savings on airline fares. The stay can be extended when the airfare savings exceed the additional total cost for all of the following:

- Additional hotel costs;
- Additional meal costs;
- Additional per diem costs; and
- Traveler's salary for his/her paid status on the additional days away from the office.

If all of the above is true, the Department must include with the travel reimbursement request a signed statement and a detailed accounting of the savings.

2.13 EXTENDED PERSONAL TRAVEL

Under no circumstances will the City reimburse an employee for expenses incurred when the employee opts to extend their time at the destination for personal reasons. (i.e., the employee takes vacation, stays through the weekend, or arrives during the weekend). Reimbursable expenses will cease to accrue as of the expected return time had travel been

consistent with *Section 2.12 – Extended Travel Based on Cost Savings*. Reimbursement for car rental and airport parking must be prorated to allow reimbursement for only those costs associated with City business.

2.14 CONTEST/DRAWING PRIZES AT CONFERENCES/EVENTS

If an employee attending a conference or training event, on City time as a representative of the City, wins a prize, collects items from vendors or is given items that aggregate over \$50 by a single vendor, such prize or items are deemed to be City property.

Example 1: Employee is selected as a winner in a blind drawing of all registered attendees for a \$1000 Visa gift card. Employee must turn over the gift card to the City.

Example 2: A vendor gives an employee a polo shirt(s) with the vendor logo. Employee must determine the value of the polo shirt(s). If value exceeds \$50, employee must report such shirt(s) to their department head. The department head may allow the employee to keep the shirt(s) or take the shirt(s) from the employee and dispose of it/them. If the employee is allowed to keep the shirt(s), this will likely become a reportable item on the employee's annual Conflict of Interest statement (Form 700), if they are subject to such reporting.

Example 3: Employee picks up pens, pencils, toys and Post-it note pads from multiple vendors while at a conference. The aggregate value of the items exceeds \$50, but the value from any given vendor does not exceed \$50. Employee may keep the items for personal use and has no reporting responsibilities for these items.

Example 4: Vendor scans employee badge. Subsequently, employee is notified that they are the winner of an iPad. The iPad is considered City property and must be turned over to the City.

Example 5: Employee drops their business card in a bowl at a vendor booth. Employee is subsequently notified that they are the winner of a Harley Davidson motorcycle. The motorcycle is considered City property and must be turned over to the City.

APPENDIX A

[Date]

To: [Traveler Name]

From: [Department Head]

Subject: **NOTICE OF OVERDUE TRAVEL REIMBURSEMENT REQUEST**

Pursuant to City of Lodi Travel Policy Section 2.5(E), travelers must account for any travel advances associated with their travel within 10 working days after returning from the trip (or within 10 working days after receipt of reimbursement from a third party).

Your travel reimbursement request related to Travel Request No. _____ is past due. Please submit this request immediately.

APPENDIX B

PRE-PAID LODGING CERTIFICATION

I, the undersigned, hereby certify that I will not request reimbursement for any pre- paid lodging expenses on any travel reimbursement request in accordance with the City of Lodi Travel Policy, Section 2.6(G).

Signature: _____

Name: _____

Title: _____

Dept: _____

Date: _____

APPENDIX C
GUIDELINES FOR TYPES OF EVENTS
RESULTING IN ELECTED OFFICIAL
REIMBURSEMENT

All qualifying trips/events and related expenses are subject to the provisions of the Travel Policy.

1. Official board, council, committee, commission meetings scheduled subject to the Brown Act.

These are meetings to perform the duties of the legislative bodies of which the claiming individuals are members, or similar meetings of other legislative bodies that the claiming individuals are required to attend in order to carry out the official business of their own legislative bodies.

2. Attending conferences, seminars, workshops or educational events related to the business or operations of such groups.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include Urban Land Institute conferences.

3. Attending legislative and educational seminars, workshops and training, designed to improve legislative body expertise and information levels. City boards, commissions, committees, councils, and affiliated City staff providing primary support will be offered in-house ethics training and will not be reimbursed for publicly offered ethics training classes.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body.

4. Participating in regional, state and national organizations whose activities affect the City's interests.

All non-mandated events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body. Examples of such events include annual or regional conferences of the Council of Governments or League of California Cities.

5. Opportunities to meet with city, county, state, or federal officials to discuss legislative body interests and to implement City-approved strategy for attracting or retaining businesses to the City, which typically involve at least one staff member.

All events under this category should bear a clear, direct relation to the business or operations of the claiming individual's legislative body or to City business and operations.

6. Events that promote public service and morale by recognizing City participation and service.

All events under this category should be limited to **local** events that recognize participation and service for **specific projects or accomplishments**, rather than general career service events such as retirement events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

7. Attend City events.

All events under this category should be limited to local City-sponsored events. Reimbursable costs **exclude** costs for any gifts, donations, or honoraria.

