

**CITY OF ANAHEIM**

**PERSONNEL RULES**

**COVERING**

**MANAGEMENT, CONFIDENTIAL, AND**

**NON-REPRESENTED PART-TIME**

**EMPLOYEES**

**Revised September 2008**

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## RULE 1. PURPOSE AND GENERAL PROVISIONS

Section 1.0 The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government.

Section 1.1 These rules set forth, in detail, those procedures which ensure similar treatment for those who compete for employment and promotion, and define the obligations, rights, privileges, benefits, and prohibitions which are placed upon all confidential, management, and non-represented part-time employees of the City.

Section 1.2 It is hereby the declared personnel policy of the City of Anaheim that:

- 1.2.1 Employment by the City of Anaheim shall be based on merit and fitness, free of personal and political considerations.
- 1.2.2 Appointments, promotions, and other actions requiring the application of the merit principle shall be based on systematic tests and/or evaluations.
- 1.2.3 Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- 1.2.4 Tenure of employees covered by these rules shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, and the availability of funds.

Section 1.3 Any action concerning an employee's status of employment shall be processed on a Personnel Action Form. Such status shall become effective upon action by the City Manager or by a management employee to whom the City Manager has delegated responsibility for authorizing such action. All full-time and part-time employees shall receive a true copy of any personnel action taken concerning their status of employment.

Section 1.4 If any section, subsection, sentence, clause, or phrase of these RULES is found to be illegal, such findings shall not affect the validity of the remaining portions of these RULES.

Section 1.5 Nothing contained in these Rules shall be deemed to prevent the City Council from entering into a written agreement concerning or relating to the employment, continued employment or separation from employment of any employee with regard to whom the power of appointment or removal, or the approval of appointment or removal, is vested in the City Council pursuant to the City Charter and which written agreement contains one or more provisions which conflict with any provisions(s) of these Rules. In the event of any such conflict between any provision of such a written agreement approved by the City Council and any provision of these Rules, the provision of said agreement shall apply and shall supersede the conflicting provision contained in these Rules.

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Revised 4/1988 (Resolution 88R-166)  
Revised 2/1992

## RULE 2. CLASSIFICATION

Section 2.0 The Human Resources Director shall be responsible for recommending classification of all confidential, management and non - represented part-time positions on the basis of the kind and level of the duties and responsibilities of the positions, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same salary schedule or salary range.

2.01 A job class may contain one or more positions.

2.02 Classification of all confidential, management and non - represented part-time positions shall require approval of the City Manager.

Section 2.1 A position may be reclassified on the basis of changes in or re-evaluation of the duties, responsibilities, and/ or qualification requirements of the position.

2.11 The Human Resources Director shall be responsible for recommending such reclassifications as he finds to be necessary.

2.12 A reclassification shall become effective upon action by the City Manager on a Personnel Action Form.

2.13 Incumbents may or may not be reclassified with their positions, based upon the recommendation of the Human Resources Director, the appropriate Executive Manager, and the approval of the City Manager.

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Revised 2/1992

### RULE 3. COMPENSATION

Section 3.0 The Human Resources Director, under the direction of the City Manager, shall be responsible for recommending wages, rates, and salary schedules and/or salary ranges for each confidential, management, and non-represented part-time job classification, the City Manager, City Attorney, City Clerk and the City Treasurer.

- 3.1 Salary structure adjustments adopted by City Council action, shall apply to Council Appointees unless a motion by Council to deny or modify such adjustment is taken.
- 3.2 Employees hired to work on a part-time basis in any non-represented part-time classification with a full-time equivalent shall be compensated at the hourly rate of pay established for the full-time classification.

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Revised 5/2006

## RULE 4. APPROPRIATE SALARY

Section 4.0 The pay plans for the City of Anaheim shall be as provided in the various Salary Resolutions.

### CONFIDENTIAL CLASSES:

Section 4.1 Regular, full-time confidential employees shall be eligible for consideration for merit pay increases as follows:

- 4.1.1 To the 2nd step of the salary schedule after completion of six months of service in the 1st step.
- 4.1.2 To the 3rd step after completion of six months of service in the 2nd step.
- 4.1.3 To the 4th step after completion of six months of service in the 3rd" step.
- 4.1.4 To the 5th step after completion of six months of service in the 4th step.
- 4.1.5 To the 6th step after completion of six months of service in the 5th step.
- 4.1.6 To the 7th step after completion of six months of service in the 6th step.
- 4.1.7 To the 8th step after completion of twelve months of service in the 7th step.
- 4.1.8 To the 9th step after completion of twelve months of service in the 8th step.

Section 4.2 In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in performance of his assigned duties, said employee may be given a special merit advancement to the next higher step without regard to the minimum length of service provisions contained in these rules upon the approval of the employee's Executive Manager. Probationary employees shall not be considered for a special merit.

Section 4.3 For purposes of Rule 4, "six months" shall be construed to mean thirteen complete biweekly pay periods; and "twelve months" shall be construed to mean twenty-six biweekly pay periods.

Section 4.4 Certain job classes, upon recommendation of the Human Resources Director and approval of the City Council shall be designated in the Resolution establishing rates for job classes by an "S" before schedule numbers. Employees in these classes shall be eligible for consideration for merit pay increases to the 8th step after completion of six months of service in the 7th step. They shall be eligible for consideration for merit pay increases to the 9th step after completion of six months of service in the 8th step.

