

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: PERSONNEL TRANSACTIONS AND PERSONNEL REQUISITIONS	Directive No. HR-03	Page No. 1 of 10
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I. PURPOSE

To establish a uniform policy for processing personnel transactions; to define detailed procedures which specify individual/departmental responsibility to ensure compliance with existing rules and regulations; to standardize personnel records; and to provide for the direct and efficient flow of documents necessary to expedite the processes.

II. POLICY

It is the administrative policy of the City of Stockton to require all departments to utilize the following standard City forms to initiate personnel transactions:

- A. NEOGOV Personnel Requisition. A Personnel Requisition must be approved by the department head and Budget staff to request certification of individual(s) eligible for employment or to request commencement of a recruitment to fill a position(s).
- B. NEOGOV Personnel Action Form (PAF) - Initial Appointments. The Form CS-23 or Personnel Action Form (PAF) must be approved by the Director of Human Resources prior to initial appointment of all City employees, except Deputy Director level and higher which must also be approved by the City Manager. Any subsequent changes in status must be approved by the Director of Human Resources. In no event are individuals to be permitted to begin work until a PAF has been fully executed and placed on file in the Human Resources Department.

III. PROCEDURES

A. Personnel Requisition

- 1. The operating department initiates this electronic form in the NEOGOV system and is responsible for its content, which shall include:
 - (a) Desired start date

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- (b) Working title (class)
- (c) Number of vacancies, or if requesting to establish eligible list, note date the list is needed in the comments
- (d) Department name (select from drop down list)
- (e) Division (select from drop down list)
- (f) Hiring manager(s)
- (g) Job term – Status of position, e.g. regular, probationary, temporary, part-time, provision, or grant funded
- (h) List type – Regular, promotion only, departmental promotion only, regular and promotion, or transfer
- (i) Position type – Existing position (replacement of staff) or new position
- (j) Skills (optional)
- (k) Comments
- (l) Reason for request, e.g. prior employee separated, retirement, new position allocated, etc.
- (m) Selective certification (optional) – positions requiring special qualifications (e.g. eligibles on a clerical list having Excel experience)
- (n) Contact name and 7-digit telephone number
- (o) Indication as to whether the position requires fingerprinting in accordance with Administrative Directive HR-40

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- (p) Indication as to whether the position will require frequent driving, defined by Administrative Directive HR- 61 as “required to drive a City vehicle or a personal vehicle to conduct City business at least one time per week”
- (q) Approvals “as noted herein.”
- 2. The operating department shall complete the electronic personnel requisition and submit for approvals in NEOGOV to the department head, and to the Budget staff with a justification memo, if necessary.
- 3. Budget staff will review the requisition and provide final approval. Once approved, Human Resources will receive notification of the approval. In the event Budget staff does not approve the requisition, it will be returned to the originating operating department.
- 4. Following final approval by Budget staff, the Director of Human Resources shall certify names from the eligibility list as follows (if a list does not exist, a recruitment process will be initiated):
 - (a) Classified Positions. The certification of names will be conducted in accordance with Rule VII of the Civil Service Rules for miscellaneous employees and be referred to the requesting department from a re-employment list (if applicable), merged open/promotional, promotional, or combination open and promotional eligible list.
 - (b) Unclassified Positions. All qualified names are referred for department interviews.
 - (c) Safety Positions. The certification of names to fill Police and Fire positions will be conducted in accordance with Rule VII of the Civil Service Rules and Regulations for Police and Fire Employees or in accordance with MOU regarding re-employment.

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5. The eligibles certified in (a) through (c) above, will be notified by email if an email address is provided, or in writing by the Human Resources Department to contact the requesting department to schedule interviews.
6. Once the requesting department has conducted interviews, they will indicate in NEOGOV the results and the name(s) of eligible(s) recommended for each vacancy.
7. All pre-employment processing (e.g. drug screen, fingerprinting, back evaluation, and medical examination as applicable) must be completed prior to confirming a date of hire. The requesting department shall initiate the PAF in accordance with the procedures set forth herein and electronically transmit it to the Human Resources Department.

B. Initial Appointments

Personnel actions for new hires shall be affected by completion of a PAF.

1. Following selection interviews, the originating department shall prepare the PAF. The following areas of the form must be completed:
 - (a) Appointee's name, class title, department, account number, and fund split (if any)
 - (b) Proposed salary (include salary grade, step, unit)
 - (c) Tentative effective date
2. The completed PAF document shall then be electronically approved by the department head, and transmitted to the Certification Desk of the Human Resources Department.
3. When forwarding the PAF to Human Resources, sufficient time shall

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be considered to allow the pre-employment processing (e.g. drug screen, fingerprinting, back evaluation, and medical examination as applicable) to be completed prior to the proposed effective date of hire. The Human Resources Director and City Manager-or designee (as required) must approve all PAFs.

4. A Statement of Economic Interest (SEI) must be filed with the City Clerk's office within thirty (30) days of initial employment and within thirty (30) days of separation by Public Officials, individuals on Boards and Commissions, and employees in positions designated by their department pursuant to the City's Conflict of Interest Code. The requesting department shall notify the City Clerk's office if a new hire is subject to filing a SEI along with start date. The City Clerk will follow up with the new hire.

C. Responsibility of the Human Resources Department

The Human Resources Department shall:

1. Arrange for the appropriate fingerprinting, drug screen, and medical examinations for appointee, if applicable.
2. Require that all appointees (i.e. open, promotional, transfer) submit verification of level of education or professional or trade certification above a high school diploma as required by the Minimum Qualifications portion of the class specification. This is a condition of appointment and applies to open and promotional candidates. Verification of educational degrees must be submitted as sealed "official transcripts".
3. Confirm or modify effective date of appointment and notify affected department.
4. Notify the appointee of hire date.
5. Notify those candidates not selected that a selection has been made.

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6. After appointee has passed appropriate fingerprinting, drug screen, and medical examinations as applicable, and all signatures are obtained, the Certification Desk will electronically distribute the PAF to (1) the originating department; (2) the Administrative Services Department Payroll Division; and (3) the Human Resources Department Benefits Section. The electronic version will include the approval by the department head, Human Resources, and the City Manager or designee (as required), and the date approved. The distributed PAF shall be placed in a shared GroupWise folder. The original PAF will be placed in the employee's personnel file. All data entry of new employee setups will be cross-checked by a second Human Resources staff member. This will be verified by the initials and date of review on the lower portion of the Personnel Action Form (PAF) and/or CS-23.
7. Schedule an orientation on the first working day.
8. Issue a photo identification card to appointee.

D. Form CS-23 (Personnel Actions) - Other Actions

Personnel actions involving separation, leave of absence without pay, salary changes, add pays, or other change in status of an employee shall be effected by Form CS-23:

1. The department shall initiate the Form CS-23 and forward the department head approved form to the Human Resources Department.

The following areas of the form must be completed:

- (a) Employee name, social security number, class title, department, account number, and fund split (if any)
- (b) Current salary and proposed salary, if applicable (include all

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add pays, salary grade, step, unit, and back-up documentation)

- (c) Effective date
- (d) Type of action

2. If an employee becomes ineligible for an add pay, the department will be responsible for preparing the Form CS-23 to discontinue the add pay.
7. 3. The completed document shall be saved in a secured folder and named using the following naming convention: CS-23, last name, first name, type of action, and date yyyy-mm-dd. (Completed Forms CS-23 should never be stored on a shared drive). All data entry for any employee data changes based on personnel transactions and/or benefits related changes will be cross-checked by a second Human Resources staff member. This will be verified by the initials and date of review on the lower portion of the Personnel Action Form (PAF) and/or CS-23.
4. One copy shall be printed for department head signature and submitted to Human Resources. The Human Resources Director and City Manager-or designee (as required) must approve all Form CS-23s.
5. In the event of an employee separation or termination, a Property Release Form must be completed and submitted to Human Resources with the Form CS-23. In the event of an employee transfer or reassignment to another department, the Property Release Form must be completed and submitted to Human Resources by the separating department. (See Exhibit A)

Following are the procedures for use of the Property Release Form:

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- (a) Upon issuing property to a new employee, check off the items issued and obtain the employee's signature on the Property Release Form.
 - (b) Retain the Property Release Form on file in the department.
 - (c) Upon the employee's transfer, reassignment, separation, or termination, use the same Property Release Form on file to check off the items returned. Obtain signature and date of the employee's supervisor.
 - (d) Provide the employee a copy of the Property Release Form (green employee copy). Retain the department copy.
 - (e) Attach the remaining copies of the Property Release Form to the separation or termination Form CS-23 when submitting to Human Resources. For transfers or reassignments, the separating department submits the Property Release Form to Human Resources.
 - (f) Upon receipt of the Property Release Form, Human Resources will distribute a copy to Payroll, Information Technology, and Central Stores with an email notification of the employee separation, termination, reassignment, or transfer.
 - (g) Department shall return the employee's Sonitrol key card to the Police Department, Personnel and Training, Attention: Sonitrol Access Coordinator.
6. The Director of Human Resources, or designee, shall review the Form CS-23 for accuracy and compliance with policy and regulations.
 7. The Certification Desk will electronically distribute the fully executed Form CS-23 to (1) the originating department; (2) the Administrative Services Department Payroll Division; and (3) the Human Resources

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Department Benefits Section. The original Form CS-23 will be placed in the employee's personnel file in the Human Resources department.

8. In the event of specific policy exceptions such as early, special, or two-step increases, the recommending department head must submit a written justification to the Human Resources Department. If the specific policy exceptions are approved, the written justification and Form CS-23 will be submitted to the City Manager for final approval as applicable.
9. Any Form CS-23 proposing discharge, disciplinary actions as required by Administrative Directive HR-08, or special salary increases will be referred by the Human Resources Department to the City Manager for review and final determination as applicable.

E. Violations

Failure to adhere to the directives herein shall constitute a violation which may result in discipline, up to and including termination.

APPROVED:



**KURT WILSON
CITY MANAGER**

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Exhibit A

CITY PROPERTY RELEASE FORM

EMPLOYEE'S NAME _____ DATE _____

DEPARTMENT _____ ACCOUNT # _____

	<u>Issued</u>	<u>Returned</u>	SHIRTS	PANTS	COVERALLS
			# _____	# _____	# _____
1. UNIFORMS	_____	_____			
2. KEYS	_____	_____			
3. TOOLS	_____	_____			
4. EQUIPMENT	_____	_____			
5. I.D. CARDS	_____	_____			
6. COMPUTER ACCESS	_____	_____			
7. CITY PURCHASE CARD	_____	_____			
8. KEY PAD CARD	_____	_____			

(CHECK WHEN IT DEPT. NOTIFIED)

**Employee Signature is required upon issuance of City property
City property is to be returned no later than the effective date of separation**

EMPLOYEE'S SIGNATURE _____ DATE _____

SUPERVISOR'S SIGNATURE _____ DATE _____

Distribution: White – Human Resources
Canary - Payroll
Pink - Department
Goldenrod - Employee

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I. PURPOSE

- A. To ensure, whenever possible and appropriate, that an employee is given an opportunity to correct job-related behavior, performance, or attendance that is not consistent with the City of Stockton policies and procedures, rules, and regulations, or prudent personnel practices and philosophy.
- B. To set forth a step-by-step approach to prevent, correct, and/or eliminate unacceptable behavior, performance, or attendance, beginning with the least severe informal disciplinary measures, such as the documentation of counseling/discussion in the form of a memorandum of discussion or correction, and progressing to formal disciplinary measures up to and including discharge.
- C. To provide a fair and consistent approach to improving performance and correcting behavior of employees.
- D. To establish guidelines that will assist managers and supervisors in the counseling and disciplining of regular employees, consistent with applicable Memoranda of Understanding, the Stockton Civil Service Rules and Regulations, the Stockton City Charter, the Stockton Municipal Code, and any federal or state laws relating to municipal employment.

