



TOWN OF ROSS

EMPLOYEE HUMAN RESOURCE RULES

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Human Resource Rules

SECTION 1 – ADMINISTRATION

The Mayor and Town Council are responsible for approving and the Town Manager is responsible for implementing, administering, and ensuring compliance with the provisions of these rules and regulations. In the event any provision of these rules and regulations needs clarification, the Town Council may issue administrative instructions clarifying the intent. The Town Manager may develop and issue procedures, consistent with these rules and regulations, to facilitate the implementation.

If there is any conflict between these rules and regulations and any Memorandum of Understanding between the Town and the Ross Police Officer's Association, the provisions contained in the Memorandum of Understanding shall take precedence.

Delegation of Responsibility. The Mayor and Town Council may delegate the responsibilities assigned in these rules and regulations as may be deemed appropriate and necessary. The Town Manager may delegate the responsibilities assigned in these rules, including any power or authority granted, except as expressly limited by the Town Council.

Distribution. Each current employee will receive a copy of these rules and regulations. New employees will be given a copy of these rules and regulations at the time of employment.

SECTION 2 – DEFINITIONS

"Anniversary date": Means the date of employment from which service time is computed for purposes of accrual of vacation and sick leave benefits.

"Class Specification": Means a written description of a class which identifies factors, and conditions that are essential characteristics of the class, including the minimum qualifications for performing work in the class as well as typical duties, responsibilities, and tasks.

"Class or Class of Position": Means a position or group of positions sufficiently similar with regard to duties and responsibilities that the same title may be used to designate each position allocated to the class; the same minimum qualifications for employment in the class would prevail; and the same schedule of pay would apply.

"Compensation": Means a salary, wage, allowance and all other forms of valuable consideration earned by or paid to an employee by reason of his/her service in a position but does not include any reimbursement for any expenses incurred in the course of employment.

"Continuous Employment": Period of uninterrupted employment including holidays and authorized leave, but not including periods of leave without pay or times of suspension.

"Day": is a calendar day, unless otherwise indicated.

"Employee": Means a person legally occupying a position or office in Town service.

"Employee, Regular": Means a person in a full-time position or an expressly designated regular part-time position who has successfully completed a prescribed probationary period.

"Employee, Probationary": Means a person in a full-time or an expressly designated regular part-time position who has not yet completed a prescribed Probationary Period.

"Employee, Part-time": Means an employee regularly scheduled to work fewer than forty hours a week. A part-time employee may be a regular employee if the part-time position is expressly designate as a regular part-time position. All other part-time employees are not regular employees for purposes of these rules.

"Management Employee": Means employees who hold mid-level to senior- level managerial positions in Town service and are appointed by the Town Manager. The Classifications of Administrative Manager/Town Clerk and Senior Planner are at-will classifications. This means that either the employee or the Town may end the employment relationship at any time, with or without cause and with or without prior notice. Any newly created management employee classifications will also be at-will, unless otherwise designated by the Town Council.

"Executive Employee": Department Head and senior executive positions designated by the Town Council and appointed by the Town Manager to be "at will" positions.

"Position": Means a group of current duties and responsibilities assigned or delegated by competent authority requiring the full time or part time service of one person.

"Probationary Period": The length of continuous service for which a regular full time employee, other than an executive or at-will management employee, or a regular part-time employee must serve in order to attain the status of regular employee.

"Temporary Employee": Means a person in a temporary or irregular position hired for a period not to exceed a total of twenty-four months, unless specifically authorized by Town Council, and who is paid on an hourly basis and who is not entitled to paid vacation, sick leave, holidays or benefits established for regular employees (except as may otherwise be required by law). Temporary employees are employed on an at-will basis. This means that either the employee or the Town may end the employment relationship at any time, with or without cause and with or without prior notice. Part-time employees who are not employed in expressly designated regular part-time positions are also temporary employees, regardless of the length of employment.

"Town service": Means all positions and departments and agencies of the Town that are subject to control and regulation by the Town Council of the Town of Ross.

"Working Day": Means a day on which the administrative offices of the Town are open to conduct normal business, unless otherwise indicated.

SECTION 3 – APPOINTMENT

- 3.1 **Employment Policy**: Selection of new employees to fill vacancies within the Town service shall be on the basis of qualification. The Town may require all employees to complete and submit applications, agreements or statements pertinent to their employment as provided by policies and procedures of the Town Manager.
- 3.2 **Equal Opportunity**: The Town of Ross does not discriminate on the basis of age (40 and over), color, race, ancestry, citizenship, religion, sex (including pregnancy, childbirth or related medical conditions), marital status, domestic partnership status, national origin, veteran's status, sexual orientation, gender identity, mental or physical disability, legally protected medical status or any other basis protected by law in hiring or retention of employees. When necessary, the Town of Ross also makes reasonable accommodation for those with qualifying disabilities and reasonable accommodation when requested with the advice of health care providers, for pregnancy, childbirth and related medical conditions. (Please see Town Anti-Discrimination Policy and Pregnancy Disability Leave Policy.)
- 3.3 **Recruitment**: An announcement of a vacancy shall be published by posting notices at the Town Hall on the official bulletin board, and through other appropriate methods as determined by the Town Manager.
- 3.4 **Competitive Examinations**: The method of application, evaluation, and pre-employment examination shall be determined by the Town Manager in accordance with these rules.
- 3.5 **Appointing Authority**:
 - 3.5.1 Appointment to full-time regular, part-time regular or temporary positions shall be made by the Town Manager with the recommendation of the department heads as appropriate.
 - 3.5.2 Appointment of management and executive level positions reporting to the Town Manager shall be made by the Town Manager.

3.6 Medical, Psychological, or Psychiatric Examination: Medical examination results are confidential by nature and are for the purpose of determining an employee's ability to perform the essential duties of the job. All records or finding of medical or psychological evaluations should be maintained in a secure file, separate from other personnel documents.

3.6.1 A medical examination shall be required prior to the final appointment of any new employee to determine whether the employee can carry out the essential functions of the position or to establish any accommodations necessary for the employee due to a disability. Medical examination will only be required to the extent it is job-related and consistent with business necessity and where all entering employees in the same class of position are subject to the same examination.

3.6.2 At the option of the Town Manager, a health examination shall be required prior to any promotion in the Town service where the physical requirements of the new position are more demanding than that held previously by the employee.

3.6.3 The Town Manager may request special examinations of any Town Employee who is returning from a medical leave of absence or prolonged sick leave to assure that the employee is physically or mentally capable of performing the essential duties of the position.

3.6.4 Any appointment or offer of employment is considered to be tentative pending a report of the satisfactory results of any examination required under this section. The appointment or offer of employment may be withdrawn if the applicant is found to be medically or psychologically unable to perform the essential duties of the position and if no reasonable accommodation can be made.

3.6.5 Any examination required by the provisions of this section will be at the expense of the Town. This section does not apply to routine return to work slips and medical releases provided by an employee's doctor or to medical certification an employee is required to provide in connection with a leave, accommodation or similar request.

3.7 Probationary Period: Each new full-time or part-time employee, other than executive level and at-will management employees, shall be a Probationary Employee until the successful completion of a probationary period, the purpose of which is to give the employee the opportunity to demonstrate that he/she is qualified, able, and willing to meet the standards of the Town of Ross and the position for which they are hired. The normal probationary period is for a one-year period. If, at any time prior to the successful

completion of the probationary period, the appropriate department head determines that it is in the best interest of the Town to terminate the employment of the Probationary Employee, this recommendation shall be made to the Town Manager. The Town Manager, either on recommendation of the appropriate department or the Town Manager's own initiative, has the discretion to terminate the employment of a Probationary Employee or extend the probationary period for an additional six months, if the Town Manager determines it is in the best interest of the Town to do so.