Section 4.5 Merit pay increases shall be granted upon approval of the employee's Executive Manager for continued meritorious and efficient service and continued improvement by the employee in the effective performance of the duties of his position.

- 4.5.1 The effective date of the merit pay increases shall be the first day of the pay period following approval as provided in Section 4.4 and completion of the minimum required service in the next lower step as provided in Section 4.1.

Section 4.6 An employee may be reduced by one or more steps on the basis of unsatisfactory work performance or conduct. Such action shall require the specific recommendation of the employee's Executive Manager.

- 4.6.1 The employee shall be notified by his Executive Manager not later than two calendar weeks prior to the effective date of the action. The notice shall contain a statement of the substantial reasons for the action and shall inform the employee that he may file a reply with the Executive Manager.
- 4.6.2 The employee may be returned to his former salary step at such time as deemed appropriate by his Executive Manager.

Section 4.7 Newly hired employees shall normally be compensated at the lowest step of the salary schedule of the job class for which they were hired. The City may hire at a higher step in the salary schedule through the 6th step without approval of the City Manager. Salary steps 7th, 8th, and 9th require approval of the City Manager.

- 4.7.1 The provisions of this rule shall also apply to re-employed and reinstated employees.

Section 4.8 An incumbent employee reclassified with his position to a lower job class shall retain his rate of pay and his anniversary date for purposes of merit pay increases, or shall be placed in the step of the lower salary schedule closest to his rate of pay. If the 9th step of the salary schedule of the lower job class is lower than the incumbent's rate of pay, the rate of pay shall be identified as the "Y" step of the lower salary schedule. An employee compensated at the "Y" step because of a downward reclassification shall remain in the "Y" step until such time as his job class is assigned to a salary schedule in which the 9th step is equivalent to or higher than the "Y" step, at which time the employee shall be placed in the 9th step.

4.8.1 An incumbent employee reclassified with his position to an equivalent job class shall retain his rate of pay and his anniversary date for purposes of merit pay increases.

Section 4.9 An employee who is promoted or reclassified with his position to a higher job class shall be placed in the step of the higher salary schedule that will provide a pay increase of not less than 4% except when the "E" step of the higher salary schedule provides a pay increase of less than 4% or, when the lowest step of the higher salary schedule is more than 4% higher than the employee's current rate of pay, the new rate of pay shall be the lowest step of the higher salary schedule. The employee shall be given a new anniversary date for purposes of merit pay increases in accordance with the provisions of Section 4.1.

Section 4.10 An employee who is demoted shall be placed in the step of the lower salary schedule that will provide a reduction in pay of not less than 4%. The employee shall be given a new anniversary date for purposes of merit pay increases in accordance with the provisions of Section 4.1.

Section 4.11 An employee in a job class which is assigned to a different salary schedule as a result of a pay adjustment shall retain his same salary step status in the newly authorized salary schedule and shall retain the same anniversary date for purposes of merit pay increases.

#### MANAGEMENT CLASSIFICATIONS:

Section 4.12 Management job classes shall be allocated to salary ranges providing annual compensation according to the salary structure listed in the salary resolutions.

Section 4.13 Management employees shall be covered by Pay Policies established by Resolution.

Section 4.14 The City Manager, City Attorney, City Clerk, and City Treasurer shall also be subject to the provisions of this RULE.

#### PART TIME CLASSIFICATIONS:

Section 4.15 Part-time employees in job classes designated in the Resolution establishing rates for job classes by an "A" before schedule numbers shall be eligible for consideration for merit pay increases as follows:

4.15.1 To the 2nd step of the salary schedule after completion of 520 work hours in the 1st step.

4.15.2 To the 3rd step after completion of 520 work hours in the 2nd step.

4.15.3 To the 4th step after completion of 520 work hours in the 3rd step.

4.15.4 To the 5th step after completion of 520 work hours in the 4th step.

4.15.5 To the 6th step after completion of 520 work hours in the 5th step.

4.15.6 To the 7th step after completion of 520 work hours in the 6th step.

4.15.7 To the 8th step after completion of 520 work hours in the 7th step.

4.15.8 To the 9th step after completion of 520 work hours in the 8th step.

Section 4.16 In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in performance of his assigned duties, said employee may be given a special merit advancement to the next higher step without regard to the minimum length of service provisions contained in these rules upon the approval of the employee's Executive Manager. Probationary employees shall not be considered for a special merit.

Section 4.17 Part-time employees in job classes designated in the Resolution establishing rates for job classes by a "B" before schedule numbers shall be eligible for consideration for merit pay increases as follows:

- 4.17.1 To the 2nd step of the salary schedule after completion of 1040 work hours in the 1st step.
- 4.17.2 To the 3rd step after completion of 1040 work hours in the 2nd step.
- 4.17.3 To the 4th step after completion of 1040 work hours in the 3rd step.
- 4.17.4 To the 5th step after completion of 1040 work hours in the 4th step.
- 4.17.5 To the 6th step after completion of 1040 work hours in the 5th step.
- 4.17.6 To the 7th step after completion of 1040 work hours in the 6th step.
- 4.17.7 To the 8th step after completion of 2080 work hours in the 7th step.
- 4.17.8 To the 9th step after completion of 2080 work hours in the 8th step.