II. SCOPE

- A. This policy applies to all regular City employees, as defined in this policy, and is consistent with the Stockton Civil Service Rules and Regulations, the Stockton Municipal Code, the Stockton City Charter, and applicable collective bargaining agreements.
- B. This policy does not apply to at-will employees nor does it waive, modify, or diminish any managerial rights, rights that management has by law, or any other management discretion or right relating to the status of at-will employees.

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III. POLICY

- A. It is the administrative policy of the City of Stockton that formal discipline, which is defined as a letter of reprimand, suspension, reduction in base pay, demotion, or discharge, may be taken against an employee for cause. Nothing in this policy prohibits the City from imposing any level of formal discipline, up to including discharge, as the circumstances warrant.
- B. The department head shall administer and execute all levels of discipline, except matters involving suspension in excess of thirty (30) work days or discharge, which shall be approved and executed by the City Manager (Personnel Officer).
- C. It is the further policy of the City of Stockton that the Human Resources Department shall review all levels of formal discipline for the appropriateness of the discipline being imposed and to ensure consistent application of the policy and procedures.
- D. The disciplinary procedures may vary to comply with individual department rules and regulations, general orders, specific statutes governing a department, the terms of a collective bargaining agreement, and/or the requirements of City Charter article XXV (Civil Service System for Police and Fire).
- E. Nothing in this policy shall supersede applicable provisions of the Public Safety Officers Procedural Bill of Rights Act (Gov. Code, §§ 3300 – 3312.) or the Firefighters Procedural Bill of Rights Act (Gov. Code, §§ 3250, *et seq.*).
- F. This policy shall not abridge any rights to which an employee or the City may be entitled under the Stockton Employer-Employee Relations Ordinance (Stockton Municipal Code §§ 2-200, *et seq.*).
- G. This policy shall be implemented separately from the Employee Performance Evaluation Policy (HR-13).

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- H. The Director of Human Resources shall cause training classes to be scheduled and conducted for all managers and supervisors on the content of this policy.
- I. This policy shall be administered by the Director of Human Resources.

IV. DEFINITIONS

The following words and phrases shall have the meaning ascribed to them in this section:

A. Administrative Leave

The department head's ability to place an employee on paid leave depending on the severity of the alleged violation or misconduct pending the completion of an internal investigation and pre-disciplinary action. The department head shall establish the conditions of the administrative leave in accordance with the City Policy on Administrative Leave.

B. Administrative Review

The opportunity to respond to alleged behavior, performance, attendance and/or offense or rule violation with departmental management where *Skelly* is otherwise not applied.

C. Adverse Action

An action that results in an employee's loss of pay or loss of a property interest, such as a suspension, reduction in base pay, demotion, or discharge.

D. Appointing Authority

The City Manager, City Council department head or other City officer who, in an individual capacity, has the final authority to make an appointment.

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E. At-Will Employment/At-Will Employee

Employment with the City of Stockton is at-will, unless otherwise provided by the Stockton Civil Service Rules and Regulations, the Stockton Municipal Code, the Stockton City Charter, collective bargaining agreements, or other employment agreements. An at-will employee may be terminated at any time, without cause, without prior warning, and without right of appeal.

F. Cause

Any action or inaction that adversely affects the City, which shall include, but shall not be limited to, failure to adhere to policies and procedures, specified convictions, discriminatory acts, fraud, abuse of discretion, performance or inefficiency, dishonesty, harassment, or retaliation. Cause is further defined in section VI. of this policy.

G. Classified Represented

Employee positions included in the Civil Service System and represented by a collective bargaining unit.

H. Classified Service

The employment status created by the Civil Service Act contained in the Stockton City Charter and the Stockton Municipal Code, which is based on competitive examination.

I. Classified Unrepresented

Employee positions included in the Civil Service System, but not represented by a collective bargaining unit.

J. Discipline Action (Formal)

Letter of reprimand, suspension, reduction in base pay, demotion, or discharge, the documentation of which is filed in the official employee

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personnel file maintained in the Human Resources Department.

K. Due Process

The right to notice, the opportunity to be heard, and the right to be free from arbitrary or unreasonable action.

L. Manager

The functional division head of the department's operating division.

M. Managerial Rights

Those functions and duties that are reserved to City management and are within its sole discretion, such as the right to appoint and discipline up to and including discharge, and to determine the merits, necessity, and scope of service.

N. Miscellaneous Employee

An unsworn employee.

O. Personnel Officer

The City Manager of the City of Stockton.

P. Public Policy

A combination of laws, decisions, and regulations made by federal, state, and local governments, including the judiciary, that affect the rights, duties, and responsibilities of the public.

Q. Regular Employee

An employee who has successfully completed the probationary period and has been granted regular status as provided in the applicable collective

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bargaining agreement, the Stockton Civil Service Rules and Regulations, the Stockton City Charter, and the Stockton Municipal Code.

R. Skelly Meeting

A pre-disciplinary meeting with an impartial third party during which an employee is given the opportunity to respond orally and/or in writing to disciplinary charges before discipline is imposed. Prior to the meeting, the employee must be given: (1) notice of the proposed action in adequate time to prepare a response; (2) the reasons for such action; and (3) a copy of the charges and materials upon which the action is based and relied upon. See *Skelly v. State Personnel Bd.*, 15 Cal.3d 194 (1975).

S. Skelly Officer

The official outside the affected operating department or the official that is sufficiently removed and/or uninvolved from the circumstances giving rise to the case, who conducts the pre-disciplinary (*Skelly*) meeting. This does not preclude the department head from being the *Skelly* Officer, where appropriate.

T. Supervisor

The first-line supervisor of the operating unit who has the immediate responsibility to direct an employee.

U. Sworn Employee

Any ranked officer of the Police or Fire Department.

V. Unclassified Represented

Employee positions excluded from the Civil Service System, but represented by a collective bargaining unit.

W. Unclassified Unrepresented

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Employee positions excluded from the Civil Service System and not covered under a collective bargaining agreement.

V. PROCEDURES

Managers and/or supervisors shall:

- A.** Become thoroughly familiar with the Progressive Discipline Policy, collective bargaining agreements, the Stockton Civil Services Rules and Regulations, article XXV of the Stockton City Charter, the Stockton Municipal Code, and City policies, procedures, rules, and regulations.
- B.** Discuss, define, and clarify for employees, the City's expectations on job performance and standards of behavior and attendance.
- C.** Train and coach employees on how to meet or exceed the expectations for job performance and standards of behavior and attendance.
- D.** Adequately and appropriately document all matters of counseling and discussion pertaining to the employee's performance or behavior.
- E.** Ensure that no formal disciplinary action is taken until the matter has been thoroughly reviewed and procedural requirements met in accordance with this policy.
- F.** Ensure that the principles of fairness and reasonableness are consistently applied and confidentiality is maintained.
- G.** Consult with the Human Resources Department on all matters involving formal disciplinary actions.

VI. CAUSE FOR DISCIPLINE

Discipline may be taken against regular employees for cause. Discipline is defined as a letter of reprimand, suspension, reduction in base pay, demotion, or discharge,

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and shall not include documentation of counseling such as a Memorandum of Discussion or Correction and/or performance improvement action plans. Cause for discipline shall include, but is not limited, to the following:

- A. Absence without authorization or sufficient reason.
- B. Chronic absenteeism or tardiness.
- C. Abuse or misuse of sick leave or any other authorized leave.
- D. Being under the influence of alcohol or controlled substances without authorization while on duty, or using or possessing alcohol or controlled substances without authorization while on duty. "Controlled substance" means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance defined in state or federal law. A determination of whether an employee is under the influence of alcohol or controlled substances will be based on specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors, and may include indications of the chronic and withdrawal effects of controlled substances, or through random testing.
- E. Insubordination.
- F. Dishonesty.
- G. Discrimination or harassment, while acting in the capacity of a City employee, against members of the public or other employees, on the basis of race, religion, color, national origin, physical disability, mental disability, medical condition, denial of family and medical care leave, marital status, pregnancy, gender, sexual orientation, political affiliation, age, or any other category or attribute specified by state or federal law.
- H. Retaliation against any City officer, employee, or member of the public, who in good faith, discloses to any appropriate authority information regarding an actual or suspected violation of the Stockton City Charter, Stockton Municipal

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Code, City policy or directive, or state or federal law when the violation occurs on the job or is directly related to job responsibilities.

- I. Conviction of a felony or of a misdemeanor involving moral turpitude as specified in Stockton Municipal Code, section 2-130.
- J. Violation of or refusal to obey federal and state law or the City's rules, regulations, and policies.
- K. Discourteous treatment of members of the public or other employees while on duty.
- L. Conduct in violation of Government Code section 1028, which provides:

"It shall be sufficient cause for the dismissal of any public employee when such public employee advocates, or is knowingly a member of the Communist Party or of an organization that during the time of his/her membership he/she knows or advocates to overthrow the Government of the United States or any state by force or violence."
- M. Any conduct adverse to the welfare and/or good reputation of the City or City employees.
- N. Failure to work with others.
- O. For employees who are required to drive a vehicle in the regular course of their employment:
 - 1. loss of the employee's driver's license; or
 - 2. any restriction or limitations on the employee's driver's license or ability to drive ordered by the Department of Motor Vehicles or any other lawful authority; or

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- 3. failure to maintain a good personal or business driving record; or
 - 4. failure to satisfy the insurability requirements of the City's insurance carrier under the City's regular insurance policies. The City's ability to obtain insurance for the employee under a high risk or any policy other than the regular insurance policies does not mitigate this failure; or
 - 5. failure to immediately notify the City of the potential loss or restriction of a driver's license.
- P. Neglect of duty.
 - Q. Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment.
 - R. Falsifying any information submitted to the City.
 - S. Willful damage to public property, waste of public supplies or equipment, or excessive carelessness with City property or funds.
 - T. Misappropriation of City funds or property.
 - U. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the law or the employee's class specification or otherwise necessary for the employee to perform the duties of the position.

VII. PRINCIPLES OF COUNSELING AND NOTIFICATION (INFORMAL DISCIPLINE)

Before formal discipline is imposed to address such matters as: (1) failure to comply with job expectations, job standards, training, City of Stockton policies and procedures, rules and regulations, or (2) performance, behavior, or attendance problems that may need improvement in accordance with standards required of the position, the supervisor or manager shall memorialize each significant counseling/discussion session, first, in the form of a Memorandum of Discussion and, second, in the form of a Memorandum of Correction.

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A. Memorandum of Discussion

A Memorandum of Discussion is an initial written record of counseling/discussion between the employee and supervisor and/or manager on specific topics. A record of the counseling/discussion shall be issued to and signed by the employee and manager or supervisor. The memorandum shall include the following:

1. The employee's name, position, and department;
2. The date of the counseling/discussion;
3. Names of those present, including the manager, supervisor, or a representative of a bargaining unit, if applicable;
4. List of policies/rules violated and/or duties performed in an unsatisfactory manner or below City or department standards;
5. Any explanation given by the employee or other information that is significant;
6. A specific statement of the expected job performance, behavior, and/or job standard;
7. Time period for demonstrating improvement;
8. Description of methods that will be used to observe or measure improvement; and
9. The employee's signature acknowledging receipt of the document or, in the alternative, a proof of service. If the employee is unavailable or refuses to sign, the supervisor or manager shall note on the employee's signature line "unavailable" or "refused to sign."