Temporary employees are not subject to a probationary period since those employees are subject to termination at the discretion of the Town Manager. However, temporary employees and at-will management employees may be subject to an introductory period involving a period of heightened supervision and evaluation similar to a probationary period. Completion of an introductory period or review does not change the at-will nature of the employment relationship between temporary employees and the Town.

- 3.8 Promotional Positions: The Town Manager may designate a vacant position as a "Promotional" position and open only to current regular Town employees. In the case of a promotion of an employee, the six months following the promotion will be a "promotional probationary period" during which time the employee may be returned to his/her former classification, at either the option of the Town Manager or the written request of the employee, without prejudice and with all rights and benefits being restored to the employee as if the promotion had not occurred.
- 3.9 Management Positions: All individuals in positions qualifying as management positions shall be appointed by the Town Manager and, except for at-will management employees, will have the same appeal rights on discipline and termination as other Regular Employees. The employees in these positions shall report to the Town Manager, but hold positions requiring a high level of independence and professional judgment in performing assignments; dealing with the public and advising the council in terms of regulations, procedures and policies of the Town.
- 3.10 Executive Positions: All individuals appointed to designated executive positions are "at will" employees as provided above. These positions would typically be held by department head level staff or assistants reporting to the Town Manager with responsibility for "confidential" financial or personnel decisions. Executive level employees may be dismissed by the Town Manager with or without cause and with or without prior notice. Nothing contained in these rules is intended to confer additional rights and benefits to these individuals.

SECTION 4 - CLASSIFICATION PLAN

- 4.1 Classification Plan: The sum of the job descriptions shall be the classification plan for the Town of Ross. This plan shall be used as a basis for the organization of operations for the Town and as a basis for the pay plan.

4.2 Job Descriptions: The duties, responsibilities, and qualifications of positions within the Town service shall be determined by and approved by the Town Manager. Job descriptions shall be periodically reviewed and updated to accurately reflect the duties assigned to the positions. Job descriptions shall be kept on file by the Administrative Manager/Town Clerk, with a copy being provided to each employee of his/her current job description. As used in these Rules, "Job Description" and "Class Specification" have the same meaning.

SECTION 5 - EMPLOYEE EVALUATIONS

Each employee shall be evaluated according to a system approved by the Town Manager. Each employee's evaluation shall be reviewed with the employee, after which the employee is expected to sign the evaluation. Signing the evaluation does not indicate agreement with that evaluation, and the employee may submit reasonable comments in explanation or rebuttal of its contents. After review by the appropriate department head and Town Manager, including material submitted by the employee, their material will be placed in the employee's personnel file.

SECTION 6 - HUMAN RESOURCE FILES

6.1 Records Custodian: The Administrative Manager/Town Clerk is responsible for the maintenance of employee human resource files. Public Safety records shall be maintained as proscribed by law in the Police Department.

6.2 Contents: A human resource file is maintained for each employee in Town service. All documents relating to each employee, other than medical records and any other records that should be maintained in a separate employee file, are filed therein. These include, but are not limited to, application and appointment papers, work history with the Town of Ross, employee evaluations, safety and training records, background information records, pay and leave records, and disciplinary records.

6.3 Security: Human resource records contain private and confidential documents pertaining to the employment status and background of individual employees. These records, therefore, may be reviewed only upon authorization of the department head, Town Manager or Administrative Manager/Town Clerk, the employee, an employee's representative and the Town Attorney to the extent necessary and reasonable to exercise his/her duties. With the exception of letters of reference, employees may review their own human resource file at times arranged with the Administrative Manager/Town Clerk or the Police Chief in the case of police officer employees. Employees may respond in writing to the contents of their human resource file. Such responses become a permanent part of their file.

SECTION 7 – TERMINATION

7.1 Resignation: An employee wishing to leave Town service in good standing shall file with the Town Manager, at least two weeks before leaving the service, a written resignation stating the effective date of the resignation. Failure to give two weeks notice shall be entered upon the service record of the employee and may be cause for denying future employment by the Town. Exceptions to the notification period may be made by the Town Manager when it is determined to be in the best interest of the Town of Ross. Resignation is effective when tendered and no acceptance is required. A resignation may be withdrawn only with the mutual consent of the Town Manager and employee.

7.2 Retirement: Employees may retire according to the procedures established by the Public Employees' Retirement System. Retiring employees are requested to provide as much prior notice as possible, but at least the amount required for resignation, to provide for a smooth transition of duties.

7.3 Layoff: Whenever in the judgment of either the Town Council or the Town Manager, it becomes necessary in the interest of economy, because the necessity for a position no longer exists, or for other legitimate purpose, the Town Council or Town Manager, as appropriate, may abolish any position or employment and lay-off, demote or transfer an employee holding such position or employment without taking disciplinary action and without the right to appeal. Vacant positions in the designated classification anywhere in the Town will be eliminated first, except that the Town Manager may transfer employees to create a vacancy in a particular position. Thereafter, the order of layoff shall be determined by the Town Manager within the affected department and classification. Temporary employees in the affected classification and department will be laid off first. Probationary employees in the affected classification and department will be laid off before regular employees. Regular employees in the affected classification and department will be laid off in inverse order of total seniority in regular employment with the Town. The Town Manager, on recommendation of the department head, may grant an exception to the normal order of layoff where the Town Manager determines in good faith that the best interests of the Town require the retention of a specific employee for the work that will remain after the layoff.

SECTION 8 - DISCIPLINARY ACTIONS

8.1 Town Expectation: Town employees are expected to conduct themselves, while carrying out the function of Town service, as a credit to the Town of Ross. Their actions should reflect their personal good character and should uphold the trust that the citizens have placed in them by their employment.

8.2 Types of Disciplinary Actions: The following are types of actions that may be utilized by the Town in disciplining employees. The specific type of disciplinary action taken is a decision made by the disciplinary authority based on the severity of the employee's actions. Each department head, except as determined by the Town Manager, will serve

as the disciplinary authority for those employees reporting to him or her. The Town Manager may assign his authority as disciplinary authority for administrative employees to any other Town employee in order to preserve his or her ability to hear appeals or for other purposes.

8.2.1 Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to the appeal process described below.

8.2.2 Written Reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to the appeal process described below. However, the employee may prepare and attach a written response.

8.2.3 Disciplinary Suspension: An involuntary absence without pay for a fixed period of time, but shall not exceed thirty (30) days. In lieu of an actual absence, the disciplinary authority may implement a disciplinary suspension as a temporary reduction in pay over a designated period of time that is equal to the salary value of the designated suspension.

8.2.4 Demotion: A reduction in rank or position for disciplinary reasons.

8.2.5 Termination: Discharge or removal from the Town service.

8.3 Reasons for Reprimand, Suspension or Termination: Listed below are examples of causes which shall be deemed sufficient for action under this section. Grounds for disciplinary action are not limited to the examples enumerated.

8.3.1 Unauthorized absence

8.3.2 Conviction of a felony or misdemeanor involving moral turpitude

8.3.3 Conduct unbecoming any employee in public service

8.3.4 Disorderly or immoral conduct

8.3.5 Incapacity due to physical or mental disability where no reasonable accommodation can be made

8.3.6 Incompetence or inefficiency

8.3.7 Insubordination

8.3.8 Intoxication or under the influence of non-prescription drugs while on duty

8.3.9 Neglect of duty

8.3.10 Negligence or willful damage of public property

8.3.11 Engaging in harassment, including sexual harassment

- 8.3.12 Waste of public supplies or equipment
- 8.3.13 Falsification of public records
- 8.3.14 Fraud in securing employment
- 8.3.15 Willful violation of any provisions of the ordinances of the Town, these rules, or others promulgated by the Town Council as general orders.

