



Town of Yountville

"The Heart of the Napa Valley"

TOWN OF YOUNTVILLE

PERSONNEL RULES

AND

POLICIES

**Adopted March 7, 2001
(Amended February 23, 2006 per Resolution 2435-06)**

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SECTION 1 – INTRODUCTION AND GENERAL PROVISIONS

A. Purpose

The purpose of the Personnel Rules and Policies is to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness, and to provide a reasonable degree of security for qualified employees.

B. Adoption and Amendment of Rules

The Personnel Rules and Policies shall be adopted by a resolution of the Town Council. Amendments and revisions may be proposed from time to time by any member of the Town Council, Town Manager, or the Town Attorney.

C. Application of Rules and Policies

These Personnel Rules and Policies shall apply to all officers and employees in the service of the Town except the following unless otherwise noted:

1. Members of the Town Council.
2. Members of appointive boards, commissions and committees.
3. Persons engaged under contract to supply expert, professional, or technical or any other services.
4. Volunteer personnel.
5. Town Manager
6. Town Attorney
7. Department Heads and other management positions so designated by the Town Council, except where expressly provided.
8. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, earthquake, etc., which threatens life or property.
9. Employees, other than those listed elsewhere in this section, who is not regularly employed in regular full-time or regular part-time positions.

10. Temporary or seasonal employees, whether part-time or full-time.
11. Any position primarily funded under a State or Federal employment program.
12. Any new position hereafter created by the Town Council, unless declared by the Town Council to be in the competitive service at the time of creation or thereafter;
 - a. Employees not included in the competitive service under this section shall serve at the will of the Town Manager and may not utilize Section 9 (Complaint Procedure), Section 10 (Grievance Procedure) or Section 11 (Disciplinary Actions) of these Personnel Rules.
 - b. The portions of the Personnel Rules relating to Leaves and Leaves of Absence, Policies Governing Employment and Working Conditions, Travel and Travel Reimbursement and Use of Vehicles shall apply to the incumbents of full-time positions allocated by the Town Council, not otherwise covered by these Rules.

D. Administration

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

If there is any conflict between these rules and policies and any department policies and procedures, the policies and procedures contained in these rules and policies and any Memorandum of Understanding between the Town and the Employee Association, the provisions contained in the Memorandum of Understanding shall take precedence.

E. Delegation of Responsibility

The Town Manager may, at his or her discretion, delegate the responsibilities assigned in these rules and policies, as he or she may deem appropriate and necessary.

F. Distribution of the Rules

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

G. Right to Contract for Services

The Town Manager shall consider and make recommendations to the Town Council regarding the extent to which the Town should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The Town Council may contract with any qualified person or public or private agency for the performance of all or any Town service.

H. Severability

If any section, subsection, sentence, clause, phrase or portion of these Personnel Rules and Policies is, for any reason, held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Personnel Rules and Policies.

SECTION 2 – DEFINITIONS

Administrator: The Town Manager of the Town of Yountville with duties and responsibilities as specified in Municipal Code Section 2.08.

Anniversary Date: The date upon which service time is computed for purposes of step advancement and accrual of vacation and sick leave benefits, usually the date of first employment.

Appointing Authority: Shall be Town Manager or designee.

At-Will Employees: Employees who serve at the pleasure of the Town Council and/or the Town Manager and are not entitled to the right of appeal in the event of termination or other disciplinary action.

Class Specification: A written description of a class which identify 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 Classification: 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: The 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.

Competitive Service: All regular and probationary full-time and regular and probationary part-time employees and positions which are covered by these Personnel Rules and Policies as specified in Section 1.C of these Rules. At-will, temporary and seasonal employees are not included in the Competitive Service.

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

Department Head: A member of the managerial staff of the Town consisting of Town Manager, Planning Director, Finance Director and Community Services Director.

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

Employment Status:

- a. **Temporary/seasonal employee:** A part-time or full-time employee whose position is funded on a seasonal or other special time period basis. A temporary employee is paid on an hourly basis and is not entitled to paid vacation, sick leave, holidays or benefits established for regular employees.
- b. **Full-time employee:** An employee whose normal assigned work hours equal a forty-hour workweek.
- c. **Part-time employee:** An employee whose normal assigned work hours are less than a forty-hour workweek. Part-time employees are normally appointed on a temporary basis.
- d. **Non-exempt employee:** Employees designated as eligible for overtime pay in accordance with the Fair Labor Standards Act.
- e. **Exempt employee:** Employees designated as not being eligible for overtime pay in accordance with the Fair Labor Standards Act.

- f. **Volunteer:** An individual who has agreed to provide a service to the Town with full knowledge that monetary compensation will not be provided. Such individuals must be approved for appointment by the Town Manager.
- g. **Probationary employee:** A new or promoted employee who has been appointed to a regular full-time or regular part time position, (specifically excluding non-regular part-time, temporary and seasonal employees) and who is serving the probationary period provided for in these Rules.
- h. **Regular employee:** An employee who has completed probation and is assigned to a position that has been established on a regular, year-round basis.
- i. **Regular part-time employee:** An employee who has completed probation and is assigned to a position which has been established on a regular, year round basis and is regularly assigned to work twenty (20) hours a week or more, but less than forty hours a week.
- j. **Management Employee:** Employees other than contract employees, who hold managerial positions in Town service and are appointed by and serve at the pleasure of the Town Council or the Town Manager.

Position: 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 full time or part-time employee must serve in order to attain the status of regular employee in a regular position. At will employees do not serve a probationary period.

Supervisor: An employee in a position that has responsibility for directing and evaluating the work of subordinate employees.

Town: The Town of Yountville.

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 Yountville.

SECTION 3 – WORKING CONDITIONS

A. Hours of Work

Eight hours per day and forty hours per week constitute the normal workweek for all employees. To the maximum extent practicable, work schedules for employees not working normal business hours shall be arranged so that employees will work for five consecutive days, followed by two days off. Employees are expected to be at their assigned place of work and prepared to commence work with tools at hand at the time assigned.

B. Hours of Work – Department Heads

Department Heads will ordinarily observe the same work schedule as the employees under their direction. In addition, they shall work any additional hours that are necessary to fulfill the requirements of their position rather than be bound by any specified number of hours per week.

C. Meal Breaks

Employees who work six or more hours in a day, is generally scheduled a period, generally in the middle of the workday, during which they are free to eat a meal or do personal errands. Unless directed otherwise, employees are not paid for this time and are free to leave the work place.

D. Rest Breaks

For each four hours of work, conditions permitting, employees are granted a fifteen-minute rest break, during which they may engage in personal conversations, move about, and otherwise “take a break” from the normal duties of their assignments. This time will be paid by the Town as a part of the workday. The lack of opportunity to take advantage of the rest break at the appropriate time does not imply either additional pay for that time nor that the rest break may be deferred to another time.

E. Distribution of Material

No employee may, without specific approval of the Town Manager, distribute or make available on Town property or while on duty any literature or other material not furnished by the Town for that purpose.

F. Care of Tools and Equipment

Each employee which has care or custody of Town-owned property (including money) or equipment has a responsibility to take appropriate care of the property or equipment, including safeguarding it against theft or damage. Any employee becoming aware of the theft of, or malicious damage to, Town-owned property or equipment shall immediately report it to the Town Manager.

SECTION 4 – RECRUITMENT, SELECTION, AND APPOINTMENT

A. Employment Policy

Appointments to vacant positions within the Town service shall be on the basis of merit and qualifications for the position. The Town shall require all employees to complete and submit applications, agreements or statements pertinent to their employment as determined by the Town Manager.

B. Equal Employment

The Town of Yountville does not discriminate on the basis of age, color, race, religion, sex, marital status, national origin, Vietnam Era or Disabled Veterans, sexual preference, or disability in the hiring or retention of employees.

C. Recruitment Process

1. Authorization to Recruit

Authorization to fill a vacancy shall be by the inclusion of the position in the most recently approved Town Budget or by other action of the Town Council in creating a position. The Town Council may from time-to-time request prior justification for filling some or any vacancy that may arise, in which case recruitment will not be done until approved by the Council.

2. Manner of Filling Vacancies

Vacancies may be filled either by an open recruitment or by a promotional recruitment. In an open recruitment, members of the public and current Town employees may apply. In a promotional recruitment, only current Town employees may apply. The Town Manager shall determine whether a recruitment shall be open or promotional. However, in accordance with Section 12C, if there is

a layoff re-employment eligibility list, individuals on that list shall have preference over new hires or employees eligible for promotion.