The Memorandum of Discussion shall be filed and maintained in the department and/or division files. If the employee does not improve or continues to perform unsatisfactorily within the established timeline, the

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Memorandum of Discussion shall be attached to the document for the next step of informal discipline.

B. Memorandum of Correction

A Memorandum of Correction is the second form of a written record of counseling/discussion between the employee and supervisor and/or manager on specific topics, to address and inform an employee that improvement is needed in performance, behavior, or attendance. A Memorandum of Correction may be issued if the Memorandum of Discussion does not correct the performance, behavior or attendance and sustained improvement has not been demonstrated within the established timeline. The memorandum shall include the following information:

1. The employee's name, position, department;
2. The date of the counseling/discussion;
3. Names of those present, including the manager, supervisor, or a representative of a bargaining unit, if applicable;
4. The reason(s) for the correction, which shall include the specific behavior, performance or attendance problem and/or the alleged offense or rule violation;
5. References to prior counseling/discussion and/or previous disciplinary action, if applicable;
6. A specific statement of the expected job performance, behavior, and/or job standard;
7. Any explanation given by the employee or other information that is significant;

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8. Reference to the fact that if immediate and sustained improvement is not demonstrated, formal disciplinary action may be taken, up to and including discharge from City employment; and
9. The employee's signature acknowledging receipt of the document or, in the alternative, a proof of service. If the employee is unavailable or refuses to sign, the supervisor or manager shall note on the employee's signature line "unavailable" or "refused to sign."

The Memorandum of Correction shall be filed and maintained in the department and/or division files. If the employee does not immediately improve or continues to perform unsatisfactorily, the Memorandum of Correction shall be attached to the document for the first step of formal progressive discipline.

VIII. TYPES OF DISCIPLINARY ACTIONS AND NOTIFICATIONS (FORMAL DISCIPLINARY)

A. Letter of Reprimand

A Letter of Reprimand is a written notification issued to inform an employee of a performance, behavior, or attendance deficiency that has not been attained or maintained within an established timeline and that further disciplinary action may be taken unless there is an immediate and sustained improvement. A Letter of Reprimand may, but is not required to, be preceded by a Memorandum of Discussion or a Memorandum of Correction, and may be issued after either of these has proved ineffective, or when the nature of the employee's deficiency warrants a more serious disciplinary action. The Letter of Reprimand shall include the following information:

1. The date of letter, employee's name, position, and department;
2. The reason(s) for the reprimand, which shall include the specific behavior, performance, or attendance problem and/or the alleged offense or rule violation;

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3. Reference to prior Memoranda of Discussion or Correction and/or previous formal disciplinary actions, if applicable;
4. Goals and time frames for improved performance or corrected behavior;
5. A specific statement of the expected job performance, behavior, and/or job standards;
6. Any explanation given by the employee or other information that is significant;
7. Reference to the fact that if immediate and sustained improvement is not demonstrated, further disciplinary action may be taken, up to and including discharge from City employment;
8. Include copies of written materials, reports, statements, and any other documents that support the proposed action; and
9. The employee's signature acknowledging receipt of the document or, in the alternative, a proof of service. If the employee is unavailable or refuses to sign, the supervisor or manager shall note on the employee's signature line "unavailable" or "refused to sign."

A Letter of Reprimand shall be prepared by the supervisor and/or manager and approved and signed by the department head. The Letter of Reprimand shall be subject to review by the Human Resources Department.

An administrative review with the supervisor and/or manager will be held during which time an employee may respond to the allegation(s), where *Skelly* is otherwise not applied. A copy of the Letter of Reprimand shall be forwarded to the Director of Human Resources and filed in the employee's official personnel file maintained in the Human Resources Department. The employee may submit a written response to the allegation(s) to the department head within thirty (30) calendar days of receipt of notice, as a matter of record, which shall be forwarded to the Director of Human

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Resources and filed in the employee's official personnel file maintained in the Human Resources Department.

B. Suspension

A Suspension is a temporary and involuntary absence from employment without pay for disciplinary purposes.

A suspension may be imposed for serious violations of rules or regulations, performance deficiencies, misconduct, and/or failure to improve in work performance, behavior or attendance after lesser disciplinary measures have proved ineffective. The notification of suspension shall be subject to review by the Human Resources Department, and to the pre-disciplinary *Skelly* rights set forth in section IX of this policy.

1. Miscellaneous Employees

Pursuant to rule XII, section 2 of the Civil Service Rules and Regulations for Miscellaneous Employees, and section 2-010 of the Stockton Municipal Code, periods of suspension shall not exceed the equivalent of thirty (30) consecutive work days at any one time, and not more than thirty (30) work days in any one fiscal year.

2. Sworn Safety Employees

Pursuant to the rule XII, section 3 of the Civil Service Rules and Regulations for Police and Fire, periods of suspension shall not exceed the equivalent of sixty (60) consecutive work days at any one time, with loss of salary or other compensation, and not more than ninety (90) work days in any one fiscal year.

C. Reduction In Base Pay

A Reduction in Base Pay is a temporary decrease in an employee's base salary rate.

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1. A Reduction in Base Pay may be imposed when an employee has consistently failed to sustain employment standards or when the severity of the employee's conduct warrants imposition of such measures. The notification of reduction in base pay shall be subject to review by the Human Resources Department, and to the pre-disciplinary *Skelly* rights set forth in section IX of this policy.

2. A reduction in pay of an employee's base pay may extend from one month to one year and may be equivalent to one or more salary steps.

D. Demotion

A Demotion is a reduction in rank, class, position, or pay grade generally associated with a disciplinary action. The notification of demotion shall be subject to review by the Human Resources Department, and to the pre-disciplinary *Skelly* rights set forth in section IX of this policy.

E. Discharge

A Discharge is the permanent removal of an employee from the employment service for a stated cause.

1. Discharge may occur for serious violations of City policies and procedures, rules or regulations, continued performance deficiencies, misconduct, and/or failure to improve in performance, behavior, or attendance when lesser informal or formal disciplinary measures will not remediate the performance deficiencies. The notification of discharge shall be subject to review by the Human Resources Department, and to the pre-disciplinary *Skelly* rights as set forth in section IX of this policy.

2. Resignation/Retirement In Lieu Of Discharge
 - a. An employee may request that he or she be allowed to resign or retire in lieu of and prior to being discharged. In such circumstances, the City of Stockton reserves the right to refuse

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to accept an employee's resignation and proceed with the proposed disciplinary action.

- b. When an employee's resignation or retirement is accepted in lieu of discharge, the administrative investigation and disciplinary proceedings shall immediately cease. Because the cessation of proceedings may hinder the City's ability to effectively complete the investigation at a later time, an employee, whose resignation or retirement has been accepted in accordance with this provision, shall be notified in writing that such resignation or retirement may preclude the employee from seeking reinstatement under the applicable Stockton Civil Service Rules and Regulations. A copy of the notice shall be placed in the employee's official City personnel file maintained in the Human Resources Department and department and/or division files.
- c. A resignation or retirement tendered and accepted in accordance with this policy shall have no effect on any criminal investigation or proceedings that may have been initiated or are being pursued as a result of the conduct for which disciplinary proceedings have been initiated.
- d. All resignations or retirements in lieu of discharge shall be implemented via written agreement authorized by the Director of Human Resources and the City Manager.

IX. PRE-DISCIPLINARY NOTICE AND DUE PROCESS RIGHTS (SKELLY) OF EMPLOYEE

- A. An employee facing a suspension, reduction in base pay, demotion, or discharge shall be entitled to pre-disciplinary *Skelly* rights prior to final imposition of formal discipline.

The department head, with the approval of the Director of Human Resources, may place an employee on paid administrative leave for a specified period of

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time depending on the severity of the offending conduct. The department head shall establish the conditions of administrative leave in accordance with the City Policy on Administrative Leave.

Nothing in this policy shall supersede applicable provisions of the Public Safety Officers Procedural Bill of Rights Act (Gov. Code, §§ 3300 – 3312.) or the Firefighters Procedural Bill of Rights Act (Gov. Code, §§ 3250, *et seq.*).

B. Notice of Intent to Recommend Employment Action

The department head or designee shall prepare the proposed notice of intent to recommend employment action, which shall be reviewed by the Human Resources Department before execution. The notice shall be presented to the employee by the employee’s department head. The notice shall inform the employee of the following:

1. The reason(s) for the proposed action.
2. The facts and violation(s) upon which the proposed action is taken.
3. The employee’s right to a pre-disciplinary meeting (“*Skelly*”) before an impartial third party (“*Skelly Officer*”), unless waived by the employee.
4. The employee’s right to representation shall mean either a union representative or legal counsel; the right to respond either orally and/or in writing within ten (10) work days of the date of the written notification; specified time limits may be modified only in writing. Failure to respond orally and/or in writing to the notice within ten (10) work days of said notice or failure to attend the *Skelly* meeting shall constitute a waiver of the *Skelly* meeting. The department head may proceed in executing the recommended employment action, except matters involving suspension in excess of thirty (30) work days or discharge, which shall be approved and executed by the City Manager (Personnel Officer).

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5. The employee's right to receive copies of written materials, reports, statements, and any other materials upon which the action is based and relied upon.

The City will not, however, disclose any documents or information protected by the right of privacy, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure.

C. Skelly Meeting

The employee and/or the employee's representative shall respond to the allegations and materials upon which the proposed discipline is based. The employee and/or the employee's representative may present documentary evidence and arguments to the *Skelly* Officer to refute and/or mitigate the basis for the proposed discipline. The employee and/or the employee's representative should present factual information to the extent possible.

1. The department head shall transmit to the *Skelly* Officer the materials provided to the employee as supporting evidence upon which the proposed discipline is based and relied upon. The *Skelly* Officer shall communicate with the department head if further information or clarification is needed in regard to the charges, the level of discipline to be imposed, or the sufficiency of the evidence upon which such action is based and relied upon.
2. The *Skelly* Officer shall be the official outside the affected operating department, or the official that is sufficiently removed and/or uninvolved from the circumstances giving rise to the case, who conducts the pre-disciplinary (*Skelly*) meeting. This does not preclude the department head from being the *Skelly* Officer, where appropriate.
3. A department representative other than the appointing authority may be present at the *Skelly* meeting.
4. The *Skelly* Officer shall transmit to the department head within ten (10) work days of the *Skelly* meeting, a written statement concurring

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with the proposed discipline, recommending that the discipline be modified, or that no discipline be imposed. The *Skelly* Officer shall include supporting documents presented at the *Skelly* meeting by the employee and/or the employee's representative to refute the charges.

5. The department head shall consider the *Skelly* Officer's recommendations and review any and all supporting documents provided before making his/her final decision. The recommendation(s) of the *Skelly* Officer is advisory only.

D. Action After *Skelly* Meeting

The department head shall forward the *Skelly* Officer's recommendations along with his/her recommendations to the Human Resources Department. After review by the Human Resources Department, the department head shall formally notify the employee of the final decision and applicable appeal rights in writing. In the event any recommended discipline involves suspension in excess of thirty (30) work days or discharge, the final decision shall rest with the City Manager (Personnel Officer).

1. The employee shall be required to sign a City of Stockton Report of Personnel Action ("Form CS-23") documenting the disciplinary action. If the employee is unavailable or refuses to sign the Form CS-23, the supervisor or manager shall note on the employee's signature line "unavailable" or "refused-to-sign."
2. The Form CS-23 and a copy of the final written decision shall be forwarded to the Director of Human Resources, and filed in the employee's official City personnel file maintained in the Human Resources Department

X. ADMINISTRATIVE APPEALS

Employees may appeal a reduction in base pay, demotion, suspension, or discharge in accordance with provisions of rule XIV of the Stockton Civil Service Rules and Regulations, the Stockton City Charter, or applicable collective bargaining

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agreement. Unless otherwise provided by applicable law or collective bargaining agreement, an employee is entitled to only one (1) appeal process (*i.e.*, the Stockton Civil Service Commission or grievance process contained in applicable collective bargaining agreements). The employee may not choose a different appeal process once identified and filed.