8.4 Notice: Whenever it is the intention of the disciplinary authority, to take a disciplinary action against a regular employee or management employee, the employee shall be provided a written statement of reasons for the discipline and provided with a copy of any documents or information upon which the decision was made. The employee and a representative of his/her choosing will be provided an opportunity to respond to the charges made. A written request must be submitted to the Administrative Manager/Town Clerk within ten (10) working days of being served with the notice of intended action. Following consideration of the employee's response to the charges, the disciplinary authority shall notice the employee that the disciplinary action is withdrawn, modified or enacted by a Notice of Discipline.

8.5 Right of Appeal: A regular employee or managerial employee (other than an at-will management employee) who is suspended, demoted or terminated may appeal the action to the Town Manager. A written appeal of the disciplinary action must be submitted to the Administrative Manager/Town Clerk within five (5) working days of the receipt of the Notice of Discipline. The appeal shall be heard and the final decision within the Town's administrative process will be made by the Town Manager. The Town Manager may delegate the hearing, final decision or both to any other individual, consistent with the rights of the employee and due process.

8.6 Hearing Procedure: The Town Manager or designate will endeavor to schedule the hearing within 90 days, but may also consider the schedules of those involved and other appropriate factors in setting the hearing date or dates. The Town will have the burden of proof. The decision of the Town Manager or designate will be based on the preponderance of the evidence. Each side will be permitted an opening statement and closing argument. The Town will first present its witnesses and evidence in support of the charges and discipline. The employee may then present witnesses and evidence in defense. The Town may then present witnesses and evidence in rebuttal. Each side will be allowed to examine and cross-examine witnesses. All witnesses will testify under oath. The Town Manager or designate may also question witnesses. The Town Manager will issue or arrange for the issuance of subpoenas, if requested. The party requesting the subpoena will be responsible for proper service of the subpoena. The Town Manager may conduct the hearing informally and shall not be bound by the strict rules of evidence. The parties may be represented by legal counsel and the Town Manager or designee may obtain legal advice from the Town Attorney. The conduct of the hearing will be under control of the Town Manager or designate, with due regard for the rights of the parties. Town Manager or designate will issue his or her decision within 30 days of the close of the hearing, but this limit may be extended by the Town Manager for good

cause or as agreed by the parties.. The hearing will not be considered closed until the deadline has passed for post-hearing filings, if any.

Executive employees, at-will management employees and temporary employees do not have a right to appeal a disciplinary action or termination in that they serve at the pleasure of the Town Manager.

SECTION 9 - OUTSIDE EMPLOYMENT

9.1 Employees may engage in employment outside Town employment provided that:

9.1.1 Written approval is obtained in advance from the department head and Town Manager.

9.1.2 The employment does not conflict with the employee's work schedules, duties, and responsibilities.

9.1.3 The employment does not create a conflict of interest or incompatibility with Town employment.

9.1.4 The employment does not create a detrimental effect upon the employee's work performance with the Town.

9.1.5 The employment does not involve conducting business during hours of employment with the Town.

9.1.6 The employee does not use Town premises, facilities, or supplies in his/her outside employment.

9.1.7 The Town is in no way responsible for the employee's outside employment.

9.2 Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the Town.

SECTION 10 - CONFLICT OF INTEREST

10.1 Employees of the Town are prohibited from:

10.1.1 Engaging in or having any interest in any business or transaction, or incurring any obligation which conflicts or impairs, or appears to conflict or impair their independent judgment in the discharge of the official duties.

10.1.2 Accepting money, favors, or other considerations for work they would be required or expected to perform in the regular course of their duties.

10.1.3 Accepting gifts, gratuities, or favors of any kind from persons or vendors doing business with the Town. The only exception is the acceptance of consumable gifts offered to an entire work group during the holiday season where rejection would damage the spirit in which the gifts were offered.

10.1.4 Disclosing confidential information acquired by or made available to them in the course of their employment with the Town, or using such information for speculation or personal gain.

10.2 It is the employee's responsibility to disclose and report all potential conflict of interest situations to his/her supervisor and the Town Manager.

SECTION 11- EMPLOYMENT OF RELATIVES

11.1 At the time a person is applying for a position in the Town service, the person must identify any individual who is a close relative employed by the Town.

11.2 The general policy of the Town does not permit discrimination against employees or applicants for employment on the basis of marital or family status. However, the employment of relatives can, in certain circumstances, create problems in the areas of supervision, safety, security or morale. Where these problems may reasonably be expected to arise, close relatives will not be assigned within the same organizational unit, nor will they be supervised by the same individual. An employee may not supervise (as an immediate supervisor or as a higher-level supervisor) any close relative.

11.3 If at any time a situation exists where close relatives are employed with the same organizational unit or are supervised by the same individual, the Town Manager may transfer one of the individuals to a similar position in a different organizational unit or shift in the Town.

11.4 Close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, spouse (as defined by state law), child, stepchild, brother, sister, brother-in-law, and sister-in-law.

SECTION 12 - POLITICAL ACTIVITY

- 12.1 Employee shall not engage in political activity of any kind during work hours. Prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other thing to aid, promote, or defeat any political committee or nomination or election of any person to public office, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the Town to influence or give money, service, or other valuable thing to aid, promote, or defeat the nomination or election of any person to public office.
- 12.2 The rights of employees to register and vote as they choose shall not be infringed. In their individual capacity and consistent with their Constitutional rights, employees may express their opinions on all political subjects without recourse against them.
- 12.3 Subject to the foregoing, any employee may seek appointment or election to any public position, office, or employment for which he/she is qualified.

SECTION 13 - GRIEVANCE PROCEDURE

- 13.1 **Grievance Defined:** A grievance is a formal allegation by an employee claiming violation, misinterpretation, inequitable application or non-compliance with provisions:
1. Collective bargaining agreement;
 2. Town ordinances;
 3. Existing practices affecting the status or working conditions of the Town employees.

Appeals of appointment, disciplinary actions, and performance evaluations are not grievable hereunder.

- 13.2. A grievance may be filed by an employee in his/her own behalf, or jointly by any group of employees.

13.3. **Grievance Procedure:**

General - If a supervisor, department head or the Town Manager does not reply, meet or issue a written decision (as applicable) within the time limits provided below, the employee will have the option to advance the grievance to the next step. If an employee does not advance the grievance within the time limits provided below to the next step after either the Step 1 response or the Step 2 written decision, the matter will be considered resolved based on the last response or decision. The parties may mutually agree to extend any deadline in writing (including by e-mail).

Step 1 - INFORMAL DISCUSSION: Within ten (10) working days of the occurrence of an act in dispute, an employee shall discuss the incident with his/her immediate

supervisor, who shall investigate and attempt to resolve the matter. The supervisor shall give the employee an oral reply within five (5) working days after the discussion. If the employee is not satisfied with the response, she/he may proceed to the next step.

Step 2 - DEPARTMENT HEAD REVIEW: Any dispute not resolved at Step 1 may be submitted in writing to the department head, for administrative staff, within five (5) working days after the supervisor's informal response. In this event, the department head shall, within ten (10) working days, schedule a meeting with the employee to discuss the matter. After consideration of the facts, the department head shall give his/her written decision to the employee within five (5) working days after the meeting.

Step 3 – Town Manager REVIEW: If the employee is not satisfied with the decision of the department head in Step 2, the employee may request, in writing, a hearing before the Town Manager. Such request for a hearing must be submitted within ten (10) working days of receipt of the department head decision and shall include in detail the facts giving rise to the grievance and supporting documentation necessary for Town Manager consideration. The Administrative Manager/Town Clerk shall forward such a request and supporting documentation to the Town Manager within ten (10) working days, for Town Manager's consideration.