3. Announcement

The Town shall publish announcements when recruiting to fill vacant positions that state the following:

- a. Position title
- b. Salary of classification
- c. Typical duties to be performed
- d. Desired qualifications
- e. Method of obtaining application forms
- f. When (final filing date) and where to file applications
- g. Testing process
- h. Any other pertinent information

Employment standards stated in the announcement shall be those established for the class as outlined in the class specification.

4. Posting of Announcements

An announcement of an open recruitment shall be published by posting notices at Town Hall on the official bulletin board, by classified advertising in at least one newspaper of general circulation in the Town, and through other appropriate methods as determined by the Town Manager. An announcement of a promotional recruitment shall be published by posting notices at Town Hall on the official bulletin board and through other appropriate methods as determined by the Town Manager.

5. Qualification of Applicants

- a. No person shall be employed in or appointed to any position requiring full-time or part-time service where the position is included in the classification plan and a class specification exists establishing desired qualifications unless said person possesses in full, by the final filing date, the desired qualifications or education and experience prescribed for that class except as provided by these Rules.
- b. In the event an applicant entering Town employment is found to possess qualifications extraordinary for the position the applicant is being hired for, the Town Manager may authorize the employment of such applicant at any step

within the appropriate pay range. For the purposes of this section, "extraordinary" means the applicant has education, experience and/or skills superior to that commonly required and expected for the class.

6. Applications

Applications shall be made as prescribed on the announcement of the vacancy. Applications forms shall require information covering training, experience and other pertinent information. All applications must be signed by the person applying.

7. Submitting Applications

Applications submitted in person must be received by the Town not later than 5:00p.m. on the final filing date. Applications mailed or delivered by other commercial service must bear a postmark or receipt by the commercial delivery service not later than the final filing date and must be received not more than seventy-two (72) hours after the final filing date and time.

8. Incomplete Applications

Incomplete applications may be returned to the applicant with notice to amend, provided the amended application is submitted in a timely manner per Section 7 above.

9. Disqualification

An applicant for employment may be disqualified for, but not limited to, the following reasons:

- a.** The applicant does not possess the necessary qualifications established for the position.
- b.** The applicant has been dismissed for good cause from previous Town employment.
- c.** The applicant has used or attempted to use any improper personal or political influence to further their employment with the Town.
- d.** The applicant has been convicted of a felony or misdemeanor that was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position or which involved moral turpitude. The word "convicted" shall be construed to mean

a plea of guilty or nolo contendere, verdict, or finding of guilt regardless of whether sentence is imposed by the court.

- e. The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.
- f. The applicant has turned down two offers of employment.

D. Competitive Examinations

The method of application, evaluation, and pre-employment examination shall be determined by the Town Manager. Selection techniques may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combination of these or other tests.

E. Offer of Employment

Offers of employment shall be extended to selected candidates by the Town Manager, unless the responsibility has been specifically delegated. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly or monthly basis. In no event shall an employment offer be made in terms of annual salary that may imply a yearly contract. All employment offers are subject to all employment contingencies that may include, but are not limited to satisfactory medical exam, psychological exam and fingerprint checks.

F. Appointing Authority

1. Appointment to full time regular, part time regular or other non-management positions shall be made by the Town Manager.
2. Appointment of management positions shall be made by the Town Council or by the Town Manager in accordance with Municipal Code Section 2.08.

G. Medical or Psychological 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 findings of medical or psychological evaluations should be maintained in a secure file, separate from other personnel documents.

1. A medical examination shall be required prior to the final appointment of all new full-time employees and regular part-time employees to determine whether the employee can carry out the essential duties of the position or to establish any accommodations necessary for the employee due to a disability. Psychological examinations may be required of employees hired for certain classifications.
2. At the option of the Town Manager, a health examination may be required prior to any reclassification or promotion in the Town service where the physical or mental requirements of the new position are more demanding than that held previously by the employee.
3. The Town Manager may require special examinations of any Town Employee who is returning from a medical leave of absence or has used significant amounts of sick leave to assure that the employee is physically or mentally capable of performing the essential duties of the position.
4. Any appointment or offer of employment is considered to be conditional, 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 mentally unable to perform the essential duties of the position. If the individual has a disability as that term is defined under the Americans with Disabilities Act (ADA), the Town shall make reasonable accommodation as required under the ADA.
5. Any examination required by the provisions of this section will be at the expense of the Town and the report thereof shall be exclusively the property of the Town.
6. An employee disqualified on the basis of a medical report shall have the right to seek an independent medical evaluation for consideration before a final decision is made.

H. Employment Oath

All employees of the Town shall complete and sign the Oath or Affirmation of Allegiance for Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the constitution of the State of California. The Oath shall be administered by the Deputy Town Clerk or other designated individual and a signed copy shall be included in the employee's personnel file.

I. Legal Authority to Work

Each applicant must attest to his or her legal authority to work and identify such on an I-9 Form provided by the Federal government. This verification must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual is hired. All offers of employment are conditional on furnishing satisfactory evidence of identity and legal authority to work in the United States.

J. Management Positions

All individuals appointed to positions designated as management by the Town Council including, but not limited to, Planning Director and Finance Director/Town Treasurer and Community Services Director serve at the will of the Town Council and may be appointed and dismissed by the Town Council by majority vote. Nothing contained in these rules is intended to imply additional rights and benefits to these individuals.

K. Volunteers

1. The Town Manager may appoint volunteers who will serve without pay or other compensation. Prior to appointment as a volunteer worker, it must be determined that the person is qualified and capable of performing the work to be done.
2. Volunteer workers of a designated class or group who are registered as such shall be deemed to be employees of the Town for purposes of workers' compensation while performing such voluntary service for the Town without pay as authorized by Labor Code Section 3363.5. Volunteer workers who are not registered as such, or who do not belong to a designated class or group, shall not be deemed employees of the Town for purposes of workers' compensation under Labor Code Section 3363.5. A designated class or group is a class or group of volunteer workers that the Council designates to contain employees of the Town for purposes of workers' compensation.
3. To be registered, a person must be listed on the roster of volunteer workers who are considered employees of the Town for workers' compensation purposes. The Town Manager or his or her designee will keep and maintain the roster and shall promulgate procedures to register volunteer workers of designated classes or groups. The roster shall contain name, address, and telephone

number, nature of work to be performed, and approximate time during which such volunteer work is to be performed. Designated volunteer workers shall be registered on the roster for a maximum of six (6) months, at which time the registration must be renewed or the registration will expire.

4. The Town reserves the right to terminate the volunteer service of any individual volunteer if such services are not needed, the specific volunteer is not performing the services satisfactory, or for any other reason. The Town reserves the right to withdraw employee status from registered volunteer workers, either individually or as a group or class, by terminating either their designated or registered status, or both.

SECTION 5 - ADMINISTRATION OF PAY PLAN

A. Salary Schedule

Salaries paid and any special compensation shall be in accordance with these Rules and the most recent applicable Salary Resolution adopted by the Town Council and any amendments thereto. Such Resolutions are available from the Deputy Town Clerk.

B. Temporary Employees and Special Salaries

Salaries for Temporary Employees and special salaries and incentive payments shall be in accordance with a Salary Resolution adopted by the Council or as set forth in the State or Municipal Code.

C. Hourly Rates

Where any monthly pay rate is to be converted to a salary hourly equivalent, the monthly rate of pay shall be divided by 173.33 to determine the hourly rate. Daily rates are equivalent to the appropriate hourly rate multiplied by eight hours.

D. Overtime

1. **General Policy:** It is the policy of the Town that overtime is to be discouraged and used only in cases of emergency. Except for an emergency a Supervisor or Department Head shall not obligate the Town to compensate for overtime without specific advance authorization.

2. **Overtime Compensation:** Work in excess of forty (40) hours per week by those employees eligible for overtime pay, shall be paid at the rate of one-and-one-half (1-1/2) times the regular rate of pay. If the employee so requests, accumulation of compensatory time may be authorized to be taken off in lieu of overtime pay to the extent permitted by law. When earned, compensatory time is accumulated at the same rate as if it were to be paid.
3. **Compensatory Time Off:** An employee, who has accumulated Compensatory Time as described in subparagraph (2), above, may request time off, to be charged against the accumulated Compensatory Time. Approval of the request for time off is at the discretion of the Supervisor or Department Head, who will consider the needs of the Town as well as the desires of the employee.
4. **Department Head:** A Department Head is considered to be compensated for a "complete job" by his/her regular salary, and so shall not be compensated for extra hours worked either through overtime pay or the accumulation of compensatory time off.
5. **Overtime in Multiple Positions:** In the event an employee is assigned to more than one position, all hours worked for the Town will accumulate towards the forty (40) hour workweek. Any hours worked over forty hours in a work week will qualify for overtime pay. The rate of overtime will be calculated as required by law. In order for an employee to receive overtime compensation, advance authorization must be received prior to additional hours being worked.
6. **No Holiday Pay:** when temporary, seasonal, part time or Management employees are required to work a holiday; there will be no Holiday Pay.