XI. EXPUNGEMENT OF RECORDS

- A. It shall be the employee's sole responsibility to request the purging of the written documentation of formal disciplinary action from his or her official City personnel file and department and division files. The request must be submitted in writing to the department head, who shall forward the employee's request to the Director of Human Resources, along with the department head's recommendation.

- B. Upon the recommendation and concurrence of the department head, the Director of Human Resources may expunge from the employee's official City personnel file:
 - 1. A Letter of Reprimand upon evidence of sustained corrective performance, behavior, or attendance deficiency, after five (5) years from the date of written notification; the time frame for sworn Fire and Police personnel is also after five (5) years.

 - 2. A Suspension or Reduction-in-Base Pay upon evidence of sustained corrective performance, behavior, or attendance deficiency after five (5) years from the date of written notification.

- C. The Director of Human Resources shall notify the employee in writing of the purging of the applicable document(s).

- D. Unless otherwise directed by the City Manager, the Form CS-23 shall not be removed, under any circumstances, from the employee's official City personnel file.

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- E. In no case shall this policy supersede federal, state, and other applicable laws regarding the retention of City records, including personnel files.

- F. In no case shall this policy supersede the rules and provisions regarding expunged disciplinary records as addressed in an applicable collective bargaining agreement or federal or state law, or the Public Safety Officers Procedural Bill of Rights Act (Gov. Code, §§ 3300 – 3312.) or the Firefighters Procedural Bill of Rights Act (Gov. Code, §§ 3250, *et seq.*).

APPROVED:

J. GORDON PALMER, JR.
CITY MANAGER

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SAMPLE DOCUMENTATION ONLY
MEMORANDUM OF DISCUSSION

[DATE]

[EMPLOYEE NAME]
[JOB TITLE/DEPARTMENT]
CITY OF STOCKTON

MEMORANDUM OF DISCUSSION

This is to memorialize our conversation/discussion regarding your [performance/behavior/attendance, etc.]

- Background information;
- Specific performance/behavior/offense/rule, regulation, policy violation;
- Performance objectives/standards/goals and expectation, timeline;
- Reference to any training or special direction provided;
- Employee explanation or any additional information that is significant.

A copy of this memorandum of discussion shall be placed in the department and/or division files.

[SUPERVISOR/MANAGER]
[JOB TITLE]

Received on this _____ day of _____

[EMPLOYEE SIGNATURE OR PROOF OF SERVICE]

cc: [Director of Department]

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SAMPLE DOCUMENTATION ONLY
MEMORANDUM OF CORRECTION

[DATE]

[EMPLOYEE NAME]
[JOB TITLE/DEPARTMENT]
CITY OF STOCKTON

MEMORANDUM OF CORRECTION

This is to memorialize our conversation/discussion regarding your [performance/behavior/attendance, etc.]:

- Incident description and supporting details to include the following information: time, place, date of occurrence, specific behavior, performance, etc., and persons present as well as organization impact;
- Reference to prior counseling, notification, and established timeline, if applicable;
- Specific statement of expected job performance, behavior and/or job standard;
- Any explanation given by the employee or other information that is significant;
- Include copies of written reports, statements, and any other materials upon which the corrective measure is based. [For clarification purposes, the City will not, however, disclose any documents or information protected by the right of privacy, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure.]

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I am confident that your [behavior/performance/attendance] will improve based on our discussion; however, if immediate and sustained improvement is not demonstrated, disciplinary action may be taken up to and including discharge from City employment. A copy of this memorandum of correction shall be placed in the department and/or division files.

[SUPERVISOR/MANAGER]
[JOB TITLE]

Received on this _____ day of _____

[EMPLOYEE SIGNATURE OR PROOF OF SERVICE]

cc: [Director of Department]

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SAMPLE NOTICE ONLY
LETTER OF REPRIMAND

[DATE]

[EMPLOYEE NAME]
[JOB TITLE/DEPARTMENT]
CITY OF STOCKTON

LETTER OF REPRIMAND

This letter is to inform and serve you with notice to reprimand for the following reason(s):

- Incident description and supporting details to include the following information: time, place, date of occurrence, and person(s) present as well as organization impact;
- Reference to prior counseling, notification, established timeline, and/or formal disciplinary actions, if applicable;
- Specific statement of expected job performance, behavior and/or job standards;
- Any explanation given by the employee or other information that is significant;
- Goals and time frames for improved performance, behavior, etc.;
- Include copies of written reports, statements, and any other materials upon which the action is based. [For clarification purposes, the City will not, however, disclose any documents or information protected by the right of privacy, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure.]

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This letter of reprimand is intended to stress the seriousness of this matter. You have responded to the charges concerning your [behavior/performance/attendance and/or offense or rule violation] during the administrative review with your supervisor/manager, where *Skelly* is otherwise not applied. You may submit a written response to the charges to the department head within thirty (30) calendar days of receipt of this notice, as a matter of record, which shall be forwarded to the Director of Human Resources and filed in your official employee personnel file maintained in the Human Resources Department. Unless immediate and sustained improvement is demonstrated, further disciplinary action may be taken up to and including discharge from employment with the City of Stockton.

A copy of this letter of reprimand and all attachments hereto shall be placed in the department and/or division files, and placed in the official employee personnel file maintained in the Human Resources Department. This document of record shall remain in the City's official employee personnel file for a period of five (5) years; thereafter, you may request, in writing, the removal of this record with the recommendation from the department head and upon the approval by the Director of Human Resources, upon evidence of sustained and corrective [performance/behavior/attendance].

[DIRECTOR OF DEPARTMENT]

Reviewed by _____
HUMAN RESOURCES DEPARTMENT

Received on this _____ day of _____

Attachments

[EMPLOYEE SIGNATURE OR PROOF OF SERVICE]

cc: [Director of Human Resources]
[Department and Division Files]

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SAMPLE NOTICE ONLY
NOTICE OF INTENT TO RECOMMEND EMPLOYMENT ACTION

[DATE]

[EMPLOYEE NAME]
[JOB TITLE/DEPARTMENT]
CITY OF STOCKTON

NOTICE OF INTENT TO RECOMMEND EMPLOYMENT ACTION

It is my intent to take [recommend to the City Manager, when applicable] disciplinary action against you in the form of [suspension/demotion/reduction in base pay/discharge] based on the charges listed below. Before taking any action, you are entitled to respond to the charges against you in a pre-disciplinary *Skelly* meeting with the *Skelly* Officer [insert name] on [date], at [time], [location]. You or your union representative must contact the *Skelly* Officer at [telephone number] within ten (10) work days from the date of this notice, to confirm your scheduled appointment.

You may respond to the charges orally and/or in writing on the date and time of the meeting. You may have either a union representative or legal counsel present at the meeting. If you fail to respond to this notice, either by failing to attend the pre-disciplinary *Skelly* meeting on the date scheduled, or failing to submit written materials within ten (10) work days from the date of this notice, you will be deemed to have waived your right to a pre-disciplinary *Skelly* meeting; the City shall move forward with the discipline in accordance with the City's Civil Service Rules and Regulations for [Miscellaneous or Safety] Employees and Memorandum of Understanding [identify the employee's collective bargaining agreement].

The disciplinary action is being considered in accordance with the City's Discipline Policy HR-08, the City's Civil Service Rules and Regulations for [Miscellaneous or Safety Employees], and applicable Memorandum of Understanding. The proposed discipline is based upon the following charges:

- Incident description and supporting details to include the following information: time, place, date of occurrence, and person(s) present as well as organization impact;

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- Reference to prior counseling, notification, established timelines, and/or disciplinary actions, if applicable;
- Specific statement of expected job performance, behavior and/or job standards;
- Any explanation given by the employee or other information that is significant;
- Goals and time frames for improved performance, behavior, attendance, etc.;
- Include copies of written reports, statements, and any other materials upon which the action is based and relied upon. [For clarification purposes, the City will not, however, disclose any documents or information protected by the right of privacy, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure.]

If immediate and sustained improvement is not demonstrated, further disciplinary action may be taken up to and including discharge from City employment.

[DIRECTOR OF DEPARTMENT]

Reviewed by _____
HUMAN RESOURCES DEPARTMENT

Received on this _____ day of _____

[EMPLOYEE SIGNATURE OR PROOF OF SERVICE]

Enclosures: [Written reports, statements, and any other materials upon which the action is based]

cc: [City Manager]
[Human Resources Department]
[Department File]
[Skelly Officer]

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	Effective Date: 12/01/08	Revised from: 03/19/07 07/01/81 10/15/78

Formerly PER-08

**SAMPLE NOTICE ONLY (AFTER THE SKELLY MEETING)
DEPARTMENT HEAD TRANSMITTAL NOTICE TO
THE HUMAN RESOURCES DEPARTMENT
REDUCTION IN BASE PAY/SUSPENSION OF 30 WORK DAYS OR
LESS/DEMOTION**

MEMORANDUM

[DATE]

TO: HUMAN RESOURCES DEPARTMENT

FROM: [DIRECTOR OF DEPARTMENT]

SUBJECT: **RECOMMENDATION TO TAKE EMPLOYMENT ACTION**
**[REDUCTION IN BASE PAY/SUSPENSION OF 30 WORK DAYS OR
LESS/DEMOTION]**

I hereby recommend disciplinary action in the form of [reduction in base pay/suspension/demotion] against [employee name, job title] based on the reasons contained in the "Notice of Intent to Recommend Employment Action" dated [date].

The employee has been provided with notice of and reason(s) for employment action and materials which the action is based and relied upon, an opportunity to be represented, and to present additional information either orally and/or in writing, in an effort to mitigate or refute the charges through the pre-disciplinary *Skelly* process. [However, the employee has waived his/her right to the pre-disciplinary *Skelly* meeting at his/her request, or failed to appear on the scheduled pre-disciplinary *Skelly* meeting, or failed to respond orally and/or in writing within ten (10) work days of the date of notification, in an effort to mitigate or refute the charges through the *Skelly* process.]

On [date] *Skelly* Officer [name] transmitted his/her written findings and recommendation(s) as attached. The *Skelly* Officer recommended the proposed discipline be [sustained, modified, or revoked]; however, the recommendation(s) of the *Skelly* Officer is advisory only.

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: PROGRESSIVE DISCIPLINE POLICY	Directive No. HR-08	Page No. 31 of 35
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Based on my careful and thorough review and consideration of all available information, including the information presented at the pre-disciplinary *Skelly* meeting, it is my intent to take disciplinary action in the form of [reduction in base pay/suspension of 30 work days or less/demotion]. Upon completion of your review, please sign below and sign Form CS-23 (City of Stockton Report of Personnel Action).

[DIRECTOR OF DEPARTMENT]

Reviewed by _____
HUMAN RESOURCES DEPARTMENT

Attachments:

1. Notice of [Reduction in Base Pay/Suspension of 30 Work Days or Less/Demotion]
2. *Skelly* Officer's Written Statement/Supporting Documentation (if applicable)
3. City of Stockton Report of Personnel Action – Form CS-23

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Formerly PER-08

SAMPLE NOTICE ONLY (AFTER THE SKELLY MEETING)
DEPARTMENT HEAD TRANSMITTAL NOTICE TO CITY MANAGER
RECOMMENDING SUSPENSION IN EXCESS OF 30 WORK DAYS OR
DISCHARGE FROM CITY EMPLOYMENT

MEMORANDUM

[DATE]

TO: [CITY MANAGER]

FROM: [DIRECTOR OF DEPARTMENT]

SUBJECT: **RECOMMENDATION TO TAKE EMPLOYMENT ACTION**
[SUSPENSION IN EXCESS OF 30 WORK DAYS OR DISCHARGE]

I hereby recommend disciplinary action in the form of [suspension in excess of 30 work days or discharge] against [employee name, job title] based on the reasons contained in the "Notice of Intent to Recommend Employment Action" dated [date].