The Town Manager shall have the following options:

1. Make a decision on the documentation submitted; or
2. Hold a hearing, in open or closed session as permitted by law and appropriate to the circumstances.

The decision of the Town Manager will be final.

COMPENSATION AND BENEFITS REGULATIONS

SECTION 1 - ADMINISTRATION OF PAY PLAN

- A. The salaries and wages of all regularly elected, appointed or employed officers and employees of the Town shall be payable and paid bi-weekly by payroll warrants or checks drawn upon by the Town Accountant. The warrants need not be audited by the Town Council prior to payment, provided, however, that departmental payrolls or attendance records are duly certified for payment or approved by the department head or Town Manager.

Payrolls duly certified shall be presented to the Town Council for ratification and approval at the first or any regular meeting of the Town Council succeeding the delivery of the payroll warrants or checks.

- B. **Anniversary Dates** - For the purpose of salary administration and performance evaluations, each employee shall have an Anniversary Date which shall be determined as herein provided.
1. For a new employee, the first Anniversary date shall occur the first day of the month one year from the first day the employee was employed in a permanent position and every subsequent year from that date.
 2. For an employee who is promoted, the first Anniversary Date shall occur the first day of the pay period closest to one (1) year from the first day on which the employee was promoted.
 3. For an employee who is, demoted, the Anniversary Date shall be the first day of the pay period closest to one (1) year from the first day on which the demotion is effective.
- C. **Anniversary Date Upon Transfer** - Anniversary Dates of employees who are transferred to a job classification designated by the same salary range or whose job class is reclassified from one salary range to another shall not be changed.
- D. **Step Advancements** –
1. If ranges are approved by the Town Council or are specified in a duly adopted MOU, and funding is available in the current fiscal year budget, step advancements shall be made within the appropriate salary range from each step to the next higher on each anniversary date, provided the employee demonstrates satisfactory or better job performance, as determined by the overall rating on the

employee's performance evaluation. Step advancement is not automatic and an employee does not have a right to step advancement, absent compliance with the procedures in this section.

2. Step advancements authorized herein shall be made from each step to the next higher step within the limits of the appropriate salary range. Step advancements shall be made on each Anniversary Date. No advancement shall be made without the written recommendation by the supervisor and approval of the Town Manager. Step advancements may be suspended where funding is not available for their implementation in the current fiscal year budget or where otherwise interrupted or discontinued by action of the Town Council.
 3. With the recommendation of the department head and the approval of the Town Manager, an employee who has demonstrated superior performance or skills may be advanced to a higher step in the salary range earlier than their anniversary date.
- E. **Salary Upon Initial Appointment** - Upon initial appointment with the Town, a Regular employee shall be placed on Step A of the salary range if a range is specified. However, if it is not practical or possible to hire qualified personnel at the first step, appointment at a higher step within the range may be authorized by the Town Manager.
- F. **Merit Pay Increases** - Department heads may recommend to the Town Manager or the Town Manager on his or her own initiative may grant a merit increase not to exceed two and one-half or five percent to any employee of his/her department who is deemed to have rendered meritorious service to the Town and is deserving of such raise. Merit pay is awarded on a one time basis, but future consideration for new meritorious service may be given as long as all merit pay within a fiscal year does not exceed the five percent total limit. Any such recommendation shall be advisory to the Town Manager which shall have the sole discretion to grant the merit pay. Merit pay is in addition to an employee's base salary and does not become part of an employee's base. The amount is determined with reference to base salary before any supplemental pay, bonuses or overtime. Merit pay recommendations and decisions are not subject to grievance.
- G. **Salary Upon Promotion** - Upon promotion, an employee shall be placed in the first step of the range for the new class. If placement in the first salary step provides for a salary increase that is less than five (5) percent, the employee shall be placed in a salary step in the range for the new class that provides for at least a five (5) percent increase.
- H. **Salary Plan** - A Salary Plan shall be authorized by the Town Council. This plan may establish the salary range and steps for each full-time position in the Town. With the exception of the Town Manager and department heads which will have a set salary, all classes should have a five step range and the plan should provide for the conditions for

awarding merit pay increases over and above step advancements.

SECTION 2 – SALARIES

The Town Council shall periodically review the salary and salary ranges for all job classes to determine the appropriateness of adjusting those salaries based on the labor market or contract negotiations.

SECTION 3 - MEDICAL/LIFE INSURANCE BENEFITS

The Town Council shall periodically review the benefit package provided to the employees of the Town to determine the appropriateness of such benefits subject to the negotiation process, if applicable.

SECTION 4 – RETIREMENT

The eligible employees of the Town of Ross are enrolled in the Public Employees' Retirement System with benefit levels as set by the Town Council and State law within the provisions of that system.

SECTION 5 - HOURS OF WORK

- A. **Normal** - The standard work week for all except public safety personnel shall be 40 hours. Working hours shall be assigned by the Town Manager
- B. The hours of work for public safety personnel shall be established by the Police Chief with approval of the Town Manager subject to the provisions of State and Federal law.

SECTION 6 - OVERTIME/CALL BACK

It is the policy of the Town to comply with applicable wage and hour law, including the federal Fair Labor Standards Act (FLSA). Without limiting the rules below, overtime (or compensatory time off) will be provided in compliance with the minimum standards of the FLSA. Non-exempt employees are required to accurately record all hours worked, neither over-reporting nor under-reporting time worked. No supervisor may authorize any non-exempt employee to work "off the books" or "off the clock."

A. General Employees:

- 1. Overtime shall mean work which commences either before the regular work time or following the regular work time and is continuous. Overtime shall be approved in advance by the Town Manager and department heads and shall be kept at a minimum consistent with the maintenance of essential Town services. Employees can receive credit for overtime work not approved in advance, if the overtime work

is performed under emergency or unusual conditions, and is subsequently approved by the Town Manager. Overtime does not apply to employees properly classified as exempt under the FLSA.

2. Overtime, equivalent to two hours, shall be paid to maintenance personnel for each twenty-four hours of "stand-by" duty, except that if the employee is called during that time, additional overtime shall be paid for any hours (portions thereof) worked in excess of two hours.
3. Overtime shall be compensated at one and one-half times the regular hourly rate of the employee and shall be paid as either compensatory time off (CTO) or pay, at the employee's discretion. However, an employee can accumulate only up to 40 hours of CTO and it must be used during the fiscal year in which it is accumulated. Any CTO remaining at the end of the fiscal year shall be paid as salary.
4. If an employee, working on a holiday, is already receiving overtime pay for that day, he/she shall receive double the normal overtime pay for that day.

B. Public Safety

1. Overtime shall be paid at time and one-half to the nearest half hour.
2. Overtime shall be paid for any shift that is worked on an employee's regular scheduled day off.
3. Overtime shall be paid for any shift that is not the employee's regularly scheduled shift, and the employee had not been given at least 24-hours notice of the shift change, prior to the beginning of the new shift.
4. A minimum of four hours overtime shall be paid for each court appearance that is scheduled on an officer's regular day off, or is canceled with less than 24-hours notice.
5. Call back time will be a minimum of four hours overtime. Call back shall be duty performed at a time other than regular duty hours and not just an extension of a regular tour of duty. Range training shall be paid at three hours overtime.

SECTION 7 – HOLIDAYS

- A. Town offices shall be closed and non-emergency employees shall observe the following holidays:

New Year's Day
Martin Luther King, Jr. Day

Washington's Birthday
 Memorial Day
 Independence Day
 Labor Day
 Veteran's Day
 Thanksgiving Day
 The day following Thanksgiving Day
 Christmas Eve
 Christmas Day
 1 Floating Holiday

Every day proclaimed by the President of the United States or the Governor of California or the Mayor as a Public Holiday and approved by the Council.