Section 4.18 In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in performance of his assigned duties, said employee may be given a special merit advancement to the next higher step without regard to the minimum length of service provisions contained in these rules upon the approval of the employee's Executive Manager. Probationary employees shall not be considered for a special merit.

Section 4.19 Part-time employees in job classes designated in the Resolution establishing rates for job classes by a "C" before schedule numbers shall be eligible for consideration for merit pay increases as follows:

- 4.19.1 To the 2nd step of the salary schedule after completion of 1040 work hours in the 1st step.
- 4.19.2 To the 3rd step after completion of 1040 work hours in the 2nd step.
- 4.19.3 To the 4th step after completion of 1040 work hours in the 3rd step.
- 4.19.4 To the 5th step after completion of 1040 work hours in the 4th step.
- 4.19.5 To the 6th step after completion of 1040 work hours in the 5th step.
- 4.19.6 To the 7th step after completion of 1040 work hours in the 6th step.
- 4.19.7 To the 8th step after completion of 1040 work hours in the 7th step.
- 4.19.8 To the 9th step after completion of 1040 work hours in the 8th step.

Section 4.20 In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in performance of his assigned duties, said employee may be given a special merit advancement to the next higher step without regard to the minimum length of service provisions contained in these rules upon the approval of the employee's Executive Manager. Probationary employees shall not be considered for a special merit.

4.21 Part-time employees in job classes designated in the Resolution establishing rates for job classes by a "D" before schedule numbers shall be eligible for consideration for merit pay increases as follows:

- 4.21.1 To the 2nd step of the salary schedule after completion of 780 work hours in the 1st step.
- 4.21.2 To the 3rd step after completion of 780 work hours in the 2nd step.
- 4.21.3 To the 4th step after completion of 780 work hours in the 3rd step.
- 4.21.4 To the 5th step after completion of 780 work hours in the 4th step.
- 4.21.5 To the 6th step after completion of 780 work hours in the 5th step.

4.21.6 To the 7th step after completion of 780 work hours in the 6th step.

4.21.7 To the 8th step after completion of 780 work hours in the 7th step.

4.21.8 To the 9th step after completion of 780 work hours in the 8th step.

Section 4.22 In such cases as may occur wherein an employee shall demonstrate exceptional ability and proficiency in performance of his assigned duties, said employee may be given a special merit advancement to the next higher step without regard to the minimum length of service provisions contained in these rules upon the approval of the employee's Executive Manager. Probationary employees shall not be considered for a special merit.

Section 4.23 An incumbent employee reclassified with his position to a lower job class shall be placed in the step of the lower salary schedule closest to his rate of pay without providing an increase. An incumbent employee in a part-time management job class shall be covered under the provisions as stated in the appropriate salary resolution covering the equivalent full-time classification.

Section 4.24 A part-time employee who is promoted or reclassified with his position to a higher part-time job class shall be placed in the step of the higher salary schedule that will provide a pay increase of not less than 4% except when the 9th step of the higher salary schedule provides a pay increase of less than 4% or, when the lowest step of the higher salary schedule is more than 4% higher than the employee's current rate of pay, the new rate of pay shall be the lowest step of the higher salary schedule. The employee shall be given a new anniversary date for purposes of merit pay increases in accordance with the provisions of Section 4.1.

4.24.1 An employee who is promoted into a part-time management classification from another part-time classification or from a part-time management job class to another part-time management job class shall be covered under the provisions as stated in the appropriate salary resolution covering the equivalent full-time classification.

Section 4.25 When more than one personnel action involving changes in an employee's salary step status become effective on the same day, all such changes shall be in accordance with the provisions of the preceding sections of the Rule, and shall take place in the following order of precedence: (1) adjustment to same salary step in newly authorized salary schedule; (2) merit pay advancement or reduction in salary step; and (3) promotion, demotion, or reclassification. This section shall apply to all confidential, management and non-represented part-time employees.

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## RULE 5. HOURS OF WORK AND PAY DAY

Section 5.0 The average regular work week for full-time confidential and management employees in the classified service with the exception of certain designated personnel in the Fire Department, shall be forty (40) hours.

- 5.01 For all employees with an average regular work week of forty (40) hours, the monthly rate shall be the hourly rate times 2080 divided by 12.
- 5.02 In certain instances alternatives to the traditional work schedule for the convenience of the employee may be appropriate. Such schedules may be installed under the following guidelines:
  - 5.021 The City or the employee may initiate a request regarding such alternate work schedules.
  - 5.022 Alternate work schedules shall not reduce service to the public.
  - 5.023 Such schedules may be revoked by either party upon notice to the other party.
  - 5.024 Such schedules may continue by mutual agreement of both parties.
  - 5.025 Employees who perform authorized work in excess of the defined alternate work day or work week and who are otherwise eligible for overtime pay shall be compensated for such work at the rate of one and one half (1 1/2) times their regular hourly rate of pay, notwithstanding the provisions of Personnel Rule 6, Premium Pay.
  - 5.026 Non-exempt Confidential employees who do not work on the holiday or day observed in lieu of the holiday as set forth in Personnel Rule 15 shall be required to submit a vacation request for each hour beyond eight (8) hours of the defined alternate work schedule. Or, with pre-approval of management, may make up hours beyond eight (8) hours on another work day within the same work period. Such additional hours worked shall not be considered overtime and the employee shall be paid at his or her regular hourly rate of pay. This make-up of hours shall only apply to holidays.
  - 5.027 Employees may be assigned to or from an alternate work schedule only effective at the beginning of a biweekly pay period.