The employee has been provided with notice of and reason(s) for employment action and materials which the action is based and relied upon, an opportunity to be represented and to present additional information orally and/or in writing in an effort to mitigate or refute the charges through the Skelly process. [However, the employee has waived his/her right to the pre-disciplinary *Skelly* meeting at his/her request, or failed to appear on the scheduled pre-disciplinary *Skelly* meeting, or failed to respond orally and/or in writing within ten (10) work days of the date of notification, in an effort to mitigate or refute the charges through the *Skelly* process.]

On [date] *Skelly* Officer [name] transmitted his/her written findings and recommendation(s) at attached. The *Skelly* Officer recommended the proposed discipline be [sustained,

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modified, or revoked]; however, the recommendation(s) of the *Skelly* Officer is advisory only.

Based on my careful and thorough review and consideration of all available information, including the information presented at the *Skelly* meeting, it is my recommendation to take disciplinary action in the form of [suspension in excess of 30 work days or discharge]. I have thoroughly consulted with the Human Resources Department on this matter. If this meets with your approval, please sign the attached Notice and Form CS-23 (City of Stockton Report of Personnel Action).

[DIRECTOR OF DEPARTMENT]

Reviewed by _____
HUMAN RESOURCES DEPARTMENT

APPROVED: _____
CITY MANAGER

Attachments

- (1) Notice of Suspension in Excess of 30 Work Days or Discharge dated [insert date]
- (2) *Skelly* Officer's Written Statement and any Supporting Documentation (if applicable)
- (3) City of Stockton Report of Personnel Action - Form CS-23

cc: [Director of Human Resources]

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**SAMPLE NOTICE ONLY
DEPARTMENT HEAD OR CITY MANAGER'S
FINAL DECISION AND EMPLOYEE OFFICIAL NOTIFICATION**

[DATE]

[IF MAILED, CERTIFIED/FIRST CLASS]

[EMPLOYEE NAME]

[JOB TITLE/DEPARTMENT]

[MAILING ADDRESS/CITY/STATE/ZIP CODE]

REDUCTION IN BASE PAY/SUSPENSION/DEMOTION/DISCHARGE/OR AS MODIFIED

This is to inform you that disciplinary action shall be taken against you in the form of [reduction in base pay, suspension, demotion, discharge, or as modified] based on the facts and statements contained in the "Notice of Intent to Recommend Employment Action" dated [date]. You have been afforded an opportunity to present before a *Skelly* Officer any evidence, orally and/or in writing, documents, or other information that may contradict and/or mitigate the basis for the proposed discipline.

You are hereby: (1) reduced in base pay, (2) suspended from City employment without pay for [day(s)] consecutive work days from [date] to [date]. You shall return to work on [date], (3) demoted in job classification from [present job title] to [new job title] effective [date], (4) discharged from City of Stockton employment effective [date], or (5) as appropriately modified, if applicable. Attached, is Form CS-23 implementing the final disciplinary action. [You are to immediately return all City issued property (i.e., keys, key pad card, identification card, etc.) You may personally return the items or return them via U.S. first class mail to the attention of your supervisor, City of Stockton, [mailing address]].

You have the right to file a written appeal to the Stockton Civil Service Commission within ten (10) days of receipt of notice [Police/Fire: ten (10) days from the time of reduction in base pay, suspension, demotion, or discharge], or file a written grievance as contained in section [insert applicable section number] of [collective bargaining agreement] Memorandum of Understanding within ten (10) business days of receipt of notice [or

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fourteen (14) days following the mailing of this written notification by first class mail to your home address as contained in the official City personnel records.]

[I expect immediate and sustained improvement in your [performance/behavior/attendance] or you may be subject to further disciplinary action up to and including discharge from employment with the City of Stockton.]

[DIRECTOR OF DEPARTMENT OR CITY MANAGER]

Attachment: City of Stockton Report of Personnel Action - Form CS-23

cc: [Director of Human Resources/City Manager]
[Department File]
[Civil Service Commission – Police/Fire Sworn Personnel Only]

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: ALTERNATE WORK SCHEDULES	Directive No. HR-14	Page No. 1 OF 3
	Effective Date: 11/15/04	Revised From: 09/13/04; 02/01/81; 09/15/03

I. PURPOSE

The purpose of this directive is to establish a standard procedure for departments to request City Manager authorization to implement alternate work week schedules or flex time schedules for employees other than sworn safety personnel.

II. POLICY

- A. Consistent with "Days and Hours of Work"/Workweek Section of the three Memoranda of Understanding between the City and the organizations representing it's non-safety employees, a department head with City Manager approval, may institute alternate work schedules to five eight (8) hours per day, forty (40) hour week.
- B. It is the administrative policy of the City of Stockton to consider alternate work schedules in order to improve operations or service to the public, save energy, or reduce absenteeism.
- C. City employees will be subject to an alternate work schedule if authorized by the City Manager.
- D. The Director of Human Resources shall advise the appropriate union or association representative of the proposed alternate work schedule and shall review said proposal with the representative. Furthermore, the Director of Human Resources will formulate and forward written recommendations to the City Manager.
- E. Work schedules of sworn public safety personnel shall be consistent with those prescribed in Article XXV of the City Charter.

III. PROCEDURE

- A. Any department requesting authorization to adopt alternate work hours or work week schedules shall submit a written request to the City Manager through the Director of Human Resources.

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CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: ALTERNATE WORK SCHEDULES	Directive No. HR-14	Page No. 2 OF 3
	Effective Date: 11/15/04	Revised From: 09/13/04; 02/01/81; 09/15/03

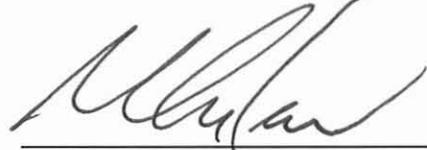
- B. The request for an alternate work schedule shall:
- (1) State the current schedule.
 - (2) Explain in detail the proposed schedule.
 - (3) Include the divisions, sections, work groups and job classifications and number of employees who will be affected.
 - (4) Propose a date of implementation.
 - (5) Cite specific advantages and disadvantages, if any.
 - (6) Estimate the cost savings if the proposal is adopted.
- C. The Director of Human Resources shall review the department's request and shall:
- (1) Advise the appropriate union or association representative of the request.
 - (2) Initiate a meeting with the union or association representative to discuss and review the department request.
 - (3) Prepare a written recommendation and forward the request and recommendation to the City Manager.
- D. The City Manager will consider the request and, if approved, will direct the department to implement the proposal on a trial basis of specified duration. During this trial period, the department will keep detailed records of the advantages and any problems encountered with the alternate work schedule.
- E. At the completion of the trial basis, the department head shall submit final detailed recommendations in writing to the City Manager.

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Subject: ALTERNATE WORK SCHEDULES	Directive No. HR-14	Page No. 3 OF 3
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- F. If the new work schedule is deemed successful and is approved by the City Manager, it shall be formally adopted in writing to the department head by the City Manager. Such authorization shall grant an alternate work schedule on an on-going basis.

APPROVED:



MARK LEWIS, ESQ.
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: SICK LEAVE POLICY	Directive No: HR-20	Page No. 1 of 5
	Effective Date: 7/01/15	Revised from: 12/15/82 04/01/84 9/20/04

I. PURPOSE

- A. To establish a uniform policy and procedure concerning sick leave usage consistent with Memoranda of Understanding, Stockton City Charter, Civil Services Rules and Regulations, Federal Family Medical Leave Act, California Family Leave Act, Healthy Workplaces/Healthy Families Act, and other applicable laws or regulations.
- B. To encourage health and wellness among employees while maintaining adequate staffing levels and to minimize non-productive sick leave time and operational interruption in the workplace.
- C. To assist managers and supervisors in monitoring, managing, identifying, and counseling potential problematic employees who are exhibiting attendance problems.

II. ADMINISTRATIVE INTENT

- A. It is the administrative intent to allow employees to use their sick leave benefit to meet their health and family health care needs to the extent provided by negotiated Memoranda of Understanding, and other applicable laws or regulations. In no event is this policy application to be construed to lessen the employees' negotiated sick leave benefit. The administrative intent is to encourage conservative use of sick leave and employee understanding of the hardship placed on their coworkers, the department, and customers that can result from excessive absence from work, while ensuring the availability of the sick leave benefit for bonafide reasons.
- B. It is the administrative intent that employees who exceed the City-wide standard of sick leave usage (refer to Policy III - B) shall be counseled by managers/supervisors, when, in the judgment of the manager/supervisor, there is an immediate need to address sick leave usage.
- C. It is the administrative intent to stress the critical importance of the judgment required of managers/supervisors as to when, and if, to counsel or initiate disciplinary action for excessive sick leave usage, such as numerous short-term, non-related illnesses.

**CITY OF STOCKTON, CALIFORNIA
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Subject: SICK LEAVE POLICY	Directive No: HR-20	Page No. 2 of 5
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III. POLICY

- A. It is the policy of the City, consistent with Memoranda of Understanding, to provide sick leave to employees for illness or injury; medical, dental, or optical care; exposure to contagious disease which incapacitates an employee from performing normal work duties, and for preventative health care services; or for leave related to domestic violence, sexual assault, or stalking. This includes disabilities caused by or attributed to pregnancy, miscarriage, abortion, childbirth and recovery therefrom.

- B. It is the policy of the City that sick leave usage above the City-wide standard of 6-days in a calendar year does not meet attendance standards. The benchmark standard for sick leave usage was developed by utilizing the Citywide average and the national average of sick leave usage.

SHIFT	CITYWIDE STANDARD	
8-hour work shift	48 hours	6 days
10-hour work shift	60 hours	6 days
12-hour work shift	72 hours	6 days
24-hour work shift	72 hours	3 days

- C. It is the policy of the City that the departmental authority shall monitor the number of sick leave occurrences as well as the total number of sick leave hours used.

An occurrence is defined as any consecutive sequence of absence due to illness or injury regardless of duration for which sick leave is used. For example, if an employee misses two and one-half (2-1/2) days of work due to the flu, this is considered one (1) occurrence involving twenty (20) hours of sick leave usage.

- D. Family Sick Leave

It is the policy of the City, consistent with negotiated Memoranda of Understanding, to provide family sick leave to employees in the case of

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Subject: SICK LEAVE POLICY	Directive No: HR-20	Page No. 3 of 5
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illness or injury in the immediate family for the time reasonably necessary, as determined by the department head, to make other health care arrangements. Such leave is restricted to immediate family members referenced in applicable Memoranda of Understanding.

California Labor Code Section 233 requires employers to permit an employee, each calendar year, to use one-half of the employee's annual sick leave accrual to attend to an illness of his/her child, parent(s), spouse, or domestic partner.

Use of Family Sick Leave pursuant to California Labor Code Section 233, to attend to the illness of a child, parent, spouse, or domestic partner will not be used as the basis for discipline under the Sick Leave Policy.