- B. If a holiday falls on a Saturday, the preceding Friday shall be deemed a holiday. If a holiday falls on a Sunday, the following Monday shall be deemed a holiday.
- C. Eligibility - An employee must work or be in a paid status previously approved the entire work day immediately before and the first entire work day immediately after a holiday in order to receive compensation for the holiday.

SECTION 8 - VACATION LEAVE

- A. **Accrual** - Vacation will be accrued from the time an employee begins employment with the Town, and the earning of vacation, under the schedule below will not be affected by promotion of the employee. Vacation will be accrued as follows:

General Employees

<u>Years of Continuous Service</u>	<u>Hours Accrued Per Year Prorated and Credited as Worked</u>
0 - 4 Years	88 hours (11 days)
5 - 10 Years	120 hours (15 days)
Above 10 Years	168 hours (21 days)

Public Safety Employees

<u>Years of Continuous Service</u>	<u>Police</u>
0 - 4 Years	80 hours
5 - 9 Years	120 hours
Above 10 Years	160 hours

- B. Each regular employee who works less than full-time shall earn vacation in proportion to the time worked.

- C. It is the policy of the Town that employees should take their vacation time during the year that it is granted. However, employees may accrue not more than one-and-one-half times the annual accrual. Once an employee reaches this accrual cap, the employee will accrue no additional vacation time until the employee's vacation balance falls below the cap. An employee shall have no right to any vacation time above the cap, including where it is granted or recorded in error. Employees have the responsibility to manage and schedule their vacation time throughout the year, including anticipating emergencies and peak work periods, to assure they are not in danger of exceeding the cap. The Town Manager may grant a temporary exception to the accrual cap only where he or she determines it was impossible with advance planning for an employee to remain below the cap because of workload and the actual denial of vacation time requests. An exception must be in writing, issued before an employee exceeds the accrual cap and may include additional terms, as determined by the Town Manager.
- D. Six days of Personal/Management Leave shall be provided each calendar year to the Director of Public Works, the Police Chief and management level employees in lieu of comp time or overtime and in recognition of the expectations and demands of their positions, which may include work outside of or in addition to normal work hours.
- E. **Administration** - Vacation shall be taken as follows:
1. Eligibility - Vacation shall be available to an employee on the first working day after the employee has completed six months of service.
 2. Vacation shall be taken at a time that meets the approval of the department head. Employees are to request and receive approval for the use of vacation time in advance of its use and according to the advance notice and procedures required by the department head. Employees should request use of vacation time sufficiently in advance of its use so that work load, departmental needs and potential conflicts with the schedules of other employees can be addressed.
 3. Vacation may be used in amounts of not less than two hours.
 4. A legal holiday, as defined in these regulations, that falls during an employee's vacation shall not be charged as vacation.
 5. If an employee terminates service with the Town, the employee shall be paid a lump sum for all accrued vacation that he has earned prior to his/her termination date and in accordance with these regulations.

SECTION 9 - SICK LEAVE

A. Accrual -

1. General Employees - Employees shall earn one eight (8) hour working day of sick leave with pay for each full calendar month of regular employment from their first day of employment. Regular part-time employees shall earn sick leave in proportion to their lesser time of work.
 2. Public Safety - Sick leave for Public Safety Officers shall be at the rate of 12 hours per month to a maximum accumulation of 1200 hours.
- B. **Administration** - An employee who must absent himself/herself from work shall notify his/her immediate superior. Leaves of more than five (5) days for this reason require a doctor's certificate indicating absence from work was necessary.
- C. **Eligibility** - Employees shall be entitled to take sick leave with pay after six months of continuous employment with the Town. Eligible part-time employees shall be entitled to take sick leave with pay after completing the equivalent of six calendar months of employment. Sick leave shall be granted to regular employees in the following cases:
1. An employee's illness or injury.
 2. An employee's dental, eye or other physical or medical examination or treatment by a licensed practitioner. Leaves for this purpose are limited to three hours in any one day.
 3. Providing necessary care for an ill or injured member of the immediate family, as defined in this paragraph. Absences for this reason may require a doctor's statement under the same circumstances as other sick leave use. Eligible employees may use sick leave in an amount not to exceed one-half of their annual accrual, to attend to the illness of child, parent, spouse or domestic partner of the employee.
 4. Death in the immediate family. Leave should not exceed three work days.
- D. **Sick Leave Payoff** - Upon termination of employment by retirement, an employee who leaves the Town service in good standing shall receive compensation for all accumulated unused sick leave equal to fifty percent of the employee's then-accrued sick leave, but not to exceed ninety days.
- E. **On the Job Injury:**
1. When a regular employee takes sick leave as a result of a condition for which the employee receives compensation for workers' compensation:

a.) The pay the employee receives from the Town while thus on leave

shall be at a rate that pays the employee the difference between the amount of the disability payment and his regular rate of pay.

b.) Whenever the employee receives a check from the State Compensation Insurance Fund, the employee shall report to the Administrative Manager/Town Clerk the amount of the check and the time period for which it represents payment.

- F. **Pregnancy Disability Leave** - The Town Manager will grant a leave of absence without pay to any employee who becomes disabled as a result of pregnancy, childbirth or related medical conditions, in compliance with California law and Town policy.

SECTION 10 - MISCELLANEOUS LEAVES OF ABSENCE WITH PAY

Leaves of absence with pay pursuant to this section shall not be chargeable to accrued vacation credits.

- A. **Military Leave of Absence** - Shall be granted in accordance with and as required by provisions of State and Federal Law.
- B. **Leaves of Absence for Judicial Purposes** - Every officer or employee of the Town shall be entitled to leaves of absence to appear as a witness in court other than as a litigant or to respond to an official order from another jurisdiction for reasons not brought about through the connivance or misconduct of such officer or employee.
- C. **Jury Duty** - Every employee of the Town shall be entitled to leaves of absence when regularly called for jury duty in the manner provided by law. Such leaves of absence shall be granted and the employee shall receive the regular salary while on jury duty. The amount received as jury fee shall be returned to the Town.
- D. **Administrative Leave** - The Town Manager may place an employee on Administrative Leave when such leave is identified as being in the interests of the Town.
- E. **Voting Time** - Employees shall be authorized reasonable time to vote on election days in accord with and subject to the limits of California Elections Code § 14000.

SECTION 11 - LEAVES OF ABSENCE WITHOUT PAY

- A. Regular employees may be granted a leave of absence without pay upon request when recommended by the department head and then approved by the Town Manager. A leave without pay may be granted for the following reasons:
 - 1. Illness or disability

2. To take a course of study which will increase the employees usefulness upon return to the position
 3. Personal reasons acceptable to the Town Manager.
- B. The Town Manager will grant other leaves of absence to the extent and in the manner required by law.

HUMAN RESOURCE POLICIES

The following policies recognize the Town's position of non-discrimination in compliance with State and Federal requirements. Also, in compliance with the Federal Drug Free Work Place Act the Town should adopt the Drug Free Workplace Policies. Additional policies address Pregnancy Disability Leave and Violence in the Workplace. The final policy provided is one prohibiting Sexual Harassment and providing for a complaint process. Additional polices may be adopted separate from the Human Resource Rules and added to this section as circumstances require.

TOWN OF ROSS ANTI-DISCRIMINATION POLICY

The Town Council of the Town of Ross in compliance with the Civil Rights Act of 1964, the Civil Rights Act of 1991, the California Fair Employment and Housing Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1967, and any other applicable antidiscrimination and equal employment opportunity laws, adopts the following policy:

PURPOSE

It is the intent of this policy to provide employees, applicants for employment, or recipients of services in the Town of Ross an environment free of unlawful discrimination.