E. Anniversary Dates

For the purpose of salary administration and performance evaluations, each employee shall have an anniversary date that shall be determined as herein provided.

1. For a new employee, anniversary date shall be the date the employee was employed in a regular 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.

F. 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.

G. Salary upon Appointment

Upon initial appointment with the Town, a regular employee shall be placed in the first step of the salary range. 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.

H. Salary upon Reclassification

Any employee in a job, which is reclassified with a different salary range, shall be compensated at the step in the new salary range that does not result in a loss of pay. Upon recommendation by the Supervisor or Department Head and approval by the Town Manager, an employee in a position that is reclassified may be placed in a step of the new salary range for the new class that provides for a minimum increase of approximately five (5) percent.

I. 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 percent (5%), the employee shall be placed in a salary step in the range for the new class that provides for at least a five percent (5%) increase.

J. Salary upon Demotion

The salary of an employee who is demoted to a position of a job class with a lower salary than the job class from which the employee demoted shall be reduced to the salary step in the range for the new class recommended

by the Supervisor or Department Head and approved by the Town Manager.

K. Salary upon Transfer

In the case of a transfer of an employee from one position to another in the same salary range, the employee shall continue in the same salary step. In the case of a transfer of an employee from one position to another in a class with a lower salary range, the employee may be placed in any step in the range where the employee does not receive a pay increase.

L. Step Increases

Step increases are based on merit. An employee must perform the duties of the position in a manner satisfactory to the Supervisor or Department Head to receive the following step increase:

- 6 months @ Step A to become eligible for Step B
- 12 months @ Step B to become eligible for Step C
- 12 months @ Step C to become eligible for Step D
- 12 months @ Step D to become eligible for Step E

Merit increases are typically 5% within the limits of the appropriate salary range. Merit increases shall be made on each Anniversary Date. No increase shall be made without the written recommendation by the Supervisor or Department Head. Part time seasonal employees may be eligible for step increases based on merit at least annually.

M. Qualifications for Step Increase:

1. An employee may be granted a step increase after having served for the designated qualifying period and after a performance evaluation finding that the employee's performance was not less than satisfactory.
2. In unusual cases, upon recommendation of the Supervisor or Department Head, where special ability or aptitude is demonstrated, the Town Manager may approve advancement of an employee to a higher step before completion of the normal qualifying period.

N. Bilingual Pay

Bilingual pay for fluency in both English and Spanish will be paid to employees assigned to Town Hall who are normally available for translation for Town business. Such pay will be five percent of the employee's base salary. Bilingual pay shall be awarded when it is determined that there is a benefit to the Town and recommended by a Supervisor or Department Head and approved by Town Manager.

O. Out-of-Class Pay

When, because of absence, an employee performs substantially all the functions (full-time) of a higher classification, the employee will receive an increase of no less than 5% of his or her base hourly equivalent wage. The increase will be effective after the third week of the assumption of those duties and continue during the period those duties are being performed by the employee on a full-time basis.

P. Pay Periods

The official pay periods occur on a bi-weekly basis with paychecks being available no later than the second working day following the pay period.

Q. Reporting Time Worked

Employees are responsible for reporting on a prescribed form all hours worked and leave taken during the pay period. The employee is responsible for securing the signature of his immediate Supervisor on the form, indicating approval of the hours submitted. The employee is also responsible for seeing that all required documentation for approved leave or overtime worked is attached to the time report. In the event employees are unable to accurately report all time, due to the need to submit the time report prior to the end of the pay period, they shall be responsible for bringing that fact to the attention of their Supervisor or Department Head as soon as practicable, so the payroll records can be adjusted accordingly.

R. Issuance of Pay Checks

Paychecks will be distributed no later than the second working day following the pay period by the Supervisors or Department Head. In the process of distributing paychecks, Supervisors and Department Heads and other personnel necessarily involved in the process will take due care to preserve the confidentiality rights of employees.

SECTION 6 - TERMS OF EMPLOYMENT

A. Probationary Period

1. Each new full-time or regular part-time employee filling a regularly allocated position shall be a probationary employee until the successful completion of a six (6)-month probationary period. The purpose of the probationary period 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 Yountville and the position for which they are hired. If, at any time prior to the successful completion of the probationary period, the Town Manager determines that it is in the best interest of the Town to terminate the employment of the probationary employee, it will be in his/her discretion to do so. An employee terminated from probation shall not have any right of appeal under these Rules or any right to grieve their termination under the relevant Memorandum of Understanding, if any. The Town Manager has the discretion of extending the probationary period for an additional six months, if the Town Manager feels it is in the best interest of the Town to do so.
2. Department Heads, temporary, seasonal, specially funded and part-time employees (in non-regular positions) and contract employees, are not subject to a probationary period since these employees are at will and are subject to termination at the discretion of the Town Manager or Town Council as applicable.

B. Probationary Period - Promotional Positions

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, unless disciplinary charges are filed and the employee is terminated from employment with the Town. The employee may also be allowed to return to his/her former classification upon the written request of the employee. Upon the employee's return all rights and benefits will be restored to the employee as if the promotion had not occurred.

C. Transfer

1. Upon recommendation by the Supervisor or Department Head and approval of the Town Manager, or upon the employee's request and approval of the Town Manager, an employee may be

transferred at any time from one position to another position in a comparable class. The Town Manager may also initiate a transfer when it is determined to be in the best interests of the Town. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications. No person shall be transferred to a position for which he/she does not possess the minimum qualifications.

2. If the transfer involves a change from one department to another, both Department Heads and Supervisors must consent unless the Town Manager orders the transfer in the best interests of the Town. A transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these Rules.

D. Promotion

When in the best interests of the Town, the Town Manager may designate a vacant position as a "Promotional" position and open only to current regular Town employees.

E. Demotion

The Town Manager may demote an employee whose ability to perform his/her required duties falls below standard, or for disciplinary purposes. Also upon request of the employee, and with the consent of the Town Manager, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee, and a copy filed with the Town Manager.

F. Reinstatement

With the approval of the Town Manager, a regular employee or a newly promoted probationary employee who has completed probationary service in another classification and who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation, to a vacant position in the same or comparable class, without being required to undergo an additional qualifying examination. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, leaves, or other benefits.

G. Classification Plan

The sum of the Class Specifications/Job Descriptions shall be the classification plan for the Town of Yountville. This plan shall be used as a basis for the organization of operations for the Town and as a basis for the pay plan.

1. **Class Specifications:** The duties, responsibilities, and qualifications of positions within the Town service shall be determined by the Town Manager and approved by the Town Council. 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 Town Manager, with a copy of his/her current job description being provided to each employee.
2. **Request for Classification Review:** An employee may request that the Town Manager review his/her assigned class if the duties and responsibilities have changed significantly from those listed in the job description. Employees shall not have a right to request such a review within twenty-four months of the last time the position was studied. The Town Manager shall respond in writing within thirty (30) days of the request.

H. Employee Evaluations

Each employee shall be evaluated according to a system approved by the Town Manager. Employees on probation will be evaluated at least once during their probationary period. However a probationary employee may be released at any time with or without a formal evaluation having been given. Employees will be evaluated on an annual basis or more often if needed. 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 Town Manager, employee evaluations, including material submitted by the employee, will be placed in the employee's personnel file.

I. Personnel Files

1. **Records Custodian:** The Town Manager is responsible for the maintenance of employee personnel files.

2. **Contents:** A personnel jacket is maintained for each employee in Town service. All documents relating to each employee are filed therein. These include, but are not limited to, application and appointment papers, work history with the Town of Yountville, employee evaluations, safety and training records, background information records, pay and leave records, and disciplinary records.

3. **Security:** Personnel 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 Town Manager, the employee, an employee's representative who has written authorization by the employee to view the file, and the Town Attorney to the extent necessary and reasonable to exercise his/her duties. Employees may review their own personnel file with supervision at times arranged with the Town Manager. Employees may respond in writing to the contents of their personnel file. Such responses become a permanent part of their file.

SECTION 7 - HOLIDAYS, VACATIONS AND LEAVES OF ABSENCE

A. Holidays

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

January 1	New Year's Day
Third Monday in January	Martin Luther King Day
February 12	Lincoln's Birthday
Third Monday in February	Presidents' Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Day after Thanksgiving
Day	
December 25	Christmas Day

2. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday.