- E. It is the policy of the City that there is no guarantee or right that a leave of absence without pay ("LWOP") will be granted upon the exhaustion of sick leave credits. Refer to applicable Memoranda of Understanding for further clarification and application of LWOP.
- F. It is the policy of the City that annual vacation leave is not intended to supplement the employee's sick leave benefit, and use of annual vacation for sick leave purposes shall remain the prerogative of the departmental authority.

IV. PROCEDURES

- A. In the event the employee wishes to use sick leave, the employee shall call the designated manager/supervisor as promptly as possible of the absence, or within 30-minutes of normal starting time unless otherwise designated by the department's call-in procedures.
- B. Approved sick leave absences shall be charged against the employee's sick leave balance to the nearest fifteen (15) minutes.

Employees exempt from the Fair Labor Standards Act ("FLSA") are expected to work whatever time necessary to perform the duties of their assigned position. Partial days of sick leave may be taken by an employee for illness, injury, and preventative health care services, and illness/injury in the

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employee's immediate family without charge to the employee's sick leave balance. If the employee does not have a sick leave balance, the employee is not to be docked in salary for lack of a balance.

- C. Scheduled doctor appointments should be pre-approved with employee's manager/supervisor to minimize operational interruption to the department.
- D. Supervisors/managers shall be responsible for monitoring the number of paid and unpaid sick leave hours and occurrences.
- E. When an employee exceeds the established sick leave usage standard the manager/supervisor may counsel the employee. Such counseling shall be conducted in accordance with the Administrative Intent of this Policy.

[Note: Family Sick Leave Usage in accordance with California Labor Code Section 233, as described in Section III, D above, shall not be counted or used as a basis for discipline.]

The decision as to when to begin counseling and when to document by "memo of discussion," shall be at the discretion of the department. Some departments may desire the manager/supervisor have more thorough documentation as to why it was not necessary to counsel a particular employee given a specific set of facts or extenuating medical circumstances. In addition, the frequency of counseling is at the discretion of the manager/supervisor. However, if an employee is beginning to use sick leave at a rate which will result in exceeding the City-wide standard, the manager/supervisor may counsel and provide the employee with objective expectations related to attendance and may document with a memo of discussion.

- F. If after counseling, sick leave usage continues at an unacceptable level or for unacceptable reasons, the manager/supervisor shall counsel the employee again and issue a "memo of correction," which indicates sick leave usage is exceeding the City-wide standard, without a bonafide reason or extenuating health problems, and that the employee and manager/supervisor have discussed the matter. This also should be referenced on the employee's next performance evaluation.

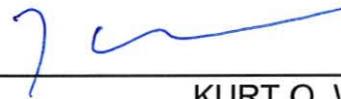
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Subject: SICK LEAVE POLICY	Directive No: HR-20	Page No. 5 of 5
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- G. The employee's manager/supervisor and departmental authority along with the Director of Human Resources shall be consulted regularly regarding employees' use of sick leave without bonafide health problems.

- H. The manager/supervisor may issue a formal "letter of reprimand," and place the employee on restricted sick leave upon the recommendation of the departmental authority and with concurrence of the Director of Human Resources. This would require a physician's certificate of incapacity for any absences for illness or injury during a designated time frame. Further disciplinary measures may be taken if unacceptable sick leave usage continues without bonafide, extenuating health problems, up to and including discharge. (For general guidance, refer to City Manager Administrative Directive HR-08 "Disciplinary Policy.")

APPROVED:



KURT O. WILSON
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: CITY-WIDE TRAINING AND DEVELOPMENT	Directive No. HR-29	Page No. 1 of 5
	Effective Date: 9/27/04	Revised From: 7/1/91 1/12/94 3/15/94 7/17/94

Last reviewed: 11/14/2006

I. PURPOSE

- A. To establish a uniform and consistent policy to provide City-wide training and career development for City employees.
- B. To promote and conduct training activities that provide for the employee's personal growth, enhance job skills and encourage positive professional behavior.

II. POLICY

- A. It is the policy of the City to make available to all its employees a program of continuous training and career development.
- B. It is the responsibility of Department Heads, Managers/Supervisors and the Human Resources Department to provide City employees an opportunity to broaden their experiences and enhance their job skills.
 - 1) Department Heads are responsible for supporting the training and employee development policy of the City and for ensuring that employees are aware of City-wide training and career development opportunities.
 - 2) Managers/Supervisors are responsible for identifying training needs and for creating an environment conducive to professional growth through employee development and training programs. Managers/Supervisors are also responsible for interviewing employees who have received training to determine its value to their position and the City.
 - 3) Employees are responsible for reviewing their own skills and abilities and taking advantage of all opportunities to develop their personal and professional potential. Employees are also responsible for sharing what they learned and evaluating the training to determine its value to them and/or other City employees.

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: CITY-WIDE TRAINING AND DEVELOPMENT	Directive No. HR-29	Page No. 2 of 5
	Effective Date: 9/27/04	Revised From: 7/1/91 1/12/94 3/15/94 7/17/94

Last reviewed: 11/14/2006

- 4) Human Resources Department is responsible for developing and coordinating the City-wide training plan, assisting departments with special training needs, maintaining a training resource library, scheduling in-house training and selecting outside agencies/consultants to provide on-site training for employees.
- C. City-Wide Training will consist of In-House and Outside/Consultant on-site training and a Training Resource Library.
- 1) In-House Training - Training developed, coordinated and conducted by Human Resources Department and City staff members who have expertise in specific areas such as Affirmative Action, Safety, Budgeting, etc.
 - 2) Outside/Consultant (On-Site Training) - Training conducted by contract through an outside provider. Training of this type is used to meet identified training needs which cannot be conducted through in-house training capabilities.
 - 3) Training Resource Library - A resource library of audio and video tapes covering a variety of subject areas related to employee training and development.
- D. The City-wide Training Program will not include training to address specific technical skill needs associated with the performance of a specific job or duty. The responsibility for technical training belongs to the individual Department Heads, who are encouraged to plan in advance for such training and budget appropriately.
- E. Training Programs which have City-wide application will be developed, coordinated and/or conducted by the Human Resources Department or an outside consultant selected for that purpose. Employees may register for City sponsored training through their department training coordinator. Participation in City-wide training shall be approved by the employee's immediate supervisor.

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Subject: CITY-WIDE TRAINING AND DEVELOPMENT	Directive No. HR-29	Page No. 3 of 5
	Effective Date: 9/27/04	Revised From: 7/1/91 1/12/94 3/15/94 7/17/94

Last reviewed: 11/14/2006

Training may include, but not be limited to the following:

- 1) New Employee Orientation
 - 2) Employee Assistance Program (OPTIONS) - Personal and Professional Training
 - 3) Executive Development Program - Certificate Program
 - 4) Middle-Management Development Program - Certificate Program
 - 5) Customer Service/Public Relations Training
 - 6) Defensive Driver Training
 - 7) Effective Writing
 - 8) Personal Computer Applications Training - Coordinated and scheduled through the Information Technology Division of the Administrative Services Department
 - 9) Supervisory Training - A certification program designed for first-line supervisors that will consist of instruction in the following areas:
 - a. Basic Supervision Techniques and Methods
 - b. Performance Evaluation/Appraisal
 - c. Harassment Awareness
 - d. Disciplinary Actions
 - e. Safety
 - f. Customer Service
 - g. Related subjects as specified/required
- F. Training Programs sponsored by other City Departments which may have City-wide application should be announced through the Human Resources Department so that training resources are shared to the maximum extent possible.

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Subject: CITY-WIDE TRAINING AND DEVELOPMENT	Directive No. HR-29	Page No. 4 of 5
	Effective Date: 9/27/04	Revised From: 7/1/91 1/12/94 3/15/94 7/17/94

Last reviewed: 11/14/2006

G. Career Development

- 1) City provided career development programs include:
 - a. Educational reimbursement for formal and vocational courses (refer to Training and Vocational Assistance Policy/HR-021).
 - b. On-The-Job Training to master the primary skills of the job.
 - c. Job Transfer (refer to Memorandum of Understanding and contact the Human Resources Department for information).
 - d. Job Exchanges between City employees and City Departments to provide a broader career development opportunity.

- 2) Other career development opportunities that a department or employee may consider are:
 - a. Planned Experience - A department work experience based plan for employees which includes on-the-job training activities, such as, special assignments, projects, committee or task force assignments.
 - b. Job Rotation - A department-planned movement of employees (same job classification) within the department.
 - c. Professional/Vocational Affiliation/Membership - Membership in organizations/associations which are work related. Dues/fees are paid by the employee or the department consistent with Administrative Procedures Directive/MAN-014 regarding payment of memberships.
 - d. Career Counseling - Counseling to assist an employee in developing a career plan. The City does not have the capability to provide this service, therefore, employees are

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Last reviewed: 11/14/2006

encouraged to contact a professional career counseling/guidance office at a college or vocational school.

III. PROCEDURE

A. The Human Resources Department will:

- 1) Develop an Annual Training Plan for City-wide training
- 2) Administer the Training and Educational Assistance Program
- 3) Publish, semi-annually, a catalog of City-sponsored training
- 4) Conduct training needs assessments as required

B. Departments will identify training needs and, when requested, provide the Human Resources Department with their annual in-house training schedule for inclusion in the City Training Catalog.

APPROVED:



J. GORDON PALMER, JR.
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: FAMILY - SCHOOL PARTNERSHIP ACT	Directive No: HR – 41	Page No. 1 of 2
	Effective Date: 11/29/04	Revised From: 7/21/95

I. PURPOSE

To establish a uniform policy and procedure for requesting and use of leave under the "Family - School Partnership Act". This directive would permit employees to utilize specified time for the purpose of participating in school activities.

II. POLICY

- A. The "Family - School Partnership Act", Assembly Bill (AB) 2590, went into effect on January 1, 1995.
- B. This law covers employers who have twenty-five (25) or more employees at the same location.
- C. Parents, guardians or grandparents who have custody of their grandchildren can take up to forty (40) hours off each school year, but no more than eight (8) hours in any calendar month, as long as they give the City reasonable notice.

III. PROCEDURES

- A. Employees may request leave under the provisions of this directive to a maximum of eight (8) hours per month.
- B. Employee shall use time from either of the following leave balances:
 - 1. Annual leave.
 - 2. Compensatory time, if applicable.
 - 3. Or, for purposes of the planned absence, the employee may request time off without pay to the extent authorized by the City.

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: FAMILY - SCHOOL PARTNERSHIP ACT	Directive No: HR – 41	Page No. 1 of 2
	Effective Date: 11/29/04	Revised From: 7/21/95

- C. The employee, if requested by the City, shall provide documentation from the school as proof that he or she participated in school activities on a specific date and at a particular time.
1. For the purposes of this directive, "documentation" means written verification of parental participation the school deems appropriate and reasonable.

APPROVED:



MARK LEWIS, ESQ.
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: SPECIAL ASSIGNMENT PAY	Directive No. HR-49	Page No. 1 OF 3
	Effective Date: 8/18/08	Revised from: 5/2/05 12/17/01

I. PURPOSE

The purpose of this Administrative Procedures Directive is to monitor and ensure consistent and appropriate application of the additional compensation known as “Special Assignment Pay.” This Directive is not intended to cover the issues of Acting Pay, Y-Rate, and other Temporary Upgrades (hourly or daily) which are covered by Memorandum of Understanding, respectively.

II. POLICY

The policy of the City Manager is that Special Assignment Pay is intended to be additional compensation for employees who are assigned, in writing, additional duties and responsibilities while performing regularly assigned responsibilities.

Special Assignment Pay shall not take effect until expressly approved by the department head, the Director of Human Resources, and the City Manager. Special Assignment Pay shall not be recommended or authorized unless the special assignment shall continue in excess of five (5) work days. The additional compensation shall be in addition to any other pay or allowance to which entitled and continue for the duration of the special assignment or project; however, shall not be considered a permanent pay increase.