POLICY

The Town Council hereby prohibits discrimination against employees and applicants because of race, color, religion, national origin, ancestry, marital status, domestic partnership status, sex (including pregnancy, childbirth or related medical conditions), age (40 and over), veterans status, mental or physical disability, legally protected medical status (including ARC and/or HIV positive and cancer), sexual orientation, gender identity, political or religious opinions or affiliations, or any other basis protected by law.

The Town prohibits sexual harassment and the harassment of any individual on any other basis listed above. For information on the Town's policy against harassment please refer to the separate Sexual Harassment Policy.

This policy applies to providing equal opportunity to employees and applicants with respect to recruitment, hiring, promotion, transfer, compensation, training, demotion, disciplinary action, termination, benefits, job evaluation, and all other conditions of employment.

The Town Council further affirms its commitment to ensure accessibility by people with disabilities seeking help and assistance from any Town service or participation in any Town activity.

COMPLAINT PROCEDURE

Applicants and Employees:

Any employee who believes that he or she has been the victim of discrimination, as outlined above, should promptly report the facts of the incident(s) and the names of the individuals involved and any witnesses or other relevant facts to the Town Manager. If the Town Manager is alleged to be engaging in prohibited discrimination, the complaint may be made to the

Town Council. The complaint shall immediately be investigated by the Town Manager, Town Council or their designee, as applicable. Corrective action shall be taken as soon as possible. Such corrective action shall include disciplinary actions up to and including termination for any employee found to have violated this policy.

If an employee is not satisfied with the Town response to the problem, he or she may file, within the time allowed by law, a complaint with the following agencies:

U.S. Equal Employment Opportunity Commission (EEOC)
San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
(800) 669-4000

or

Department of Fair Employment and Housing (DFEH)
Bay Area Office
39141 Civic Center Drive, Suite 250
Fremont, CA 94538
(510) 789-1085

Please consult each agency for other locations or contact options.

Members of the Public:

Members of the public who believe they are being denied services due to lack of program accessibility based on a physical or mental disability as provided for by the Americans with Disabilities Act should report their concerns to the Town Council. The Mayor, Town Council or their designee will immediately investigate the situation and take action where warranted to make reasonable accommodation.

TOWN OF ROSS DRUG FREE WORKPLACE POLICY

The Town Council of the Town of Ross in compliance with Public Law 100-690, the Drug-Free Work Place Act of 1988, adopts the following policy:

PURPOSE

It is the intention of this policy to provide a drug-free workplace for employees of the Town of Ross at all work sites. While the Town of Ross has no intention of intruding into the private lives of its employees, the use of controlled substances¹ impacts the safety and efficiency of Town operations and the provision of services to the public.

POLICY

1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees is prohibited at all Town work sites.
2. Employees, as a condition of employment, shall notify their department head of any criminal drug statute conviction for a violation occurring in the work place no later than five days after such conviction.
3. Employees who violate the above policy, or are convicted on criminal drug statute violations occurring at the work place, or who fail to give the notice required above shall be subject to the appropriate disciplinary action, up to and including termination, or may, where appropriate be required to participate in a drug-abuse assistance or rehabilitation program by a Federal, State, or local health, law enforcement, or other appropriate agency.

RIGHTS

No provisions of this policy are intended to remove or limit an employee's right to appeal a disciplinary action under applicable sections of the Town of Ross Human Resource Rules.

¹ Consistent with federal law and the provisions of the California Adult Use of Marijuana Act, Proposition 64, the Town does not permit the use, consumption, possession, transfer, display, sale or growth of marijuana on Town owned or controlled property (including but not limited to buildings, parking lots, parks and recreation facilities) or during Town sanctioned or sponsored activities or events, regardless of the location. This is true even if the use of marijuana is for medical purposes authorized and permitted under the California Compassionate Use Act, Proposition 215. Employees are also prohibited from having any measurable amount of marijuana (including THC and metabolites) in their system while on duty, subject to minimum cutoff levels published by the Substance Abuse and Mental Health Services Administration in the Mandatory Guidelines for Federal Workplace Testing Programs or any successor standard, as determined by the Town.

TOWN OF ROSS SEXUAL HARASSMENT POLICY

The Town Council of the Town of Ross in compliance with Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act adopts the following policy:

PURPOSE

It is the intention of this policy to provide in the Town of Ross a work environment free of unlawful harassment. This includes sexual harassment and unlawful harassment on any other basis prohibited by law, including those listed in the Town of Ross Anti-Discrimination Policy. The Town prohibits and will not tolerate harassment of employees by managers, supervisors and co-workers. Similarly, the Town will not tolerate harassment by its employees of non-employees with whom Town employees have an administrative, enforcement, business, service or professional relationship. The Town will also seek to protect employees from harassment by non-employees in the work place or in work related situations. The Town seeks to prevent unlawful harassment before it begins and reserves the right to address behavior that may lead to unlawful harassment, even where the behavior has not escalated to the level of legally actionable harassment.

POLICY

This policy applies to all employees and officials of the Town of Ross. Harassment of any type will not be tolerated and is unlawful.

Harassment. Unlawful harassment is any verbal or physical conduct based on an employee's membership in a protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth, veteran status, sexual orientation, marital status, sex, sexual orientation or age, that is sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

Sexual Harassment. Sexual harassment is defined as follows: Any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of a sexual nature that is (i) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement, (ii) related to or forms the basis for employment decisions affecting the employee, or (iii) sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment. Sexual harassment can involve people of either the same or opposite sex.

Examples of the type of behavior that can constitute prohibited unlawful harassment or sexual

harassment includes, but is not limited to, the following:

- Verbal conduct such as gender based epithets, derogatory jokes or comments about an individual's body, slurs, or unwanted sexual advances, invitations or comments or similar behavior based on a legally protected status;
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, leering, blocking normal movement or interfering with work;
- Threats and demands to submit to certain non-work-related conduct or perform certain non-work-related actions in order to keep or get a job, to avoid some other loss or as a condition of continued employment benefits, security or promotion;
- Sexual conduct - For example: unwelcome sexual advances, requests for sexual favors, propositions, and other verbal or physical conduct of a sexual nature which is made a condition of an employment benefit or unreasonably interferes with an individual's work performance and creates an offensive work environment.
- Retaliation for having reported or threatened to report unlawful harassment, for having objected to harassment or for having assisted another employee's report of harassment.

The conduct stated above will not be tolerated by the Town of Ross and an employee who harasses in violation of the law can be personally liable to the victim for damages and will be subject to discipline up to and including termination. The Town of Ross will take reasonable steps to prevent this conduct from occurring.

COMPLAINT PROCEDURE

Any employee who believes that he or she has been harassed, as outlined above, by another employee, supervisor, or member of the public should as a first step tell the individual that the conduct is unwelcome. However, failure to do so does not prevent an employee from filing a complaint. If the conduct continues, employees are encouraged to promptly report the facts of the incident(s) and the names of the individuals involved and any witnesses or other relevant facts to a supervisor, department head, the Town Manager or the Town Council. Supervisors and department heads shall immediately report any incidents of harassment to the Town Manager. Employees are never required to complain to a supervisor or department head or to the Town Manager if that person is the person who is harassing the employee. Instead, the complaint may be made to any other supervisor, department head or Council Member.

The complaint shall immediately be investigated by the Town Manager or if the Town Manager

is alleged to be involved the Mayor, Town Council, or their designee. Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved and consistent with a full, fair and proper investigation. Anonymous and unwritten complaints will also be investigated to the extent possible based on the available information.