3. Each full time regular employee shall be granted three (3) floating holidays (24 hours) each year on July 1 that may be taken at any time mutually agreeable to the employee and the employee's immediate Supervisor prior to June 30. Unused holidays may not be carried forward to the following year. Regular Part Time employees appointed for less than 40 hours, but more than 20 hours, will receive 1 ½ floating holidays (12 hours) to be used in the same manner as Full Time employees.
4. Eligibility - An employee must work or be in a paid status previously approved by the employee's Department Head the entire work day immediately before and the first entire work day immediately after a holiday in order to receive compensation for the holiday.

B. Vacation

Vacation leave shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

C. Leaves of Absence with Pay

1. Sick Leave

Sick Leave shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

2. Bereavement Leave

Bereavement Leave shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

3. Military Leave of Absence

Military Leave shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

4. Leaves of Absence for Judicial Purposes

Leave of absence for judicial purposes shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

5. Jury Duty

Jury Duty leave shall be provided as set forth in the Town of Yountville Memorandum of Understanding with the Yountville Employees' Association.

6. Voting Time

Employees shall be authorized reasonable time to vote on election days.

7. Administrative Leave with Pay

The Town Manager may place an employee on Administrative Leave when such leave is identified as being in the best interests of the Town.

D. Leaves of Absence Without Pay

1. Regular employees may be granted a leave of absence without pay for up to 90 days upon request when approved by the Town Manager. The Town Manager shall take into consideration the effect on the ability of the Town to provide services and staffing needs when determining whether or not to approve a leave of absence without pay. A leave without pay may be granted for the following reasons:
 - a. Illness, pregnancy or disability
 - b. To take a course of study which will increase the employee's usefulness upon return to his/her position
 - c. Personal reasons acceptable to the Town Manager
2. An employee taking five (5) or more working days or forty (40) or more hours leave without pay in any given month shall not accrue vacation, holiday or sick leave credits for that particular month unless otherwise authorized by the Town Manager.
3. The procedure for allowing leave without pay shall be as follows:
 - a. Except in the cases of illness, pregnancy or disability an employees' request for Leave Without Pay shall be submitted to the Town Manager, accompanied by a statement from the Supervisor or Department Head as to how an adequate level

of service and staffing can be maintained during the employee's absence. The Town Manager has the discretion of approving or denying the request.

- b. In the case of illness, pregnancy or disability, Leave without Pay shall commence at such time as Sick Leave is expended except that the employee may elect to expend any other paid leave prior to utilizing Leave without Pay. In the case of Leave without Pay for other reasons, all paid leave must be expended before Leave without Pay shall begin.
- c. Except in cases of absence due to illness, pregnancy or disability, Leave without Pay shall be deducted from service time for purposes of computing longevity, time in service, seniority or for any other purpose.
- d. Unless the employee notifies the Town Manager at the time of the request for leave without pay that he or she elects to pay the premiums for continuation of Health, Dental and Insurance Benefits, those benefits will be terminated beginning with the calendar month following the start of the unpaid leave. If that election is made and the leave is approved, it is the responsibility of the employee to submit payment to the Town such that it is received prior to the Town processing payment to the insurance carrier. The Town will not make a premium payment in anticipation of receipt of the payment from the employee except as provided for in the MOU or by law.
- e. Retirement benefits shall be adjusted for leave without pay in accordance with Public Employees' Retirement System's (PERS) regulations.
- f. An employee who fails to return to work at the conclusion of a Leave without Pay shall be considered to have automatically resigned from Town employment.
- g. Upon return from Leave without Pay, an employee shall be reinstated to the position held at the time of commencement of leave at the salary range and step previously held.

E. Pregnancy Leave

Leave for pregnancy shall be granted in accordance with the provisions of State Law. Employee's disabled due to pregnancy, childbirth or related

conditions shall be granted an unpaid leave of absence for the duration of the disability up to a maximum of four months.

F. Family Medical Leave

Family medical leave shall be granted in accordance with the provisions of State and Federal law.

SECTION 8 - INJURY AND ILLNESS PREVENTION PROGRAM

A. Overview

This safety program outline is developed to provide standards for sound, workable safety activities to assist the Town of Yountville in fulfilling its important function of leadership and public service. The success of the safety program depends upon the positive support of Town Officials, the cooperation of Supervisors and Department Heads and all employees in the prevention of accidents.

It is the responsibility of each Supervisor and Department Head to establish safety as a standard operating procedure, and to insure safe working conditions for all Town employees. It is the obligation of Town personnel to strive to prevent accidents and work injuries. Failure to follow this program and safety directions may result in progressive disciplinary action up to and including discharge.

B. Purpose

The basic purpose for the Injury and Illness Prevention Program is the elimination of accidents and illnesses that cause occupational injuries or property damage. Each accident or injury is caused either by an unsafe act of an individual, an unsafe physical condition, or a combination of both. Accidents can be prevented by eliminating unsafe acts and correcting unsafe conditions.

C. Benefits

The benefits of an active safety program touch on every phase of business, home and community. Specifically, these benefits include better working conditions, improved public relations, higher morale of workers, and reduction of cost, increased production and harmonious employer-employee relations.

D. Management Commitment

The Town agrees to make every reasonable provision for the safety and health of its employees while at work, to abide by applicable Federal, State, County and Town laws and to make available such protective equipment as is required by such laws.

E. The Plan

The Town of Yountville hereby establishes implements and agrees to maintain an effective Injury and Illness Prevention Program in accordance with Section 3203 of the General Industry Safety Orders as amended July 1, 1991. In order to accomplish the above objectives, a Labor/Management Safety and Health Committee shall be maintained.

F. Safety Coordinator

The Town Manager shall appoint a Safety Coordinator. The Safety Coordinator shall have the following powers and duties:

1. Assist in the implementation and coordination of an Injury and Illness Prevention Program for all Town departments.
2. Assist in preparing and coordinating an overall educational and training program in accident prevention for all Town departments and to assist them in the development of safe operating practices and in the elimination of unsafe conditions.
3. Review and analyze all reports and investigate or assist in investigating all employee accidents reported therein to determine causes and responsibilities, and at regular intervals prepare and distribute reports and summaries of the results for such investigations and review.
4. Act as Secretary to the Labor/Management Safety and Health Committee; assist said Committee on accident prevention and safety matters; and call quarterly meetings of said Committee.
5. Call upon any Town officer or employee and the Labor/Management Safety and Health Committee as needed for assistance in investigating accidents.
6. Oversee the inspection of Town property; make recommendations to Town officers and department for the unsafe operating practices and procedures and unsafe physical or mechanical conditions of Town property and facilities; and require such officers and departments to report in writing to the Safety Coordinator as to the action to correct such unsafe conditions.

7. Maintain an internal CAL OSHA 200 LOG and CAL OSHA Supplementary File for the current year and the previous five (5) years at the Town Manager's office.
8. Post the right half of the CAL OSHA log where it can be seen by employees every February 1st until March 1st.

G. Labor/Management Safety and Health Committee

The Town Manager shall establish a Labor/Management Safety and Health Committee.

All field operations shall have the designated management safety representative and employee representative attend a monthly Safety Committee meeting. There will be equal representation of unit employees and Supervisory management personnel. Unit employees will be nominated and elected by the employees of the department they represent. Supervisory management employees will be assigned by the Town Manager. All terms run on a fiscal year basis. Alternatives may attend due to any absence.

Duties of the Labor/Management Safety and Health Committee:

1. Meet regularly on a monthly basis (law requires at least quarterly).
2. Prepare and make available to all employees, written records of the safety and health issues discussed at the Committee meetings and minutes of all meetings (minutes will be maintained by the Safety Coordinator).
3. Review results of periodic scheduled work site inspections (reports to be maintained by Safety Coordinator).
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury, occupational illness, or exposure to hazardous substances and, where appropriate, submit suggestions to management for prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any Committee member. When determined necessary by the Committee, the Committee may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.

7. Upon request from the State of California, Department of Industrial Relations, Division of Occupational Safety and Health, verify abatement action taken by the employer to abate citations issued by the Division.
8. Encourage and facilitate employee-to-employer communications, either direct or anonymous.

H. Employee Protection

There shall be no reprisals or discrimination for employee advising the Town of unsafe conditions and practices, unrecognized hazards, and suggestions to improve workplace safety. No employee or employee organization shall be held liable for any act or omission in connection with a health and safety committee.

SECTION 9 - COMPLAINT PROCEDURE

A. Complaint Procedure

1. Purpose

The purpose of this procedure is to enhance communications between employees and Supervisors and management by providing employees an informal process for the discussion and review of complaints or concerns not covered by the grievance procedure within a reasonable time period without jeopardizing employees' positions or employment.