Section 5.1 The regular work schedule for certain designated personnel in the Fire Department shall be eight (8) twenty-four hour shifts in a twenty-four day cycle. The average work week of such designated personnel shall be defined as a fifty-six (56) hour work week.

- 5.11 For employees with an average work week of fifty-six (56) hours the monthly rate shall be the hourly rate times 2912 divided by 12.
- 5.12 An employee with an average regular work week of 56 hours shall be eligible for 112 hours biweekly pay when the employee is at work or on paid leave for all regularly scheduled work shifts during the pay period. Such employees on leave without pay shall have 24 hours pay deducted from the 112 hours biweekly pay each work shift not worked during a pay period. Such employees appointed other than at the beginning of a pay period, or separated other than at the end of a pay period shall be paid for actual hours worked or a maximum of 112 hours, whichever is less.

Section 5.2 Regular salaries and compensation of all confidential, management and non-represented part-time employees shall be paid on a biweekly basis.

- 5.21 Executive Managers shall furnish the Finance Department with payroll and attendance records of their various departments, duly certified for payment and approved by them as to the employees in their respective departments, the day after the close of the payroll period.
- 5.22 Prior to issuance of any payroll checks, the regular payroll register shall be audited by the Human Resources Director for compliance with applicable City personnel rules and regulations. Any unauthorized payment appearing on the payroll register shall be withheld by order of the Human Resources Director.

- 5.222 The payroll register for the event payroll system shall be audited by Executive Managers with employees paid through the event payroll system for compliance with applicable City personnel rules and regulations. Any unauthorized payment appearing on the payroll register shall be withheld by order of that Executive Manager.
- 5.23 The Finance Director shall issue payroll checks for the payment of authorized salaries and compensation.
  - 5.231 The City shall pay annual sick leave payoff or vacation buy back by separate check.
  - 5.232 All holidays, vacation and sick leave shall be paid at the employees' regular rate of pay. Annual sick leave and vacation buy back shall be paid at the employees' base rate of pay.
- 5.24 Payrolls, duly certified as aforesaid, shall be presented to the City Council for ratification and approval at the first or any regular meeting of the City Council succeeding the delivery of such payroll checks.

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## RULE 6. PREMIUM PAY

Section 6.0 A full-time Confidential employee in the classified service who performs authorized work in excess of his normal work period, regular work week, work day or shift shall be compensated for such work at the rate of one and one-half times his regular hourly rate of pay. Management employees shall be compensated for overtime hours worked only as provided for in Sections 6.041, 6.042, 6.05, 6.051, and 6.06. A temporary, seasonal, or part-time employee in the exempt service who performs authorized work in excess of forty (40) hours in his regular work week shall be compensated for such overtime work at the rate of one and one-half times his regular hourly rate of pay.

- 6.01 Overtime shall be calculated to the nearest one-quarter hour of overtime worked, except any overtime of less than one-half (1/2) hour duration shall be calculated to the nearest one-half (1/2) hour.
- 6.02 All overtime must be authorized by the appropriate Administrative Manager.
- 6.03 Job classes in the classified service with an "X" before schedule or salary range numbers shall be exempt from the above overtime provisions.
- 6.04 Notwithstanding the above overtime provisions, there shall be no compensation (overtime pay for the time spent, outside normal work hours, in attending meetings of any kind which are for the purpose of education or training. Police Lieutenants shall be compensated at their regular hourly rate of pay for required court appearances during off-duty hours. Police Lieutenants and Police Captains shall be compensated at their regular hourly rate of pay for those selected supervisory work functions performed while engaged in internal security for Anaheim Stadium Rock Concert events.
  - 6.041 The classification of Fire Battalion Chief assigned to situational manning, the Police Lieutenant serving as Watch Commander and the classifications of Power Resources Scheduler I and Power Resources Scheduler II shall be compensated at the rate of one and one-half times their hourly rate of pay for all overtime hours worked while serving in that capacity.
  - 6.042 Certain part-time classifications working in designated Recreation Programs shall be exempt from overtime. The programs of Aquatics, Playgrounds, Day Camp and Pearson Park Theater have been designated as meeting the Recreation Employee Exemption as specified in Section 260 of the Fair Labor Standards Act. Specified part-time employees working in these programs shall be compensated at the straight time hourly rate for all hours worked.
- 6.05 Management employees in exempt job classes may be compensated for overtime work authorized by the appropriate Executive Manager at the rate of one and one half times their regular hourly rate of pay provided that such employees have been assigned by the appropriate Executive Manager to perform work normally performed by employees in non-exempt job classes. The classification of Plan Check Supervisor may be paid at the overtime rate for overtime work authorized by the Executive Manager and agreed to by the developer performed in response to a developer's request to expedite plan checking. The overtime rate shall be one and one-half times the hourly base rate.
- 6.06 Non-represented part-time employees in the classifications listed below shall be guaranteed a minimum of four (4) hours paid at their current hourly rate. For time worked in excess of four (4) hours, employees shall be paid straight time overtime based on the applicable hourly rates to be computed in quarter-hour units.