The Town will make its determination and communicate that determination to the complaining employee and to the alleged harasser. These employees are not entitled to copies of any notes or other written materials regarding the investigation, as these are confidential documents. Corrective action will be taken as soon as possible. Such corrective action shall include disciplinary actions up to and including termination for any employee found to have violated this policy. Furthermore, as part of the Town's attempt to remedy the complaining employee's concerns, the complaining employee will be informed of remedial measures and disciplinary actions imposed against the violator, consistent with privacy rights of the parties. In the situation where a complaint is filed against the Mayor or a member of the Town Council, the Town Attorney shall receive the complaint and conduct the appropriate investigation in consultation with the uninvolved members of the Town Council.

If an employee is not satisfied with the Town response to the problem, he or she may within one year of the event file a complaint with the following agencies:

U.S. Equal Employment Opportunity Commission (EEOC)
San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
(415) 356-5100

or

Department of Fair Employment and Housing (DFEH)
Bay Area Office
39141 Civic Center Drive, Suite 250
Fremont, CA 94538
(510) 789-1085

TOWN OF ROSS

PREGNANCY DISABILITY LEAVE POLICY

PURPOSE

The Town of Ross, in compliance with the California Pregnancy Disability Leave Law, and other relevant provisions of law, adopts the following policy.

POLICY

The Town of Ross will grant each female employee a reasonable leave of absence, not to exceed 4 months, as needed, for the period(s) of time a woman is disabled by pregnancy, childbirth, or related medical conditions. In addition, the Town will provide a reasonable accommodation for pregnancy, childbirth or related medical conditions if requested by the employee upon advice and medical certification of her health care provider. Reasonable accommodation may include a temporary transfer to a less strenuous or hazardous position, if requested, supported by proper medical certification and otherwise qualifying as reasonable accommodation. There is no length of service requirement before an employee disabled by pregnancy is entitled to a pregnancy disability leave. Retaliation against employees for taking Pregnancy Disability Leave is prohibited by law and Town policy.

Employee Eligibility Criteria

To be eligible for Pregnancy Disability Leave, the employee must be disabled by pregnancy, childbirth, or related medical conditions, as defined by law.

Events That Entitle an Employee to Leave

The 4-month Pregnancy Disability Leave allowance includes any time taken (with or without pay) for any of the following reasons:

1. The employee is unable to work at all, is unable to perform any one or more of the essential functions of her job, or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons, because of pregnancy or childbirth or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
2. The employee needs to take time off for prenatal care.

The Amount of Pregnancy Disability Leave that May Be Taken

Pregnancy Disability Leave may be taken in one or more periods, but may not exceed 4 months

total. "Four months" means the number of days the employee would normally work within 4 months. For a full-time employee who works 5 eight-hour days per week, "four months" means 88 working and/or eight-hour days of leave entitlement, based on an average of 22 working days per month for 4 months.

Pay and Benefits During Pregnancy Disability Leave

1. Pregnancy Disability Leaves are unpaid. However, an eligible employee may use and, in instances the Town may require an employee to concurrently use accrued paid leave to remain in paid status.
2. An employee on Pregnancy Disability Leave must use all accrued paid sick leave and may use any or all accrued paid vacation time during any otherwise unpaid leave period.
3. The receipt of vacation pay, sick leave pay, or disability benefits (if any) will not extend the length of the Pregnancy Disability Leave.
4. Vacation pay, sick pay and seniority accrue only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.
5. The Town will continue to provide and pay for the group health plan(s) to the same extent as if the employee had not taken leave.

Requesting and Taking Pregnancy Disability Leave

When possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the Town's operations.

An employee should request Pregnancy Disability Leave by completing a Request Form and submitting it to the Administrative Manager/Town Clerk. Employees requesting Pregnancy Disability Leave should provide not less than 30 days notice, or such shorter notice as is practicable, if the need for leave is foreseeable because of pregnancy. Failure to provide such notice is grounds for delay or denial of a leave request, except if the need for leave was an emergency or was otherwise unforeseeable.

A request for Pregnancy Disability Leave must be supported by medical certification from a health care provider, including the following information:

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

Reinstatement after Pregnancy Disability Leave

Unless the Town and employee have already agreed to a return to work date, an employee who has taken a Pregnancy Disability Leave must notify the Administrative Manager/Town Clerk at least two work days before her anticipated return to work. An employee who timely returns to work at the expiration of the Pregnancy Disability Leave will be reinstated to her former position, or a comparable position, whenever possible and consistent with applicable law. An employee taking Pregnancy Disability Leave must be released by her health care provider. The release should be in writing and submitted on or before the employee's return to work.

TOWN OF ROSS

VIOLENCE IN THE WORKPLACE

POLICY

The Town of Ross is committed to providing a safe workplace that is free of violence or the threat of violence. In support of this commitment, the Town strictly prohibits employees and non-employees, while on Town premises or engaged in Town-related activities, from behaving in a violent or threatening manner. Under this policy, the Town also seeks to prevent workplace violence before it begins and reserves the right to address behavior that reasonably suggests a propensity toward violence, even where actual violence has not yet occurred. Retaliation against a person making a report of workplace violence or cooperating in an investigation of possible workplace violence is also prohibited.

DEFINITIONS

Workplace violence includes, but is not limited to:

- Fighting or challenging another person to fight, including but not limited to striking, slapping, punching, spitting or physically assaulting;
- Threats intended to place a person in fear of physical harm or that would cause a reasonable person to be placed in fear of physical harm;
- Threatening, physically aggressive or violent behavior, such as acts of intimidation, stalking or any activity that attempts to instill fear in others;
- Other behavior that suggests a propensity toward violence, such as belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage toward Town property or a demonstrated pattern of refusal to follow Town policies or procedures;
- Throwing objects with the apparent intent to harm another person or place any person in reasonable fear of harm;
- Defacing or vandalizing Town property; or
- Except as authorized by the Town Manager or Police Chief, bringing any weapon or firearm of any kind onto Town property (including parking lots) or while conducting Town business.

REPORTING

Any employee who witnesses or becomes aware of an instance of workplace violence, as

described above, or who is a victim of workplace violence shall notify a supervisor, department head or the Town Manager. In the event that the Town Manager is alleged to be involved, notice may be given to any member of the Town Council. Any supervisor or department head receiving such a report shall immediately notify the Town Manager or, if the Town Manager is alleged to be involved, a member of the Town Council. Instances of prohibited retaliation may be reported in a similar manner.

INVESTIGATION

All complaints or allegations will be investigated promptly and thoroughly. The Town Manager will be responsible for assuring that an appropriate investigation is completed, except where the Town Manager is alleged to be involved, in which case the Town Council will assure that an appropriate investigation is completed. To the extent possible, the Town will endeavor to maintain the confidentiality of the reporting party and the investigation. However, disclosures may be necessary to conduct the investigation, in compliance with due process rights, where legally required or to protect individual safety. The complainant and, if applicable, an accused employee will be advised of the results of the investigation.

DISCIPLINE OR OTHER ACTION

If the Town determines that this policy has been violated, appropriate corrective action will be taken. Corrective action may include discipline, up to and including termination. The appropriate discipline may vary depending on the particular facts and circumstances of the situation. If the violent behavior involves a non-employee, the Town will take action in an effort to prevent future occurrences. Corrective action involving appointment official may include severing their relationship with the town. Corrective action involving elected officials may include censure. Action may be taken under this policy in addition to any available civil or criminal action.