2. Procedure

Any complaint or concern not covered by the grievance procedure shall be resolved as follows:

- a. The employee shall first discuss the matter with his or her immediate Supervisor within five (5) working days from the date the employee had notice of the action that prompted the concern or complaint. The immediate Supervisor shall respond to the employee within ten (10) working days. In the case the complaint or concern is against the immediate supervisor, the matter may, at the employee's option, be referred to the next level of supervision. In the situation where a complaint is filed against the Town Manager, the Town Attorney may, at the employee's option, receive the

complaint and conduct the appropriate investigation in consultation with the Town Council.

- b.** In the event that the immediate Supervisor does not resolve the matter to the employee's satisfaction, then the employee may bring the matter in writing to the attention of the next level of supervision within five (5) working days of the receipt of the response from the immediate Supervisor.
- c.** In the event that the second level Supervisor does not resolve the matter to the employee's satisfaction (or there is not another level of supervision to submit the complaint to), then the employee may bring the matter in writing to the attention of the Town Manager within five (5) working days of the receipt of the response from the second level Supervisor. Within ten (10) working days, the Town Manager will schedule a meeting with the employee to discuss the matter. After considering the facts, the Town Manager will give his/her written decision to the employee within ten (10) working days.
- d.** The decision of the Town Manager is final, or in the case of a complaint against the Town Manager, the decision of the Town Council is final.

SECTION 10 - GRIEVANCE PROCEDURE

A. Definition

A grievance is a formal allegation by an employee claiming violation, misinterpretation, inequitable application or non-compliance with:

- 1.** Provisions of the collective bargaining agreement;
- 2.** Town ordinances
- 3.** These Personnel Rules

Action and decisions regarding appointments, promotions, disciplinary actions, and performance evaluations are not grievable hereunder.

B. Who May File a Grievance

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

C. Grievance Procedure:

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: If the employee is not satisfied with the response at Step 1, the employee may submit their grievance in writing to the Department Head within five (5) working days after receiving their supervisor's oral reply. If there is no Department Head, the employee may submit their grievance to Step 3. The employee and the Department Head may meet in person to discuss the grievance. The Department Head shall issue a reply in writing within five (5) working days after receipt of the written grievance.

Step 3 - Town Manager Review: Any dispute not resolved at Step 2 may be submitted in writing to the Town Manager within five (5) working days after the Department Head's written response. The Town Manager shall, within ten (10) working days of receipt of the grievance, schedule a meeting with the employee to discuss the matter. After consideration of the grievance, the Town Manager shall give his/her written decision to the employee within five (5) working days after the meeting.

Step 4 - Town Council Review: If the employee is not satisfied with the decision of the Town Manager in Step 3, the employee may request, in writing, a hearing before the Town Council. Such request for a hearing must be submitted within ten (10) working days of receipt of the Town Manager's decision and shall include in detail the facts giving rise to the grievance and supporting documentation necessary for Town Council consideration. The Town Manager shall forward such a request and supporting documentation to the Town Council within ten (10) working days after receipt, for Town Council consideration.

The Town Council shall have the following options:

1. Decline to hear the grievance; or
2. Make a decision on the documentation submitted; or
3. Hold a hearing, in open or closed session as permitted by law and in a manner appropriate to the nature of the grievance.

The decision of the Town Council will be final.

SECTION 11 - DISCIPLINARY ACTIONS

A. Town Expectation

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

B. Types of Disciplinary Actions

The following are types of actions that may be utilized by the Town Manager in disciplining employees.

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.
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.
3. Disciplinary Suspension: An involuntary absence without pay for a fixed period of time.
4. Reduction in Pay: The temporary or permanent reduction in pay of an employee.
5. Demotion: Demotion to a lower classification.
6. Termination: Discharge from the Town service.
7. Pending investigation and imposition of a disciplinary matter, the Town Manager may place an employee on paid administrative leave as provided in Section 7.C.4 of these Rules.

C. Reasons for Discipline

Listed below are examples of causes that shall be deemed sufficient for action by the Town Manager. Grounds for disciplinary action are not limited to the examples enumerated.

1. Incompetence
2. Inefficiency
3. Dishonesty
4. Absence or tardiness without prior approval
5. Theft, pilferage, or misuse of Town property
6. Insubordination
7. Conviction of a felony or misdemeanor involving moral turpitude
8. Use of or being under the influence of illegal drugs on Town property, while on Town business, or during working hours
9. Discourteous treatment of the public or other employees
10. Drinking alcoholic beverages or being under the influence of alcohol while on duty
11. Negligence or willful damage of public property
12. Engaging in harassment, including sexual harassment
13. Falsification of records or documents
14. Fraud in securing employment
15. Inability to perform the duties of the position
16. Willful violation of any Town ordinance or lawful Town regulation or order.

D. Disciplinary Procedures

1. Written Notice of Proposed Disciplinary Action

Whenever it is the intention of the Town Manager to take a disciplinary action against a regular 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 reasons are based.

2. Pre-Disciplinary Meeting

The employee and a representative of his/her choosing will be provided an opportunity to respond to the charges made. The employee may file a written response to the charges, or request the right to make an oral response. A written request must be

submitted to the Town Manager within five (5) working days of being served with the notice of intended action.

3. Notice of Discipline

Following receipt and consideration of the written response or the oral response stated at the pre-disciplinary meeting, or following no response by the required date, the Town Manager shall prepare a notice of the action to be taken, which shall include the effective date and state the employee's right of appeal. The notice shall be delivered to the employee before the effective date and a copy filed in his/her personnel file.

E. Right of Appeal

A regular employee, who is disciplined by the Town Manager with an unpaid suspension or greater discipline, may appeal the action to the Town Council. A written appeal of the disciplinary action must be submitted to the Town Council within five (5) working days of the receipt of the Notice of Discipline. The Town Council may consider the appeal at a regular meeting or call a special meeting. The appeal shall be held in open or closed session as provided by law. If the Town Council modifies or reverses the action, the Town shall compensate the employee for back pay and benefits in accordance with its decision.

At-will employees of the Town shall not have the right to appeal disciplinary actions or terminations.

SECTION 12 - SEPARATION FROM SERVICE

A. Discharge

Disciplinary discharge action shall be taken in accordance with Section 11 of these Rules and Policies.

B. 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.

C. Layoff and Re-employment

1. Authorization

The Town Manager may layoff any regular employee because of lack of funds, reduction or lack of work or other reasons including but not limited to changes in duties or organization, abolition of position or reorganization. In addition, the Town Council may abolish for reasons stated above any position of employment by amendment of the appropriate schedule of positions.

2. Order of Layoff

a. Order of Layoff. Prior to laying-off regular employees in a classification, the Town shall terminate any at-will employees in that classification including but not limited to all temporary, seasonal, part-time non-regular, specially funded and contract employees. In each classification in which a layoff is to occur, regular employees shall be laid off in the following order:

- (1) Probationary part-time
- (2) Part-time
- (3) Probationary full-time
- (4) Full time

Order of layoff shall not be based in any manner upon seniority, but rather upon merit as evidenced by performance evaluations and subject to meet and confer between the Town and employee association.

b. The effective date of layoff shall be at least thirty (30) days after action taken by the Town Manager or Town Council to initiate the layoff. The Town Council may, by declaration of an emergency, shorten the effective date.

c. At least ten (10) workdays prior to the effective date of the layoff, the Town Manager or designee shall notify the employee affected of the intended action and the effective date. The Town Council may, by declaration of emergency, shorten this notice period.

- d. The name of any employee laid off shall be placed on the appropriate re-employment eligibility list for a period of one year.

3. Return to Former Class

In the event of a layoff, employees who have been promoted during their service with the Town, may bump back one classification in their career series to a position they formerly held if there is an employee in the lower classification with less seniority than the employee who wants to bump.

4. Seniority Defined

For purposes of Section, seniority shall be defined as the number of months of paid service since the employee's most recent hire date with the Town in a regularly allocated position.

5. Order of Re-employment

Employees on a layoff re-employment list shall have preference over new hires and individuals eligible for promotion. Employees who have been laid off shall be offered re-employment in the inverse order of layoff, provided no intervening factors have occurred which essentially change the ability of the employee to perform the offered employment.

6. Notice of Re-employment

The Town shall give the employee reasonable advance notice of the opportunity for re-employment. Employees recalled to work shall return to work at the time specified by the Town. Any laid off employee who refuses an offer of employment to the classification from which they were laid off or who fails to report to work on the date and at the time specified by the Town, shall be considered as having resigned. Upon re-employment the employee shall return to the benefit accrual level at the time of layoff.