Assistant Box Office Treasurer-Convention Center  
Box Office Treasurer-Convention Center  
Convention Center Concessionaire  
Head Usher  
Crowd Control Supervisor  
P/T Telephone Operator/Receptionist- Convention Center ONLY  
P/T Security Guard-Convention Center ONLY  
Head Parking Lot Attendant  
Head Parking Lot Cashier

Section 6.1 A full-time Non-exempt Confidential employee assigned to standby duty for purposes of being on call to handle emergency situations arising at times other than during normal working hours shall be guaranteed two (2) hours of pay at his regular hourly rate of pay for each calendar day of such standby duty.

Section 6.2 Call out compensation for full-time Non-exempt Confidential employees shall be in accordance with the following provisions:

- 6.21 When an employee is called out for emergency work, he shall be paid at the rate of one and one-half times his regular rate of pay for such emergency work.
- 6.22 All emergency call-out time shall be calculated to the nearest one-quarter (1/4) hour of time worked.
- 6.23 A minimum of three (3) hours (including travel time) of pay at the rate of one and one-half times the employee's regular rate of pay shall be guaranteed for each emergency call-out.
  - 6.231 Employees subpoenaed to appear during off-duty hours as a prosecution witness for court matters within the scope of their employment and who receive such subpoenas after 5:00 p.m. of the calendar day prior to the date of court appearance shall receive overtime compensation according to emergency call out provisions
- 6.24 A minimum of two (2) hours pay at the rate of one and one-half times the employee's regular rate of pay shall be guaranteed for planned overtime, except when such overtime occurs immediately before or after a regular work period.
  - 6.241 Non-exempt Confidential employees subpoenaed to appear during off-duty hours as a prosecution witness for court matters within the scope of their employment and who receive such subpoena before 5:00 p.m. the calendar day prior to the date of court appearance shall receive overtime compensation according to the planned overtime provisions.
- 6.25 Forty-five minutes time shall be added to the time worked to compensate the employee for travel time incurred for each emergency call-out.
- 6.26 Management and Exempt Confidential employees shall be exempt from the provisions of Section 6.2.

Section 6.3 All eight-hour periods, regularly scheduled to begin at 3:00 P.M., or thereafter, but before 3:00 A.M. shall be designated as night shift.

- 6.31 A premium of 5.0% of the employee's regular hourly rate of pay shall be paid for work performed in the night shift.
- 6.32 A premium of 5.0% of the employee's regular hourly rate of pay shall be paid for each hour worked in his regular rate of pay between 3:00 A.M. and 6:00 A.M.
- 6.33 When a shift premium is applicable to time worked at the overtime rate of pay, the overtime rate shall be applied to the applicable shift premium.
- 6.331 When an employee is required to work continuously without a break beyond the end of his night shift, the overtime rate shall be applied to the applicable shift premium.
- 6.34 Shift premium shall be payable only for hours actually worked and shall not be paid for non-work time, such as vacations, holidays, sick leave, etc.
- 6.35 Management, Exempt Confidential and part-time employees shall be exempt from the provisions of Section 6.3.

Section 6.4 Temporary upgrading shall be defined as the temporary assignment of an employee to perform the work of a job class which is assigned to a salary schedule higher than his regular job class.

- 6.41 Employees who are temporarily upgraded to a Confidential job classification for two (2) hours or more, and who are responsible for the full range of duties assigned to the higher level classification,

shall receive a seven and one-half percent (7 ½%) pay differential for all time worked in the temporary assignment

- 6.42 Confidential employees temporarily upgraded to a management classification for a minimum of one (1) complete work shift, shall receive a fifteen percent (15%) pay differential.
- 6.43 An employee must be qualified for the higher position in order to be paid for upgrading. The determination of those persons qualified to work in higher rated classifications shall be established by the City.

Section 6.5 A Management employee temporarily upgraded to another management job class at a higher salary range shall receive a seven and one-half (7½%) pay differential if they are assigned to work in the higher class for a minimum of one (1) complete work shift, except as noted below.

- 6.51 Employees temporarily upgraded to the positions of Police Lieutenant or Fire Marshal shall receive a seven and one half percent (7½%) pay differential for all time worked in the higher class during normal work hours if they are assigned to work in the higher classification for a period of one complete work shift (8 working hours) or longer.
- 6.52 Employees temporarily upgraded to Fire Battalion Chief shall receive a seven and one-half percent (7½%) pay differential for all time worked in the higher job class during normal working hours if they are assigned to work in the higher job class for a period of four (4) working hours or longer.
- 6.53 Employees temporarily upgraded under this Section 6.5 must be responsible for the full range of duties assigned to the higher level classification. An employee must also be qualified for the higher position in order to be paid for upgrading. The determination of those persons qualified to work in higher rated classifications shall be established by the City.
- 6.54 Upgrade to a vacant position shall be limited to six months, except in cases of extended sick leave, industrial accident leave or leave without pay.
- 6.55 Upgrade pay is not available for Administrative and Executive positions. Temporary coverage for such positions shall be in accordance with Management Pay Policy 20, Acting Appointment and shall require pre-approval of the City Manager.