To the extent any provisions of this policy may conflict with existing Memoranda of Understandings (“MOUs”) of employee organizations, the provisions of the MOU shall prevail over this Directive. (See Trades & Maintenance Unit MOU, Section 15.12; Stockton City Employees Association MOU, Section 17.11; Fire Unit MOU, Section 13.9; Fire Management MOU, Section 13.12; Police Management MOU, Section 15.8; or other appropriate compensation plans).

III. DEFINITIONS

For the purposes of this Directive, the following definitions shall apply. For clarification purposes, Special Assignment Pay is not the same as Acting Pay, Temporary Upgrade, or Y-Rate, which are described below.

Acting Pay - Compensation for employees who are assigned, in writing, to the majority of duties of a higher level classification. The assignment may result from unfilled positions or employee absences (i.e., vacation/sick leave, etc.) in excess of

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five (5) work days. Acting pay must be approved by the City Manager, and the appointing authority, prior to assigning an employee to work in a higher level classification. Acting pay is covered in the various MOU's.

Extended Leave while Assigned Special or Acting Assignment - Leave that is contiguous time of more than fourteen (14) calendar days. If compensation for special or acting assignments has been previously authorized, and any leave that is intended to extend beyond fourteen (14) calendar days, a Form CS-23 must be prepared to discontinue the compensation until the employee returns from the extended leave and resumes the special or acting assignment. A subsequent Form CS-23 must be prepared and appropriately authorized to reinstate the compensation for the remainder of the special and/or acting assignment.

Special Assignment Pay - Compensation for employees who are assigned, in writing, additional duties and responsibilities beyond the scope of their current assignment while performing regularly assigned responsibilities.

Temporary Upgrade - Hourly or daily rate of pay upgrades for employees who are assigned to temporarily and perform the duties of other employees of a higher level classification. Temporary upgrades are covered by MOU.

Y-Rate - A "Y" rate means that the current monthly compensation for the employee remains in effect until such time as further changes in the salary pay range of the new classification exceeds the "Y" rate. A Y-rate may occur as result of an employee's classification change from and to a lower-paid classification, a classification study or other personnel actions. The department head shall determine whether "Y" rate compensation can be absorbed within its operating budget.

V. PROCEDURE

- A. Special Assignment Pay requests must be in writing and must be approved - first, by the department head; second, by the Director of Human Resources, and final approval, by the City Manager.
- B. The department head shall prepare Form CS-23 (Personnel Action Form) which shall clearly state the additional duties and responsibilities being assigned.

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- C. The Form CS-23 shall state the specific dates (beginning and ending) to which the Special Assignment Pay is to be assigned and must contain the relevant MOU section applicable to the special pay.
- D. The completed Form CS-23 must be forwarded directly to the Human Resources Department for secondary approval. The Human Resources Department shall forward the form to the City Manager for final approval. The Special Assignment Pay shall not take effect until approved as set forth above.
- E. The department head shall monitor the special assignment to ensure special pay continues to be appropriately warranted. If the department head desires to extend Special Assignment Pay beyond the date authorized on the original Form CS-23, such extension shall not be automatic. A new Form CS-23 must be prepared and contain information as set forth above, approved, and forwarded to the Human Resources Department for secondary approval, then forwarded to the City Manager for final approval. Requests for extensions must be submitted to the Human Resources Department no later than one (1) pay period prior to the effective date of the requested extension date.

APPROVED:

J. GORDON PALMER, JR.
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
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Subject: MILITARY LEAVE	Directive No. HR-53	Page No. 1 of 3
	Effective Date: 05/01/2015	Revised From: 4/7/03 9/27/2004

I. PURPOSE

To establish a uniform policy and procedure for processing temporary paid and unpaid military leave requests consistent with the provisions of federal and state laws.

II. POLICY

- A. It is the administrative policy of the City of Stockton to allow eligible employees up to thirty (30) calendar days of paid military leave in a calendar year in accordance with section 395.01 of the California Military and Veterans Code and the "Military Leave" sections of the Memoranda of Understanding (MOU) between the City and its various bargaining units and Compensation Plan.

In accordance with section 395.05 of the California Military and Veterans Code, members of the National Guard shall receive an additional thirty (30) calendar days of paid military leave in the same calendar year for a Governor proclaimed state of emergency regardless of the number of emergencies.

- B. An employee who is a member of the United States Armed Forces who provides the appropriate military leave documentation and completed Request for Military Leave of Absence form shall be granted a military leave of absence by the City of Stockton for the period ordered with the pay status determined as outlined in Section IV of this Directive.

III. DEFINITIONS

The following words and phrases shall have the meanings as herein provided:

- A. "Active Duty" shall mean to engage in ordered military duty or activities such as:
1. Deployment in times of war or for other military conflicts, peace keeping, or other similar operations in which the United States of America may commit military forces; or

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Subject: MILITARY LEAVE	Directive No. HR-53	Page No. 2 of 3
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2. Full-time National Guard duty, active duty for training, encampments, naval cruises, or special; or
 3. For the purpose of an examination to determine the fitness of the person to perform military duty; or
 4. Other similar authorized activities as defined by federal or state law.
- B. "Inactive Duty Training" shall mean drills and other types of training performed in practice whose status is inactive and does not change to active during the time of their participation.
- C. "Day" shall mean the period of time which an employee is normally scheduled to work in a 24-hour period, up to a maximum of 12 hours. For example, a day would equal:
1. Eight (8) hours for employees assigned to work 8-hour shifts;
 2. Nine (9) hours for employees assigned to the 9/80 modified work schedule (9 hours Monday through Thursday, eight (8) hours every other Friday, and the alternating Friday is a scheduled day off);
 3. Ten (10) hours for employees (e.g., Police Patrol Officers and Police Telecommunicators) assigned to work 10-hour shifts; and
 4. Twelve (12) hours for employees (e.g., line Fire personnel) assigned to work shifts ranging from 12 to 48 hours. In such instances, days will be calculated in 12-hour increments beginning from the time the employee would normally have assumed duty on the shift (i.e., 8:00 a.m. to 8:00 p.m. and 8:00 p.m. to 8:00 a.m., etc.).

IV. PROCEDURES

- A. The employee shall complete a Form CS-58 (Request for Military Leave of Absence) as soon as practicable after receipt of military orders. Appropriate documentation detailing the ordered military duty shall be attached to the Form CS-58. (Attachment A).

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- B. Upon approval by the employee's department head, or his/her designee, Form CS-58 shall be submitted to the Human Resources Department for approval.
- C. The Director of Human Resources shall approve the request, if appropriate, and forward copies to the Payroll Section of the Administrative Services Department, the operating department, and the employee.
- D. Upon exhaustion of paid military leave the employee may use his/her annual leave and/or accrued compensatory time. If the eligible employee elects to use leave without pay, the employee shall contact Human Resources to discuss the impacts of unpaid leave.
- E. Except as may be provided by the City Council, in the case of a national emergency requiring military service in excess of thirty (30) days per calendar year, employees who are members of the United States Armed Forces upon request and after furnishing the required documentation, shall be afforded a leave of absence without pay for the duration of the national emergency. Said employees shall be reinstated for service upon the terms and subject to any conditions set forth in the applicable MOU or Compensation Plan.
- F. Neither state nor federal law requires the City to afford employees who have less than one year of service with the City paid military leave.

Employees should consult the "Military Leave" provisions of the applicable MOU or Compensation Plan for information regarding how their employment, pay status, and requests for reinstatement, shall be handled.

APPROVED:



KURT O. WILSON CITY MANAGER



REQUEST FOR MILITARY LEAVE OF ABSENCE

In accordance with California Military and Veterans Code Section 395.01, and the City's current Memorandum of Understanding (MOU) with its various bargaining units, a City of Stockton employee who is a member of the United States Armed Forces, who is ordered to military duty and presents appropriate documentation, shall be granted leave with pay for up to thirty (30) days in any calendar year.

In accordance with California Military and Veterans Code Section 395.05, members of the National Guard shall receive an additional leave with pay for up to thirty (30) days in the same calendar year for a Governor proclaimed state of emergency. Please refer to Administrative Directive HR-53 for further information about a military leave of absence.

City of Stockton complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and nothing contained herein is intended to limit or abrogate rights guaranteed under USERRA.

EMPLOYEE INFORMATION:

Name: _____ Job Title: _____
Date of Hire: _____ Bargaining Unit: _____ Primary Phone: _____
Home E-Mail: _____ Mailing Address: _____
Department: _____ Payroll Coordinator: _____ Extension: _____
Current Work Schedule: [] 5/8 [] 9/80 [] 4/10 [] 12-24 hour Last day worked: _____

MILITARY LEAVE INFORMATION: (Your start and end dates for this leave must match your military orders.)

[] Active Duty [] Military Duty Training (active or inactive) [] State Emergency (National Guard ONLY)

Paid Leave: _____ to: _____ = Total Days: _____ Unpaid Leave: _____ to: _____ = Total Days: _____

HEALTH INSURANCE: Opt Out: _____ Continue Coverage: _____ Make Changes: _____

If you elect to continue health insurance coverage, your premium contribution will continue to be deducted from your paycheck while you are in a paid status. If your leave converts to an unpaid status, you must pay your portion of the medical premium directly to the City of Stockton. Your current monthly contribution is \$_____, and is due and payable, by check or money order, to the City of Stockton by the last day of the month in which coverage is provided. Please remit payment to the City of Stockton Human Resources Department at 22 E. Weber Avenue, Suite #150, Stockton, CA 95202, attention: Benefits Division. If you are making changes to your current health insurance coverage, please complete the City's Health Insurance Enrollment form.

Employee Print Name _____ Employee Signature _____ Date _____

Supervisor Print Name _____ Supervisor Signature _____ Date _____

Director of Human Resources Approval _____ Date _____

HR Use Only:

Military orders: _____ Paid days remaining: _____ MyCalPERS: _____ Health Insurance: _____ Verified by: _____

**CITY OF STOCKTON, CALIFORNIA
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Subject: LEAVE BENEFITS	Directive No: HR-59	Page No. 1 of 2
	Effective Date: 7/1/2016	Revised from: 7/21/2008 4/18/2011

I. PURPOSE

To assist employees in dealing with the competing demands of work productivity and family needs, it is the purpose of the Leave Benefits Policy to implement the requirements of the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601, *et seq.*); the California Family Rights Act (2 C.C.R § 7297, *et seq.*); the Pregnancy Disability Act; the Americans With Disabilities Act of 1990; and any other federal and state laws applicable to employee leave benefits.

II. POLICY

- A. It is the administrative policy of the City of Stockton ("City") to provide family and medical leave and pregnancy disability leave for eligible employees as required by state and federal law. This policy sets forth rights and obligations with respect to such leaves. In accordance with the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act (CFRA), eligible City employees are entitled to leave up to a total of 12 work weeks in a rolling 12-month period measured backwards for the following reasons:
1. The birth of the employee's child or to care for a newborn of the employee;
 2. The placement of a child with the employee in connection with adoption or foster care;
 3. To care for a child, parent, or spouse/domestic partner who has a Serious Health Condition, when medically necessary;
 4. A Serious Health Condition that makes the employee unable to perform the functions of his/her position; or
 5. Military leave benefits: When a family member has been called to active duty (12 weeks); caregiver leave (26 weeks).