**SECTION 13 - POLICIES GOVERNING EMPLOYMENT
AND WORKING CONDITIONS**

A. Outside Employment

- 1. Employees may engage in employment outside Town employment provided that:

- a. Written approval is obtained in advance from the Town Manager. The approval of the Town Manager may be withdrawn if circumstances related to the outside employment change and no longer comply with this Section.
 - b. The employment does not conflict with the employee's work schedules, duties, and responsibilities.
 - c. The employment does not create a conflict of interest or incompatibility with Town employment.
 - d. The employment does not create a detrimental effect upon the employee's work performance with the Town.
 - e. The employment does not involve conducting business during hours of employment with the Town.
 - f. The employee does not use Town premises, facilities, or supplies in his/her outside employment.
 - g. The Town is in no way responsible for the employee's outside employment.
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.
 3. This policy applies to all employees of the Town assigned to any classification.

B. Conflict of Interest

1. Employees of the Town are prohibited from:
 - a. 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 their official duties.
 - b. Accepting money, favors, or other considerations for work they would be required or expected to perform in the regular course of their duties.

- c. 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.
- d. 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.
- e. Being a member of any Town committee when such committee's responsibilities would cause a conflict with the employee's normal duties.
- f. It is the employee's responsibility to disclose and report all potential conflict of interest situations to his/her Supervisor or the Town Manager.

C. Employment of Relatives

- 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.
- 2. A close relative is defined as mother, father, stepmother, stepfather, father-in-law, mother-in-law, husband, wife, child, stepchild, brother, sister, brother-in-law, sister-in-law.
- 3. For business reasons of supervision, safety, security and morale, a close relative will not be assigned to supervise their close relative. Also, for business reasons of supervision, security, or morale, a close relative will not be placed in the same department, division or facility if the work involves potential conflicts of interest or other hazards.
- 4. If at any time a situation exists where close relatives are employed within the same department, division or facility, the Town Manager may transfer one of the individuals to a similar position in a different department, division or facility in the Town. If that is not feasible, then the close relatives must decide who shall remain with Town employment. In the event the close relatives cannot agree, then the Town Manager shall decide.
- 5. In the event co-employees marry, the Town shall make reasonable efforts to assign job duties so as to minimize problems of

supervision, safety, security and morale. In the event such is not possible, the employees must decide who shall remain with the Town employment. In the event the employees cannot agree, then the Town Manager shall decide.

D. Political Activity

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.
2. The rights of employees to register and vote as they choose shall not be infringed.
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. The exception is an employee running for a position on the Yountville Town Council. If elected, the employee would be required to resign his/her employment with the Town.

E. Drug Free Workplace Policy

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

1. Purpose

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

2. Policy

- a.** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees is prohibited at all Town work sites.
- b.** 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.
- c.** 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 personnel 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.
- d.** The Town of Yountville will establish a drug-free awareness program to inform employees of this policy, the dangers of drug abuse in the work place, and any available drug counseling, rehabilitation, and employee assistance programs.

3. Rights

No provision of this policy is intended to remove or limit an employee's right to appeal a disciplinary action under applicable sections of the Town of Yountville Personnel Rules and Policies.

F. Drug/Alcohol Policy

- 1.** The Town of Yountville has adopted a Drug Free Workplace Policy within the provisions of the Federal Drug Free Workplace Act. In conjunction with this policy, the Town retains the right to assure that employees are free from the influence of drugs and alcohol during the performance of their Town duties. The Town Manager shall retain the right to:
 - a.** Access any Town property, including but not limited to desks, lockers, closets and vehicles for the purposes of inspection to assure no illegal drugs or alcohol is on the Town premises.

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.

3. Discrimination Complaint Procedure

a. 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. The complaint shall immediately be investigated by the Town Manager or his/her designee. Corrective action, if warranted, shall be taken as soon as possible. Such corrective action may include disciplinary actions up to and including termination for any employee found to have violated this policy.

H. Sexual Harassment Policy

The Town Council of the Town of Yountville in compliance with Title VII of the Civil Rights Act of 1964 (42 U.S.C. SEC. 200E-2(A)) and the California Fair Employment and Housing Act (Government Code Sec. 12940 (a), (h), and (i)) adopts the following policy:

1. Purpose

It is the intention of this policy to provide in the Town of Yountville a work environment free of unlawful harassment.

2. Policy

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

3. Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- a. Verbal conduct such as gender based epithets, derogatory jokes or comments about an individual's body, slurs, or unwanted sexual advances, invitations or comments;
- b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, leering, blocking normal movement or interfering with work;
- d. 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;
- e. Retaliation for having reported or threatened to report unlawful harassment, for having objected to harassment or for having assisted another employee in reporting harassment.

The conduct stated above will not be tolerated by the Town of Yountville 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 Yountville will take reasonable steps to prevent this conduct from occurring.

4. 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. 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 or the Town Manager. Supervisors shall immediately report any incidents of harassment to the Town Manager. The complaint shall immediately be investigated by the Town Manager or his/her designee. Corrective action as warranted 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. In the situation where a complaint is filed against the Town Manager, the Town Attorney

shall receive the complaint and conduct the appropriate investigation in consultation with the Town Council.

SECTION 14 - TRAVEL AND TRAVEL REIMBURSEMENT

A. Applicability

All employees, elected officials, and appointed officials may be reimbursed for the actual mileage, transportation, lodging, meals, and other expenses for attending conferences, training sessions, meetings, and other official business, subject to such limitations as are prescribed below. If a meeting or conference is part of a larger program that may be funded or reimbursed by another agency, then reimbursement may be for less than specified herein, but only with the prior agreement and understanding of the employee.

B. Definitions

1. Conference means an official function of a professional or governmental organization or agency normally requiring attendance for more than one (1) day.
2. Meeting means a meeting with one or more persons for the conduct of Town business or an official meeting of a professional or governmental organization or agency not requiring overnight accommodations or meals other than those related to the meetings.
3. Local Area Travel means travel within an area generally within 200 miles of, or three hours travel time from, the Town of Yountville.

C. Reimbursable Expenses

1. **Registration Fees**
The Town will reimburse employees in full for such registration fees as may be required for attendance at authorized conferences and meetings.
2. **Transportation**
 - a. Town vehicles shall be used for local area travel in connection with official Town business whenever practical. Any necessary out of pocket expenses incurred with the operation of Town vehicles shall be reimbursed.

- b.** If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, as reimbursement for all costs incurred while operating such vehicle such as gasoline, wear and tear on the car, insurance coverage, and other incidental items. The Town will additionally reimburse reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be “in-kind” by the provision of fuel, parts, service, or any other thing of value at Town expense. No additional reimbursement will be allowed except in writing by the Town Manager and then only when extraordinary and unforeseeable expenses not under the control of the Town or the employee are encountered.
- c.** Prior to operating a personal vehicle, in the course of employment, the employee must show proof of liability insurance on that vehicle and possess a valid California driver’s license.
- d.** Travel outside of the local area shall normally be by common carrier air transportation. No employee may act as Pilot in Command of a private aircraft on Town travel.
- e.** Use of a Town vehicle outside of the local area shall require approval by the Manager, except an employee may request to use his personal car. Any additional time required for travel by vehicle at the employee’s option outside of the local area shall be on the employee’s own time. In addition, any additional expenses necessary as a result of the employee choosing that option shall not be reimbursable.
- f.** Reasonable and necessary expenditures will be allowed for parking and toll charges incurred in connection with official travel.
- g.** Air transportation expenses will be paid or reimbursed at the coach class fare. If an employee elects to travel by personal car where adequate public air service is available, the maximum allowable mileage will be the coach airfare rate or mileage whichever is less.
- h.** Incidental transportation expenses for airport limousine, bus or taxi service will be reimbursed if incurred as a necessary

part of officially approved travel. Other travel expenses, including car rental, will be limited to circumstances where less expensive intra-city travel service is not available or practical.

- i. Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations. The Town will not be responsible for, nor reimburse for, citations and parking tickets.

3. Meals

- a. Payment for meals while on Town business shall be a maximum of \$85.00 per diem for each full day. On travel days when the employee is not out of the Town for the full day, the following schedule of maximum costs is applicable:

Breakfast:	\$15.00
Lunch	\$25.00
Dinner	\$45.00

- b. Meal expenses in excess of the amounts listed above may be approved by the Town Manager when necessary due to metropolitan costs that are significantly higher. In any event, all meals will be strictly on a reimbursement basis for all reasonable costs incurred, excluding alcohol, with an accounting of all meal expenses for the duration of travel or conference attendance. Meal expenses and gratuities should be modest taking into account community standards and prevailing restaurant costs in the relevant area. Amounts for meals not paid based on the above stated rates shall be set according to the Internal Revenue Service rates, which include adjustments for higher cost locations (see Publication 154 at www.irs.gov or www.policyworks.gov/perdiem). Receipts for all meal expenses shall be included with the reimbursement request.