Section 6.6 Full-time Exempt and Non-exempt Confidential and management employees required to speak, read and/or write in Spanish or other languages as well as English as part of the regular duties of their position will be compensated at the rate stated in the salary resolutions per pay period except while on STD or Leave Without Pay over forty (40) hours in a pay period, in addition to their regular pay.

- 6.61 The appropriate Executive Manager shall designate which positions shall be assigned bilingual duties and which language shall be eligible for bilingual pay.
- 6.62 The Human Resources Director shall conduct a test of competency for employees whose positions have been assigned bilingual duties to certify these employees eligible for bilingual pay, except that operating departments with authorized bilingual certifiers may conduct their own test of bilingual competency and notify the Human Resources Director of the outcome of the test.
- 6.63 The effective date of bilingual pay certification shall be the first day of the pay period following the passing of the bilingual test by the employee as provided in Section 6.62. Bilingual pay eligibility shall continue in accordance with the above provisions during any period of leave with pay.

Section 6.7 Non-represented part-time employees required to speak, read and/or write in Spanish or other languages as well as English as part of the regular duties of their position will be compensated at the rate stated in the salary resolution for all hours worked in addition to their regular pay.

- 6.71 Sections 6.61, 6.62 and 6.63 above shall also apply to non-represented part-time employees.

Section 6.8 Certain Management employees may or may not be paid Management Standby Pay based upon the recommendation of the Human Resources Director, the appropriate Executive Manager, and the approval of the City Manager.

- 6.81 Standby pay will be either, \$75, \$150, or \$225 for a seven (7) consecutive day standby assignment as recommended by the Human Resources Director.
- 6.82 Standby pay eligibility will be evaluated on an individual basis.

Section 6.9 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

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Revised 8/2005

## RULE 7. APPOINTMENTS AND PROMOTIONS

Section 7.0 Appointments and promotions of confidential, management and non-represented part-time employees shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall be used and conducted to aid in the selection of qualified employees, and shall consist of recognized selection techniques which will, in the opinion of the Human Resources Director, test fairly the qualifications of candidates.

7.0.1 Notwithstanding any other provision of this Personnel Rule 7, vacant positions in the classified service which would otherwise be filled by open recruitment may be filled by appointing part-time employees currently employed in part-time classifications with full-time equivalent classifications.

Section 7.1 Minimum standards of employment for each job class shall be recommended by the Human Resources Director and approved by the City Manager.

Section 7.2 At such times as the appointing authority with concurrence of the Human Resources Director determines that it is in the best interests of the City to promote from within, promotions shall be on a competitive basis except when the Human Resources Director finds that the number of employees qualified for promotion is insufficient to justify competition. Appropriate consideration shall be given to promotional candidates' qualifications, record of performance, and seniority, in that order. When a qualified, work-disabled employee is available, consideration will be provided according to the Vocational Rehabilitation Administrative Regulation.

7.2.1 At such time as the appointing authority with concurrence of the Human Resources Director determines that it is in the best interests of the City to recruit from both inside and outside the organization, City employee candidates who choose to compete shall be evaluated on the same basis as non-employee candidates.

7.2.2 Advancement to a higher paid job class shall constitute a promotion.

Section 7.3 Examinations for appointments and promotions shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, so that such appointments and promotions will be solely based on qualifications without regard to race, color, national origin, religious or political affiliation or belief, membership in or attitude toward any employee organization, sex, age, or physical disability, except where sex, age, or lack of physical disability is a bona fide occupational qualification.

7.3.1 Departments may use the "Promotion Without Competition" provisions of 7.2 under the following conditions:

7.3.1.1 When the position is one which has been budgeted at the "journey" level and is currently under filled by a trainee or at the entry level, the Executive Manager need only notify the Human Resources Director, in writing, that the employee be promoted and a statement that the employee meets all of the minimum requirements for the higher level position.

Section 7.4 Candidates who qualify for employment or promotion shall be placed on an eligibility list for the appropriate job class. At such times as a department management evaluation is included in the establishment of a promotional eligibility list, the list shall rank the eligible candidates in the order of final evaluation and appointments from that list shall normally follow rank order.

7.4.1 Employees shall be given written notice of their rank order on promotional eligibility lists.

Section 7.5 When an appointment is to be made to a vacancy, the Human Resources Director shall submit to the appropriate Executive Manager the names on the appropriate employment list. Appointments to vacant positions shall be made by the appropriate Executive Manager, with the concurrence of the Human Resources Director.

7.5.1 The appropriate Executive Manager, with the concurrence of the Human Resources Director, may order names removed from an eligibility list for good and sufficient reasons. Employees shall be given written notice of removal of their names from eligibility lists.

Section 7.6 Any appointment or promotion to an Executive Manager position shall be made by the City Manager with the approval of the City Council.