TOWN OF ROSS TECHNOLOGY USE POLICY

Computer and Telecommunication Resources

PURPOSE

The Town of Ross, to govern the usage of Town computer and telecommunications resources which include but are not limited to personal computers, computer servers, personal digital assistants, software, networking resources, telecommunications (including voice mail) and any and all data adopts the following policy.

POLICY

Town computer and telecommunication resources are to be used by Town employees only for Town related activities. Town computer and telecommunication resources are not to be used for personal or other non-Town related business activities. Incidental use of computer and telecommunication resources is allowed with Department Head approval. All computer based data is to be considered the property of the Town and cannot be used for personal/private purposes. Electronic and telephone voice mail distributed via Town computer and telecommunication resources are also considered as Town property and cannot be considered the private property of the sender or recipient. Electronic mail and instant messaging should be utilized in a similar manner as the Town telephone. The Town is entitled to a copy of any data/information maintained on its computer systems. The Town maintains the right to control and monitor all use of its telecommunication and computer resources. Proprietary software and its associated documentation are subject to copyright laws and licensing agreements and are not to be reproduced unless authorized under a licensing agreement. Appropriate documentation to substantiate the legitimacy of the software is necessary. Employees will not use unauthorized or personal software on Town computer resources.

Internet Acceptable Use

PURPOSE

The Town of Ross, to govern and define the acceptable of internet services while using Town of Ross computer and network resources adopts the following policy.

POLICY

Use of computing resources and the internet by employees is permitted where such use supports the mission, charter and objectives of the Town of Ross. Any individual or computing resource found to be utilizing internet access in any way which poses a threat to the Town of

Ross may have their internet access restricted or revoked. Compliance with acceptable use, as outlined in this policy, is required.

1. Town of Ross employees are expected to use the internet responsibly and productively. Internet access is limited to Town business activities only.
2. All data composed, transmitted and/or received by Town computer resources is considered to belong to the Town of Ross.
3. The Town reserves the right to monitor and log internet activity. All sites and downloads may be monitored and/or blocked by the Town of Ross if they are deemed to be harmful and/or impact Town network performance.
4. Electronic mail sent or received on the internet cannot be expected to be secure. Town internet users should never provide confidential, sensitive or personally identifiable information to any untrusted internet resource.
5. Intentional downloading, copying or reproduction of any software, electronic file, program or data that is copyrighted or without authorization using internet resources is prohibited.
6. Town internet users are expected to comply with all applicable Federal, State and regional regulations.
7. Employee incidental use of the internet is allowed when approved by the employee's department head.

ENFORCEMENT

The department head or delegated representative is responsible for employee compliance with the provisions of this policy and for investigating non-compliance. When an instance of noncompliance with this policy is discovered or suspected, the department head shall proceed in accord with departmental and Town of Ross human resource policies. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the Town of Ross Intranet or Internet. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use policy. Discipline may be appropriate in some cases of non-compliance with this policy. Criminal or civil action against users may be appropriate where laws are violated.

Email Usage

PURPOSE

The Town of Ross, to govern and define how Town e-mail communications are to be used and applied to employees, contractors, vendors, consultants, volunteers, and other users.

POLICY

1. Town e-mail services are provided to employees for the sole purpose of conducting official business.
2. All e-mail messages processed by the Town's email servers become the property of the Town, and are subject to review. Town e-mail users have no right of ownership or personal privacy when using the Town e-mail services.
3. The Town reserves the right, without notice to disclose e-mail content to regulators, courts and law enforcement.
4. E-mail shall not automatically be forwarded to or from non-Town e-mail accounts.
5. Town e-mail users must use Town authorized e-mail services when conducting Town business. All remote use must be in accordance with the Town's remote e-mail access policies.
6. Town e-mail users are responsible for their e-mail accounts and shall be held accountable if someone else, including their delegates, violates this policy.
7. Town e-mail users shall not intentionally alter the date, time, physical source/destination, logical source/destination, routing or other label or header information of any e-mail message, file or report.
8. Retention and storage of e-mail will be in compliance with the email retention schedule.

Additional Guidelines

1. A limited number of authorized users, approved by the Town Manager, will have the ability to send Town wide all user distribution list e-mail messages.
2. Encryption of messages is not incorporated into the Town's e-mail system. Therefore, e-mail should not be used to transmit confidential or personal information such as credit card numbers, social security numbers, bank account numbers, etc.

Enforcement

An employee found in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

Remote Email Access

PURPOSE

This policy defines the standards for remote access to the Town of Ross's email system. These standards are designed to minimize the potential exposure to the Town of Ross from damages, which may result from inappropriate or careless use of Town of Ross resources. Damages include loss of sensitive or confidential Town data, intellectual property, damage to public

image, damage to critical Town of Ross internal systems, etc. In addition, this policy emphasizes remote access to email is voluntary and is provided as a convenience to employees. This policy provides standards for non-compensable, voluntary and incidental access to the Town of Ross's email system.

POLICY

This policy applies to Town of Ross employees requesting remote access to the Town's email system. Nonexempt employees may only have access with approval by agreement with the department head and will not be paid overtime for accessing email remotely. The following are provisions of this policy: It is the responsibility of Town of Ross employees with remote access privileges to maintain appropriate levels of security and confidentiality of Town of Ross resources. The Town of Ross employee is responsible for taking steps to prevent unauthorized uses and bears responsibility for the consequences should access to the email system is misused. Remote use of the Town of Ross's email system is subject to compliance with the existing email usage policy. Town of Ross email is to be used only to conduct Town of Ross business. Email and/or network communication is not considered time worked and is provided for convenience to employees. Employees are not required to check their email on their days off or while on vacation. Non-exempt employee time spent accessing Town resources via remote connection must be incidental and is therefore not subject to FLSA overtime. Any non-incidental access by nonexempt employees is not authorized by the Town of Ross. The employee is responsible for all costs associated with the remote access connection including but not limited to Internet connection or usage fees, equipment, and required software.

REQUIREMENTS

Personally owned devices are preferred for security reasons. At no time should any Town of Ross employee provide his or her login or email password to anyone, not even family members. All personal devices used for remote access to email must use the most updated and vendor supported anti-virus software, Operating System and browsers: firewalls provided with operating systems should be enabled and properly configured to minimize security risks. Individuals who wish to implement non-standard remote access solutions to the Town of Ross network must obtain prior approval from the department head.

ENFORCEMENT

Any employee found to have violated this policy will have their remote access immediately disabled and may be subject to disciplinary action, up to and including termination of employment. Employees acknowledging they have received and read this policy agree to the terms and conditions listed above.

APPENDICES

Appendix A

TO: Town Employees

FROM: Town Council

THE DANGERS OF DRUG ABUSE

The news is daily filled with stories of drug-related problems, but these are the dramatic side of the real story. The use or being under the influence of drugs in the work place is becoming epidemic throughout the nation even though more and more studies are available showing damage that drugs do to the human body, and even more frightening, the length of time many drugs stay in the system. Studies have clearly shown that cocaine for example, can be in your system for up to a week.

Think about others around you before you "only hurt yourself" by using. Would you like to have to depend on the person next to you who has diminished judgment? The use of controlled substances puts you at risk with:

- Law Enforcement
- Your health
- Your safety
- The safety and respect of those around you
- Your job

Don't take the chance!

HELP IS AVAILABLE

If you find yourself in a situation where you have started using or becoming involved with drugs, help is available for you. You do not have to deal with-the problem alone. Call:

Marin County Division of Alcohol, Drug and Tobacco Programs

Telephone:

(415) 473-3030 — Alcohol and Drug Programs

(415) 473-3020 — Tobacco Programs

Fax: (415) 473-7008

CALL THEM AND BREAK THE DRUG CYCLE

4. Have you discussed your concerns previously with any members of the Town staff? If yes, who?

Your Signature

Date