4. Lodging and Incidental Expenses

- a. Lodging costs will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed the group rate published by the conference sponsor for the meeting in question. For overnight stays in other contexts, reimbursement for hotel or

motel rooms will be on the basis of actual expenditures based on single occupancy and reimbursement rates shall be set according to the Internal Revenue Service per diem rates for lodging, which include adjustments for higher cost locations (see Publication 154 at www.irs.gov or www.policyworks.gov/perdiem). The guiding principle should be the most cost effective and efficient use of public resources in selecting lodging with a degree of sophistication while serving the business needs of the trip.

- b. In the event that arrangements have been made for the Town to be billed directly for hotel or motel rooms, incidental charges should be paid for by the employee at the time of checkout and appropriate reimbursement requested.
- c. Reasonable incidental expenses, such as tips, cab fare, parking fees and telephone charges, when required in connection with official Town business, will be reimbursed on the basis of actual expenditures.
- d. Entertainment expenses are the responsibility of the employee. Such expenses may include alcoholic beverages, stage shows, movies, tours and other personal amusements.

D. Authorization

Travel at Town expense will be undertaken only in accordance with the guidelines outlined herein. Only the Town Council or Town Manager may grant any deviation from the specific provisions.

1. Conferences

Attendance at conferences shall be subject to the following:

- a. Funds must be available in the proper department budget category to cover the anticipated costs of the conference.
- b. In the case of an out of state or national conference, attendance approval shall not normally be given unless the employee is a program participant and/or an officer of the organization conducting the conference.
- c. Following return from a conference an employee may be required to submit to the Manager a brief report containing an overview of the conference and an assessment of the value of attendance at the conference.

2. Meetings

Attendance at meetings shall be subject to the following:

- a. Sufficient funds are available in the appropriate budget for the meeting expenses.
- b. Approval of the employee's Supervisor or Department Head. Attendance of a Department Head at any meeting requiring absence from the Town for all or most of a workday shall be subject to prior notification to the Manager.

E. Cash Advances

1. Cash advances may be made for expenses anticipated to be incurred for approved travel. These advances are not intended to be final payments to the employee, but are made for the convenience of the employee. Regardless of whether an advance was made, all reimbursement to the employee is subject to these rules and an accounting being filed on the employee's return. Funds not expended for approved purposes must be refunded to the Town.
2. Cash advances not exceeding \$100.00 for official Town business expenses may be made by the Finance Director or from petty cash. The Manager shall approve all advances exceeding \$100.00.
3. Employees desiring a cash advance exceeding \$100.00 must make application with the Finance Department for approval at least one week in advance. "Hand checks" may be issued for this purpose, if there is not sufficient time for the request to be processed with the "Accounts Payable" by the Council.

F. Reimbursement Procedure

1. A Travel Expense Reimbursement Report, including all receipts shall be prepared and submitted to the Finance Department by the person claiming the expenditures. Expense reports must document that the expense in question met the requirements of this policy. Reimbursement Reports should be filed as soon as practicable after the meeting or conference and in any case within five working days after the employee's return to work, and no later than 30 days after an expense being incurred.
2. Receipts are required for all expenditures for airline tickets, hotel rooms, conference/meeting registration fees, parking, and other

expenses for which receipts normally are obtainable, unless those expenses have been prepaid in full through the Town.

3. Expenditures in excess of any amounts authorized by this policy shall be at the risk of the employee with respect to reimbursement.

G. Reports to Governing Board

At the next regular Town Council meeting, each elected official should briefly report on meetings attended at Town expense. If multiple officials attended, a joint report may be made. In making a joint report, officials should be mindful about open meeting laws governing communications among members of a legislative body. There is a conference exception to the Brown Act, as long as a majority of the members of a legislative body does not discuss among themselves business that is within the subject matter jurisdiction of the local agency (other than as part of the scheduled program).

H. Audits of Expense Reports

All expenses are subject to verification of compliance with this policy.

I. Compliance with Laws

Town officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

J. Violation of This Policy

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 Town; (3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; and (4) discipline up to and including termination and subject to criminal and civil penalties and/or prosecution for misuse of public resources.

SECTION 15 - USE OF VEHICLES

A. Condition and Maintenance of Town Vehicles

1. All Town vehicles will be clearly identified as Town-owned vehicles and reasonably uniform in color and appearance. The single unmarked vehicle will be assigned to the Town Manager.
2. All vehicles will at all times be kept in good repair, serviced, and clean. Any vehicle found to be in an unsafe condition should be immediately removed from service until all safety defects have been corrected.
3. All maintenance and repair work will be done by Town personnel at Town facilities unless authorized otherwise by a Supervisor or Department Head or the Town Manager, except emergency repairs necessitated by extraordinary circumstances.
4. All fuel shall be disbursed from the Town's Corporation Yard and according to established procedures. If fuel must be purchased outside of the Town, the driver will be reimbursed on presentation of proof-of-purchase.

B. Use of Town-Owned Vehicles

1. No employee may operate a Town-owned vehicle unless he/she possesses a valid California driver's license.
2. Vehicles will at all times be operated in a lawful and prudent manner, with due regard for the safety and convenience of others on the streets and highways.
3. No one may operate a Town vehicle, or a personal vehicle in the course of his/her employment, while under the influence of drugs or alcohol, or under any other influence that would render him/her unsafe to operate a motor vehicle.
4. Unless expressly authorized otherwise by the Town Manager, Town vehicles may be used only for Town business and must remain on Town property at any time they are not being used on Town business, except:
 - a. The Town Manager is assigned a vehicle for use in the performance of his/her duties and other incidental uses,

including driving between his/her place of residence and work.

- b. Because they are subject to call in serious situations, when transportation and radio communication are critical, the Wastewater Treatment Plant Supervisor and the Public Works Supervisor may be authorized to drive a marked vehicle between home and work for the convenience of the Town. These vehicles may not be used for personal errands, but may be used only for official business.

C. Use of Personal Vehicles

1. Personal vehicles may not be used for Town business unless such use is approved in advance by the Town Manager.
2. If the use of a personal vehicle has been approved, the employee may be reimbursed for such use at the rate per mile recognized by the Internal Revenue Service, for not more than the actual number of miles driven, plus reasonable parking fees and tolls. This cash reimbursement is the only approved reimbursement method; reimbursement may not be "in-kind" by the provision of fuel, parts, service, or any other thing of value at Town expense. No additional reimbursement will be allowed except in writing by the Town Manager and then only when extraordinary and unforeseeable expenses not under the control of the Town or the employee are encountered.
3. Prior to operating a personal vehicle in the course of employment, the employee must show proof of liability insurance on that vehicle and possess a valid California driver's license.

D. Compliance with Laws and Regulations

Employees are expected to obey and comply with all laws and regulations, including speed limits and other traffic regulations. The Town will not be responsible for, nor reimburse for citations and parking tickets.

E. Duty in Case of Accident

In the event of an accident involving a Town vehicle, or a personal vehicle being used for Town business, the employee operating or having custody of the vehicle shall, within twenty-four (24) hours, report the accident to a law enforcement agency of appropriate jurisdiction. In the event the contacted agency declines to investigate, the employee should include in

his or her report the agency contacted and the date and time of contact. The employee shall cooperate fully in any accident investigation and shall, as soon as practicable, furnish to the Town Manager and to the Town's insurance carrier a written report of the accident.

SECTION 16 - COMPUTER USE, E-MAIL, AND INTERNET POLICY

1. Purpose

The Town of Yountville's computer system, including the network, software, hardware, and related communications, data, and information (referred to herein collectively as the "computer system") is vital for the efficient, cost-effective, and high-quality work expected of Town officials and employees. The computer system plays an integral role in the conduct of Town business and the creation, preservation, and management of Town records subject to various laws, including but not limited to the Public Records Act and the Brown Act. The purpose of this policy is to provide guidance to Town officials and employees regarding the proper and authorized use of the Town's computer system.

2. Computer System as Town Property

The Town's computer system is the exclusive property of the Town and is provided to Town officials and employees for creating, transmitting, and maintaining data and information related to the conduct of the Town's business. **A Town official or employee is conducting the Town's business when fulfilling the duties of his or her position, when acting on behalf of the Town in furtherance of a Town policy or mission, and when acting according to a Town ordinance, resolution, administrative regulation or other order such as a court order affecting the Town.** The Town has the capability and reserves the right, with or without notice, to access, monitor, review, copy and/or delete anything in the computer system, including data, files, e-mails sent and received, and all website communications and/or transactions.