Section 7.7 In the absence of appropriate employment lists, an Acting Appointment may be made by the appropriate Executive Manager with the approval of the City Manager for Executive and Administrative Management positions, and the Human Resources Director for Middle Management, Supervisory and Professional positions, of a person meeting the minimum qualifications for the position. For Confidential classifications, Provisional Appointments may be made by the appropriate Executive Manager with the approval of the Human Resources Director.

- 7.7.1 For confidential classifications, an eligibility list shall be established within six (6) months of any regular, full-time position filled by provisional appointment. In the event that any provisional appointee fails to qualify on the eligibility list as established within the appropriate time frames of the provisional appointment, said provisional appointee shall have his/her employment terminated no later than the close of the first complete biweekly pay period following the establishment of the eligibility list.
- 7.7.2 For Executive, Administrative and Middle Management classifications, an eligibility list shall normally be established within twelve (12) months of any regular, full-time position filled by acting appointment. For Supervisory and Professional Management classifications, an eligibility list shall normally be established within six (6) months of any regular full-time position filled by acting appointment. In the event that any acting appointee fails to qualify on the eligibility list as established within the appropriate time frames of the acting appointment, said acting appointee shall have his/her employment terminated no later than the close of the first complete biweekly pay period following the establishment of the eligibility list.

Section 7.8 Appointments to certain grant-funded positions as designated by the City Manager may be made without competitive examinations and/or evaluations. Such appointments may be made by the appropriate Executive Manager with the approval of the Human Resources Director. In the event that a grant-funded appointee fails to complete competitive examinations and/or evaluations and is not appointed to a City-funded position during his period of employment under the grant, said grant-funded appointee shall be terminated from City employment.

Section 7.9 Special Assignment to Fire Battalion Chief – 40 hour and Fire Division Chief .

- 7.9.1 Employees shall be placed in the position of Fire Battalion Chief - 40 hour and Fire Division Chief by "Special Assignment" only. Positions of Fire Battalion Chief – 40 hour and Fire Division Chief shall be filled by employees at the rank of Fire Battalion Chief.
- 7.9.2 The Fire Chief shall assign employees to the special assignments of Fire Battalion Chief – 40 hour and Fire Division Chief, and persons so assigned shall serve at the will and pleasure of the Fire Chief while in such special assignment. Incumbents do not have vested rights to these positions. The Fire Chief may end a Special Assignment at any time.
- 7.9.3 An employee who is assigned to the position of Fire Battalion Chief – 40 hour shall have the rate of pay set forth in Section 14.01.01 of the Management Pay Policies. An employee who is assigned to the position of Fire Division Chief shall have the rate of pay set forth in Section 14.01.02 of the Management Compensation Policies.
- 7.9.4 At the end of such Special Assignment, employees shall be returned to the positions which they held at the time of the Special Assignment, unless the reasons for removal from the assignment would be cause for dismissal from City service.
- 7.9.5 When returned to such previously held position, the employee's rate of pay shall be the rate immediately prior to the special assignment, plus the percent of any merit increases approved during the special assignment. However, the employee's rate of pay cannot exceed the Control point of the salary range for Fire Battalion Chief when recalculated."

Section 7.10 Special Assignment to Police Captain and Deputy Chief of Police

- 7.10.1 Employees shall be placed in the position of Police Captain and Deputy Chief of Police by "Special Assignment" only. The Police Captain position shall be filled by employees at the rank of Police Lieutenant. The Deputy Chief of Police position shall be filled by employees specially assigned to the position of Police Captain.
- 7.10.2 The Chief of Police shall assign employees to the special assignments of Police Captain and Deputy Chief of Police, and persons so assigned shall serve at the will and pleasure of the Chief of Police while in such special assignment. Incumbents do not have vested rights to these positions.

The Chief of Police may end a Special Assignment at any time.

- 7.10.3 An employee who is assigned to the position of Police Captain or Deputy Chief of Police shall have the rate of pay set forth in Section 14.07.01 of the Management Compensation Policies.
- 7.10.4 At the end of such Special Assignment, employees shall be returned to the positions which they held at the time of the Special Assignment, unless the reasons for removal from the assignment would be cause for dismissal from City service.
- 7.10.5 When returned to such previously held position, the employee's rate of pay shall be the rate immediately prior to the special assignment, plus the percent of any merit increases approved during the special assignment. However, the employee's rate of pay cannot exceed the Control Point of the salary range for Police Lieutenant when recalculated.

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Revised 6/1998  
Revised 6/2000  
Revised 7/2004  
Revised 6/2007

## RULE 8. EMPLOYMENT LISTS

Section 8.0 Employment lists, in order of their priority, shall be re-employment lists and eligibility lists.

Section 8.1 Re-employment lists shall contain the names of regular, full-time employees laid off in good standing for lack of funds or work.

8.1.1 Names on re-employment lists shall remain for a period not to exceed one (1) year.

Section 8.2 Eligibility lists shall be created in accordance with the provisions of PERSONNEL RULE 7.

8.2.1 Eligibility lists may contain the names of one or more persons eligible for employment.

8.2.2 Open competitive and ranked promotional eligibility lists shall remain in effect for a period of six (6) months or until depleted. Open competitive and ranked promotional eligibility lists containing less than three (3) names may be considered depleted. Open competitive and ranked promotional eligibility lists may be extended by the Human Resources Director for a period not to exceed an additional six (6) months.