APPENDIX D

[Date]

To: City Manager

From: [Department Head]

Subject: **OUT OF STATE/COUNTRY TRAVEL APPROVAL**

Please approve out of state/country travel for the following:

Employee: _____

Dates: _____

Destination: _____

Purpose of Travel: [Describe the purpose of the travel and the benefit to the City of the travel]

Approved Denied

City Manager

APPENDIX E

Business Expense and Claim Voucher Form

APPENDIX F

POST Reimbursement Request Form

APPENDIX G

Mileage Reimbursement form(s)

CITY OF LODI
ADMINISTRATIVE POLICY MANUAL

SUBJECT: : TUITION REIMBURSEMENT

DATE ISSUED: : July 1, 2003
October 1, 2008
September 1, 2011

SECTION 1: PURPOSE

The purpose of tuition reimbursement is to encourage employees to broaden their knowledge in their occupational field and in the activities and functions of the City of Lodi through participation in educational courses of recognized schools or professional organizations. It is expected that as a result of such participation, the employee will enhance his/her career opportunities, and the City will benefit in terms of increased efficiency and quality of work.

SECTION 2: ELIGIBILITY

Participation is limited to full-time regular employees of the City of Lodi.

SECTION 3: REIMBURSEMENT

City shall reimburse employees the cost of tuition and books (including software) upon the satisfactory completion of job related coursework. Employees must maintain continuous service from the date a course begins to the date of its completion. Employees shall not be eligible for reimbursement when a course is paid for by another source.

- 1) Employees shall receive up to a maximum of \$3,000 per fiscal year (including books and software), to be paid upon the satisfactory completion of course work.

A fiscal year is the period between July 1 and June 30; the final date of class shall determine the fiscal year in which that course falls. You cannot request reimbursement for a course in a fiscal year that the course did not end. For example: if you complete a class in June, but not request reimbursement until August, funds for your reimbursement would be derived from the previous fiscal year.

Course work must be part of a program of study towards obtaining an Associate of Arts, Bachelor's, or any higher degree. The college or university must be accredited from

one of the eight regional accredited associations listed below:

- Middle States Association of Colleges and Schools
Middle States Commission on Higher Education
- New England Association of Schools and Colleges
Commission on Institutions of Higher Education
- New England Association of Schools and Colleges
Commission on Technical and Career Institutions
- North Central Association of Colleges and Schools
The Higher Learning Commission
- Northwest Commission on Colleges and Universities
- Southern Association of Colleges and Schools
Commission on Colleges
- Western Association of Schools and Colleges,
Accrediting Commission for Community and Junior
Colleges
- Western Association of Schools and Colleges,
Accrediting Commission for Senior Colleges and
Universities

SECTION 4:

JOB RELATIONSHIP

Courses should pertain to an employee's career field, thus enhancing his/her career advancement opportunities and job skills. Courses related to an employee's job duties and responsibilities must exceed the educational level required to qualify for the employee's current classification.

SECTION 5:

APPLICATION PROCEDURE

Prior to enrollment in a course, the employee shall submit an application for participation in this program to his/her Department Head.

The Department Head shall review the application and determine eligibility according to the Tuition Reimbursement policy and the appropriate memorandum of understanding. If the application is denied, a letter shall be sent by the Department Head to the employee explaining why it has been disapproved. If the application is approved, the Department Head shall sign the application and return it to the employee, who shall be responsible to retain it until the course is completed.

Upon completion of the course of instruction, the employee shall submit to the Department Head evidence of satisfactory

completion (grade of "C" or equivalent or better). For ungraded courses, a statement from the school or the instructor must indicate successful completion of the course. This shall be accomplished within 60 calendar days of the completion of the course. In the event that such cannot be furnished within this time period, the employee shall provide a written statement explaining the reason for the delay.

The Department Head shall then authorize payment of the appropriate reimbursement.

The completed application, receipts, and evidence of grade shall be forwarded to Human Resources for approval. Once approved by Human Resources the packet will be forwarded to the Finance Division and a reimbursement check shall be issued to the employee.

SECTION 6:

CONDITIONS

Participation in courses must not be during regular work hours and must not result in reducing either the normal work week of the employee or the quality and quantity of his/her services to the City; except that the City may grant time off for attendance at courses during working hours if the course is given at no other times and if such time off does not disturb normal City operations. The best interests of the City shall at all times be the determining factor in the consideration of such time off.

Employees must complete courses within the regulation period of time allowed for them by the school or professional organization.

Participation in this program is to be considered a privilege rather than a right of the employee.

The City reserves the right to disapprove reimbursement for courses if the course requested is available at a substantially lower cost at a local school or college.

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : Veterans Preference Points - *Policy*
DATE ISSUED: : November 21, 2001
SECTION: : V
REFERENCE: : California Government Code Section
50088 & 18973

SECTION 1: PURPOSE

Veterans preference points for applicants for entry jobs into city service are, in part, a reward for service in defense of the nation and state and in part, compensation for postponed or interrupted civilian careers. The city supports the efforts of veterans and wishes to attract individuals who have served in the military to public service because of their skills and work ethics.

SECTION 2: ELIGIBILITY

Veterans will be defined in accordance with California Government Code 18973 which states that a veteran shall mean any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940 to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable. It does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

SECTION 3: APPLICATION

Veterans shall apply like all other applicants, completing a City of Lodi job application and filling out the appropriate attachments if necessary. Upon applying veterans shall attach documentation (DD214) providing the Human Resources Department with proof of military status as defined above.