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Subject: LEAVE BENEFITS	Directive No: HR-59	Page No. 2 of 2
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- B. This policy also sets forth the rights with respect to Pregnancy Disability Leave (PDL). Eligible employees are entitled to leave for up to a total of 17 work weeks under PDL. This benefit works in conjunction with FMLA and CFRA.
- C. A separate Leave Benefits Policy and Procedure Manual is maintained by the Human Resources Department and can be found on the City's website (www.stocktongov.com) under "Departments", "Human Resources", "Employee Leaves".
- D. The Leave Benefits Policy and Procedure Manual will be updated as required, including state and federal mandates.
- E. The policy shall be updated and administered by the Human Resources Department; although each department head, or a designated person in each department, shall ensure that the procedures set forth in the policy are followed.
- F. The Human Resources Department shall periodically schedule training classes on the guidelines and procedures set forth in the policy, which all employees are encouraged to attend. It shall be mandatory for all city supervisors to attend.

APPROVED



KURT O. WILSON
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: AFFORDABLE CARE ACT (ACA) COMPLIANCE POLICY	Directive No. HR-70	Page No. 1 of 4
	Effective Date: 05/01/15	Revised From:

I. PURPOSE

Develop an organizational strategy to ensure compliance and mitigate penalties under the Affordable Care Act (ACA). ACA was passed by Congress in March 2010.

II. POLICY

As a large employer (50 or more full-time equivalent employees) the City is required to offer affordable minimum essential health coverage to all full-time employees, or be subject to two possible penalties referenced in the law as Penalty A and Penalty B. The City is also required to report and pay required fees and taxes associated with medical benefits.

The following will memorialize the administrative decisions made by City management to effectively offer essential coverage to all employees in a fiscally responsible manner.

III. PROCEDURE

A. **Penalties** - There are two branches of the Employer Shared Responsibility Penalty known as the "4980H(a)" and "4980H(b)" penalties, which are described below.

1. Penalty A:

Penalty A is assessed if the City (a large employer) "**fails to offer**" (not pay for or contribute to) "**minimum essential coverage**" to essentially all its full-time employees and their dependents, and a full-time employee (an employee who works on average 30 or more hours per week or 130 hours per month) obtains subsidized coverage in a state health insurance Exchange. Penalty A is calculated by multiplying the total number of all full-time employees employed by the employer by \$2,000. (For purposes of calculating the 4980H(a) penalty, the number of full-time employees is reduced by 30.) As an example, if the City had 1,300 full-time employees, this penalty would be \$2,540,000 million/year.

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Subject: AFFORDABLE CARE ACT (ACA) COMPLIANCE POLICY	Directive No. HR-70	Page No. 2 of 4
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Currently, the City considers an employee who works less than an average of 40 hours/week to be part-time, temporary, or seasonal, therefore benefits are not offered. This subjects the City to Penalty A if any of those employees work more than 30 hours/week (or 130 hours per month on average), enrolls in the state exchange, and receives a subsidy.

To avoid this Penalty, the City will offer medical coverage to all City employees and their dependents, regardless of the number of hours they work. This ensures that the City is never subjected to Penalty A. The employee has the option to decline coverage, in writing, on the City's Enrollment/Change Form. This form will be required if an employee enrolls or declines coverage. The form is easily accessible on the City's external website. The City will continue to only offer an employer contribution towards cost of benefits to the employees the City considers full-time and all others would pay the full premium cost.

2. Penalty B:

If the City offers health coverage to its employees, the coverage has to be "**affordable**" and of "**minimum value**". If coverage does not meet the "affordability test" or the "minimum value test", *and* at least one full-time employee obtains subsidized coverage in a state health insurance exchange, Penalty B would be assessed. Penalty B is calculated by multiplying each full-time employee who receives subsidized coverage in a state exchange by up to \$3,000/year (not the entire employee population like Penalty A).

Affordable: The law requires that the City establish a safe harbor test to determine if the plan is affordable. The City has chosen the federal poverty level safe harbor test. If an employee's cost for single coverage on the least cost plan offered is less than 9.5% of the single household federal poverty level, then the plan is considered affordable and no penalty is assessed. Household income is not determined by the City.

Any employee who goes to the exchange and receives a subsidy will require that the City submit payroll records. If it is deemed that the employee did work over 30+ hours per week (or 130 hours on average per month) and the

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cost of coverage was deemed not affordable for that employee's household, then the City would be subjected to Penalty B, but only for this individual and only for the month(s) the employee worked "full-time". In this situation, the Departments whose employee(s) work more than 30+ hours will be required to absorb the cost of the penalty(ies), as the Internal Service Fund (ISF) will not have budgeted for these unanticipated medical insurance costs.

Minimum Value: Minimum value is defined under ACA as a plan that covers at least 60% of the total allowable costs. The two plans offered by the City (at time of this writing, are the Self-Insured Modified Medical Plan and the High Deductible Kaiser Plan) have both been actuarially verified to be of minimum value and provide essential minimum coverage, as defined by ACA.

B. Fees and Taxes - In addition to possible Penalties, the City is required to pay fees and taxes associated with ACA and to report the value of employee benefits:

1. Patient-Centered Outcomes Research Institute (PCORI) fee

The PCORI fee is levied similar to a tax and is in effect from 2012 through 2019 and increases each year. For 2012 the fee is \$1.00/year for every member, 2013 is \$2.00/year per member, and then the fee increases each year thereafter based on medical inflation. The PCORI fee is paid annually on July 31, using Form 720, Quarterly Federal Excise Tax Return, and is transmitted by Administrative Services through the Electronic Federal Tax Payment System (EFTPS). The member count report and form 720 will be completed by Human Resources staff.

2. Transitional Reinsurance Fee

The Transitional Reinsurance Fee is assessed for three years (2014-2016). The fee is \$5.25/month, or \$63/year, for every insured person on the City's plans. The fee and report are completed and submitted by Human Resources staff. Enrollment counts and scheduling of fees are due by November 15 each year and payments are made in two increments, due by the following January and November.

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3. Cadillac Tax

In 2018, it is anticipated that a 40 percent excise tax will be imposed on the value of health insurance benefits that exceed a certain threshold. The estimated yearly thresholds are \$10,200 for individual coverage and \$27,500 for family coverage (indexed to inflation). These thresholds can vary for individuals in high-risk professions and for employers that have a disproportionately older population.

C. Reporting

1. W-2 Reporting

The ACA also requires employers that provide "applicable employer-sponsored coverage" under a group health plan to report the value of coverage on the Form W-2, Box 12. This includes federal, state and local government entities. Reporting the value of health care coverage does not mean that the coverage is taxable. The value of the employer's excludable contribution to health coverage continues to be excludable from an employee's income, and it is not taxable. The "value" is determined by actuarial reports on premium cost. It does not take into account how the premium costs are paid and by whom.

2. ACA Reporting Requirements starting in 2016

The City of Stockton will comply with all reporting requirements dictated by the Internal Revenue Service (IRS).

APPROVED:



KURT O. WILSON
CITY MANAGER

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: PAID SICK LEAVE POLICY FOR PART-TIME, TEMPORARY, AND SEASONAL EMPLOYEES	Directive No. HR-71	Page No. 1 of 4
	Effective Date: 07/01/15	Revised From: NEW

I. PURPOSE

- A. To establish a uniform policy and procedure concerning paid sick leave for part-time, temporary, and seasonal employees consistent with the Federal Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), Healthy Workplaces/Healthy Families Act (AB 1522), California Labor Code 233 (Kin Care Law), and other applicable laws or regulations.
- B. To allow part-time, temporary, and seasonal employees to request and use available paid sick leave.
- C. To ensure a healthier and more productive workforce by providing paid sick leave for employees to attend to their own health care and the health care of family members.

II. POLICY

A. Paid Sick Leave Usage:

It is the policy of the City, consistent with federal and state laws, to provide available paid sick leave to part-time, temporary, and seasonal employees for illness or injury; diagnosis, care, or treatment of an existing health condition, or the preventive care for an employee or an employee's family member, and for an employee who is a victim of domestic violence, sexual assault, or stalking. This includes disabilities caused by or attributed to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.

B. Eligibility:

This policy applies to part-time, temporary, and seasonal employees who, on or after January 1, 2015, work for the City for at least 30 days in a year and have completed a 90-day employment period (first 90 days of employment). If an employee works less than 30 days in a year or does not satisfy the 90-day employment period, he or she is not eligible to take paid sick leave.

Employees covered by this policy are entitled to a maximum of 24 hours or 3 days of paid sick leave annually, that may be used within a 12-month period or term of employment. Twenty-four (24) hours shall be the maximum paid sick leave benefit except in situations where a day in an employee's regular work schedule is longer than an 8-hour day (e.g. an employee who works an

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alternate work schedule). In such cases, a day shall be the equivalent of the hours in the employee's regularly scheduled workday, examples provided in section II, C below.

C. Paid Sick Leave Entitlement:

Effective on an employee's date of hire, an advanced lump sum of 24 hours or 3 days of paid sick leave will be provided to part-time, temporary, or seasonal employees, and at the beginning of each calendar year thereafter. These hours will not carryover from year to year. Employees must also satisfy the 90-day employment period before using their sick leave.

Employees are entitled to use their total lump sum of sick leave each year. However, sick leave must be used in a minimum increment of 2 hours.

Examples of paid sick leave hours are shown in the table below:

Regular Workday Schedule	Paid Sick Leave Amount (Advanced Lump Sum)
1 to 8 hours	24 hours
9 hours (9/80 schedule)	27 hours
10 hours (4/10 schedule)	30 hours
12 hours	36 hours

D. Paid Sick Leave Rate:

An employee's paid sick leave rate is the employee's regular hourly rate. If the employee in the 90 days of employment before taking available sick leave had different hourly rates, the paid sick leave rate is calculated by dividing the employee's total compensation earned for the previous 90 days, not including overtime premium pay, by the employee's total hours worked.

Paid sick leave made available under this policy has no cash value, and the City does not provide compensation to an employee for available and unused paid sick leave upon termination, resignation, or other separation from employment.

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E. Exhaustion of Paid Sick Leave:

Employees who have used all of their available paid sick leave will not receive compensation for additional days needed due to the reasons provided in section II, A of this policy.

III. DEFINITIONS

(a) Family Member:

- Child: Biological, adopted, foster, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status;
- Parent: Biological, adoptive, foster, stepparent, legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- Spouse;
- Registered Domestic Partner;
- Grandparent;
- Grandchild; or
- Sibling.

(b) Paid Sick Leave:

Time that is compensated at the same hourly rate as the employee normally earns during regular work hours and is provided by an employer to an employee for an excused sick leave absence.

(c) Regular Work Schedule:

The set number of days and hours a part-time, temporary, or seasonal employee is expected to work within a workweek that is mutually agreed upon between the City and the employee.

IV. PROCEDURES

- A. If the need for paid sick leave is foreseeable, the employee shall provide his

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or her designated manager/supervisor reasonable advance notification either verbally or in writing. If the need for paid sick leave is unforeseeable, the employee shall notify the designated manager/supervisor as promptly as possible of the absence, or within 30-minutes of normal starting time unless otherwise designated by the department's notification procedures.

- B. Scheduled doctor appointments should be pre-approved with the employee's manager/supervisor to minimize operational interruption to the department.
- C. Approved paid sick leave absences shall be taken in a minimum 2-hour increment and shall be charged against the employee's sick leave balance to the nearest fifteen (15) minutes thereafter.
- D. Supervisors/managers shall be responsible for monitoring the number of paid sick leave hours that are available for use by the employee.
- E. If a part-time, temporary, or seasonal employee separates from City employment then returns within one year from the date of separation, previously available and unused paid sick leave hours shall be restored. The employee shall be entitled to use previously available and unused paid sick leave upon hire.

APPROVED:



KURT O. WILSON
CITY MANAGER