3. Software

The Town prohibits the unauthorized use of Town owned software including unauthorized copying, transfer, or reproduction. Officials and employees are also prohibited from loading privately owned software on any portion of the Town computer system without the express permission of the Town. Officials and employees are also advised that the unauthorized copying or reproduction of any software is expressly prohibited under state and federal law.

4. Unauthorized Access to Town Computer System

Town officials and employees are prohibited from accessing the Town's computer system and related components except as required to perform their employment responsibilities or other obligations to the Town and as authorized under this policy. The Town's computer system, including e-mail, may be used for incidental personal purposes only where such use does not: (i) directly or indirectly interfere with the Town's operation of the computer system; (ii) burden the Town with noticeable incremental cost; (iii) interfere with the official or employee's employment or other obligations to the Town; or (iv) violate any of the sections of this policy.

Officials and employees are prohibited from accessing, taking, copying or making use of any data or files from the Town's computer system, or taking copies of any documentation supporting the Town's computer system, whether internal or external to the Town's computer system, except as required and authorized as part of performing their employment responsibilities. Officials and employees are also prohibited from unnecessary or unauthorized altering, damaging or deleting any Town data, files, computer software, or causing any disruption of the Town's computer system. Town officials and employees shall take all reasonable and necessary efforts to prevent unauthorized intruders from accessing the computer system and prevent the introduction or spread of computer viruses.

5. Passwords and Access Codes

Town officials and employees shall not disclose to unauthorized persons or entities assigned passwords or access codes for entry into and use of the Town's computer system. Where applicable, officials and employees are encouraged to change their passwords or assigned codes on a regular basis to protect confidentiality. Officials and employees are prohibited from allowing or assisting other unauthorized individuals with access to the Town's computer system. It is strictly prohibited to use another employee's password or code without the permission of the Town Manager or his or her designee. Further, officials and employees are prohibited from representing oneself as another individual or other employee by some electronic means unless so specifically authorized by that individual and the Town Manager or his or her designee.

6. Privacy

The Town's computer system is provided to Town officials and employees as a tool to assist them in performing their employment responsibilities or other obligations to the Town. As such, if officials and employees make incidental personal use of the computer system, they should not expect their use to be protected from review or deletion by the Town Manager or his or her designee. As previously stated, the Town expressly reserves the right to access, monitor, review, copy, and delete anything in the computer system. Accordingly, officials and employees should not use the Town's computer systems to create or transmit information they wish to keep private.

TOWN OFFICIALS AND EMPLOYEES HAVE NO EXPECTATION OF PRIVACY IN ANY USE BY THEM OF THE TOWN'S COMPUTER SYSTEM, OR IN COMMUNICATION MADE TO THE TOWN'S COMPUTER SYSTEM FROM ANY OTHER COMPUTER SYSTEM.

7. Confidential Information

Town officials and employees shall take all reasonable and necessary efforts to minimize the likelihood of inadvertent transmission of confidential information to unintended recipients. The Town's data or information, confidential or otherwise, may not be transmitted to any individual not authorized to receive such data or information. Only authorized Town representatives are permitted to communicate information regarding the Town's business on behalf of the Town via the Town's computer system. For the communication of sensitive and confidential information, officials and employees shall minimize the use of e-mail and maximize the use of alternative communication media (such as face to face conversations, telephone, hard copy memos, and fax). If an official or employee is unsure as to whether a communication is authorized, or is of a confidential nature, it is their responsibility to inquire with a supervisor or Town Manager as appropriate.

8. E-mails or Other Information Created, Stored, or Transmitted In Electronic Format Subject to All Applicable Laws

Town officials and employees shall exercise appropriate judgment concerning e-mails or other information created, stored, or transmitted to or from the Town's computer system, based on the evolving nature of laws affecting electronic records and communications. All such e-mails or other information, whether or not stored, may constitute public records subject to inspection and copying under the Public Records Act, by other means of document production such as subpoena, or be subject to other laws

affecting electronic records. Further, officials and employees should always be aware that **when using any computer other than a computer within the Town's computer system to conduct to the Town's business**, the e-mails or other information created in, stored on, or transmitted to or from any other computer may be subject to all laws that apply to public records and communications, including the Public Records Act and the Brown Act.

Due to the evolving nature of laws affecting electronic records and communications, this policy serves only as basic direction in this area. If a Town official or employee has questions regarding the application of the Public Records Act, the Brown Act, or another other law or policy to e-mail communications or other information created, stored, or transmitted in the conduct of the Town's business, he or she should contact the Town Manager, his or her designee, or the Town Attorney.

9. Response to Public Records Requests

In the event a public inspection request is made pursuant to the Public Records Act, or a demand by subpoena or court order is received by the Town, for any electronic communication or information stored in electronic form and in existence at the time such request or demand is received, the Town official or employee having control of such electronic communication or information shall use his or her best efforts, by any reasonable means available, to temporarily preserve such communication or information until the Town Attorney determines whether such communication or information is subject to preservation, or public inspection or production, pursuant to any requirement of law, including in the case of litigation.

The Town Attorney and Town Clerk shall immediately be contacted regarding any such inspection request or production demand, either as a Public Records request or in the course of litigation. The Town Attorney shall advise the Town official or employee of the Town's preservation, inspection and production obligations, if any, with regard to such communication or information. If it is determined that the Town is legally obligated to either permit inspection or produce such electronic communication or information, the person in control of such communication or information shall thereafter preserve such communication for the applicable retention schedule period.

10. E-mail Is for Transmission and Not Storage.

E-mail is provided on the Town computer system as a convenient and efficient method of rapidly communicating transitory information in an electronic format. E-mail is specifically intended and designed to be a tool

for transmission of information and not a tool for storage of information. Since information on the e-mail system is subject to purging bi-weekly, the Town shall consider every e-mail to be a preliminary draft (not retained in the ordinary course of business). If an official or employee determines that the contents of an e-mail are necessary to the conduct of the Town's business, the information shall be transferred from the e-mail system to an appropriate records storage medium (such as printing to paper or saving to an appropriate computer folder or disk).

11. Internet Access and Prohibited Uses

The Town provides officials and employees with access to the Internet for Town business-related purposes. The Town has the capacity to monitor and review website access. Officials and employees should not have any expectation of privacy regarding the websites accessed through the Town's computer systems. Any incidental personal use of the Internet must be conducted according to this policy and with the highest level of professionalism. Officials and employees are prohibited from intentionally accessing any Internet sites that are discriminatory or offensive in nature, or promote or advocate any form or type of discrimination. The Town computer system may not be used to solicit or proselytize for commercial ventures, religious or political causes, or outside organizations that are not authorized by the Town Manager or his or her designee. The downloading of programs, files, data or any other materials from the Internet is prohibited unless authorized by the Town Manager or his or her designee.

Any attempt to access a website that has been filtered by the network website filtering software, or any attempt to bypass the Town network filtering measures by the use of software or hardware designed for the purpose of bypassing Town filtering measures is prohibited. Should the need arise to access a filtered/prohibited website, the employee should contact his or her supervisor and gain official authorization to have the Town Manager allow the necessary access for the prescribed period of time.

12. Harassment/Discrimination Prohibited

Town officials and employees are required to exercise the highest standards of courtesy and professionalism when communicating by messages in electronic format and e-mail and shall not transmit any defamatory, obscene, discriminatory, offensive or unprofessional messages. Use of or access to the Town's computer system to engage in any communications or acts that are in violation of this or any other Town policy or of any law, including but not limited to the acquisition, possession

or transmission of defamatory, obscene, offensive, or harassing material, is strictly prohibited. The Town does not tolerate sexual, racial or other forms of harassment or discrimination. If harassed or discriminated against through the use of the Town's computer system, an official or employee shall report the act to his or her immediate supervisor or to the Town Manager. If an employee is uncomfortable reporting or discussing the act of harassment or discrimination, or the supervisor is the source of the problem, condones the problem, or ignores the problem, the employee may direct questions, problems, complaints, or reports directly to the Town Manager. Officials and employees are not required to directly confront the person who is the source of the report, question, or complaint before notifying the Town Manager.

13. Violations

Any use of the Town's computer system in violation of this policy may result in discipline up to and including termination and may subject an employee to criminal and civil penalties and/or prosecution. The Town reserves the right to inspect without prior notice any Town computer, computer system, or related equipment for violations of this policy.

If an official or employee becomes aware of another employee's actual or apparent violation of the Town's computer system policy, the official or employee is encouraged to report the conduct to the Town Manager or his or her designee for further investigation. If requested, the name of the employee reporting such conduct will be withheld and remain anonymous unless disclosure is required under applicable law.