DRAFT - 10/08/15

SECTION 4:

VETERANS PREFERENCE POINTS

Veterans will be eligible for five percentage points for entry jobs into city service (see attached list of eligible positions), which are recruited through an open examination process (non-promotional). Preference points will not be given for unranked eligible lists or for positions recruited through a promotional examination process. This system would apply the five percentage points at the time a ranked eligible list is established, to all qualifying veterans as defined, who have received a qualifying score on exams up to the point of eligibility. The attached list of positions is subject to change based upon the addition or deletion of classifications defined as entry level. Preference will be given on a one-time only basis.

Veterans Preference Points

Eligible Classifications:

- Accountant I
- Accounting Clerk I
- Administrative Clerk
- Assistant Animal Services Officer
- Building Inspector I
- Community Improvement Officer I
- Customer Service Representative I
- Data Processing Programmer Analyst I
- Deputy City Attorney I
- Dispatcher/Jailer
- Electric Lineman/Linewoman
- Engineering Technician I
- Equipment Service Worker
- Fire Fighter I
- Junior Engineer
- Junior Planner
- Laboratory Technician I
- Laborer
- Librarian I
- Library Assistant
- Management Analyst Trainee
- Meter Reader
- Network Technician
- Parking Enforcement Assistant
- Parts Clerk
- Police Officer Trainee
- Police Records Clerk I
- Public Works Inspector I
- Storekeeper
- Utility Service Operator I

CITY OF LODI
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

SUBJECT: : VIOLENCE IN THE WORKPLACE - *Policy*

DATE ISSUED: : January 2, 1998

SECTION: : V

REFERENCE: : California Occupational Safety and Health Act of 1973; California Labor Code §§ 6300 et seq.; California Department of Industrial Relations, "Guidelines for Workplace Security"; California Code of Regulations § 3203; California Workplace Violence Safety Act of 1994.

SECTION 1: PURPOSE

To ensure a business environment safe from the threats and acts of violence towards City employees, the citizens of Lodi, and persons who conduct business with or receive services from the City of Lodi.

SECTION 2: ZERO TOLERANCE

The City of Lodi is concerned about the safety and security of its employees and the citizens of the community. The City of Lodi has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and /or coercion which involve or affect the City of Lodi or which occur on City property will not be tolerated.

SECTION 3: THREATS OR ACTS OF VIOLENCE

"Threats or acts of violence" include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter employment conditions, or to cause a reasonable person to feel threatened or perceive a hostile, abusive, or intimidating work environment.

General examples of prohibited workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on City property, regardless of the relationship between the City and the parties involved in the incident.
2. All threats or acts of violence not occurring on City property but involving someone who is acting in the capacity of a representative of the City.
3. All threats or acts of violence not occurring on City property involving an employee of the City, if the threats or acts of violence affect the legitimate interest of the City.
4. Any threats or acts resulting in the conviction of an employee or agent of the City, or of an individual performing service on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City.

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under this policy shall include, but are not limited to the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the City.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interest of the City.
6. Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person, or making a credible threat with intent to place the other person in reasonable fear of his/her safety.
7. Making a suggestion otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs.
8. Carrying weapons in a personal or City vehicle or on their person while in a duty status or on City property (on or off duty). Weapons are defined as all firearms and weapons that are illegal under California Penal code §12020, including but not limited to guns, nunchaku, brass knuckles, billy clubs, and switchblade knives.

While Public Safety employees of the City may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, it is the City's policy that such employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

SECTION 4: APPLICABILITY

The City of Lodi's prohibition against threats and acts of violence applies to all persons involved in the City's operations, including but not limited to City employees, former employees, contractors, temporary and/or part-time workers, vendors, consultants, and persons receiving City services.

SECTION 5: CONSEQUENCES

Violations of this policy by City employees may result in disciplinary action up to and including termination. Violations of this policy by those performing a service on the City's behalf on a contract or temporary basis will result in the termination of such contract.

Threats or acts of violence will be reported to the Lodi Police Department and the appropriate regulatory agency. Threats or acts of violence will be pursued to the fullest extent of the law.

SECTION 6: REPORTING

All City employees, citizens and persons conducting business with or receiving services from the City of Lodi are encouraged to report incidents of threats or acts of physical violence of which they are aware.

In cases where the reporting individual is not a City employee, the report should be made to the City of Lodi Police Department.

In cases where the reporting individual is a City employee, the employee must report threats or acts of violence to his/her immediate supervisor or to a management level supervisory employee if the immediate supervisor is not available, or to the police department in the case of immediate serious threat or the commission of a crime. The

supervisor or management employee will immediately report the incident to the Human Resources Director or his/her designee.

Except for reports directly to the police department, all reports shall be documented on the appropriate form designated by the Human Resources Director.

Even without an actual threat, employees should report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City-controlled site, or is connected to City employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the object of the threatening behavior.

The Human Resources Department will take the appropriate and necessary steps or actions to remedy the incident reported and its causes.