8.2.3 Eligibility lists will not be created for the following classifications: Management Intern, Graduate Assistant Intern and Part Time Administrative Intern.

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Revised 2/1992  
Revised 6/2000  
Revised 6/2008

## RULE 9. PROBATION

Section 9.0 Full-time confidential and management employees appointed from eligibility lists, appointed through the "Promotion Without Competition " process, reinstated employees, and employees reassigned according to the Vocational Rehabilitation Administrative Regulation shall be subject to a period of probation. The regular period of Probation shall be six (6) months unless otherwise specified for certain designated job classes.

- 9.0.1 All Management employees shall serve a probationary period of twelve (12) months
- 9.0.2 Employees in the part-time classifications of Police Reservist and Police Reservist-Special shall serve a probationary period of twelve (12) months.
- 9.0.3 Non-represented part-time employees shall serve a probationary period of twelve (12) months or until 1040 hours are worked, whichever is sooner.
- 9.0.4 In the event an employee is assigned to light duty status or is absent from work due to a lengthy illness or injury during his/her probationary period, said employee's probationary status may be extended beyond the regular period of probation in the amount of one complete biweekly pay period for each complete biweekly pay period assigned to light duty status or lost due to such illness or injury.
- 9.0.5 Upon successful completion of a probationary period, an employee shall be granted regular status in the classification in which the probationary period is served.

Section 9.1 The work and conduct of probationary employees in Confidential, Management and part-time Unrepresented job classifications shall be subject to close scrutiny and evaluation, and, if found to be below standards satisfactory to the appointing authority, the appropriate Executive Manager may reject the probationer at any time during the probationary period. Such rejections shall not be subject to review or appeal unless such a rejection is alleged to be contrary to the provisions of any state or federal law or the Personnel Ordinance and/or Personnel Resolution.

- 9.1.1 A Confidential or Management employee rejected or laid off during the probationary period from a position to which he/she has been promoted or transferred shall be returned to the classification in which he/she has regular status unless the reasons for his/her failure to complete his/her probationary period would be cause for dismissal from City service. Part-Time Unrepresented employees shall not be returned to their former position if they are rejected or laid off during the probationary period.
- 9.1.2 Anaheim will make every reasonable effort to return a non represented part time employee rejected or laid off from a position to which he/she has been promoted or transferred to during the probationary period to the classification in which he/she had regular status unless the reasons for his/her failure to complete the probationary period would be cause for dismissal. If not returned to his/her former classification, the employee shall be separated from employment with Anaheim.
- 9.1.3 The appropriate Executive Manager shall request the Human Resources Department to prepare a Personnel Action Form to separate or return to a former classification any employee to be rejected during a probationary period.

Section 9.2 An employee shall be retained beyond the end of the probationary period only if the appropriate Executive Manager affirms that the services of the employee have been found to be satisfactory.

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Revised 7/2005  
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## RULE 10. SALARY REDUCTION, SUSPENSION, DEMOTION, AND DISMISSAL

Section 10.0 The tenure of every full-time confidential, management and non-represented part-time employee shall be conditioned on good behavior and satisfactory work performance. Any employee may be suspended, reduced in salary, demoted or dismissed for good and sufficient cause.

- 10.01 When, in the judgment of the appropriate Executive Manager, a non-exempt Confidential or non-represented part-time employee's work performance or conduct justifies disciplinary action short of demotion or dismissal, the employee may be suspended without pay or reduced in salary.
- 10.02 When an employee in a confidential or management classification designated as "Exempt" has been determined by the appropriate Executive Manager to have violated workplace conduct rules, the Executive Manager may suspend such employee without pay in any number of full work-day increments up to sixty (60) days. Alternatively, the salary of an exempt employee found to have violated workplace conduct rules may be reduced to a level of not less than \$455 per week. Suspensions or reductions are not appropriate methods for initially addressing attendance or performance problems.
- 10.03 A confidential, management or non-represented part-time employee may be demoted or dismissed upon recommendation of an Administrative Manager or other appropriate supervisor whenever, in the judgment of the appropriate Executive Manager, the employee's work performance or misconduct so warrants.
- 10.04 The demotion or dismissal of any Executive Manager shall require the approval of the City Council before such action is taken by the City Manager.
- 10.05 Upon taking action in accordance with this Rule, the Executive Manager shall file with the employee and the Human Resources Director, a written notification containing a statement of the substantial reasons for the action and the effective date of the action.

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Revised 2/2001  
Revised 8/2004

## RULE 11. LAYOFF AND RE-EMPLOYMENT

Section 11.0 Layoff for lack of work or lack of funds shall be on the basis of an evaluation of qualifications and seniority within the affected job class.

- 11.01 An employee whose position has been abolished due to lack of work or lack of funds shall be reassigned by his department head to any position within his division or department in an equivalent or lower job class for which he meets the minimum requirements and has City seniority over other employees in the job class. If the employee whose position has been abolished does not have City seniority over other employees in equivalent or lower classes, he may be reassigned by his department head to any vacant position within the department in an equivalent or lower job class, for which he meets the minimum requirements.
- 11.011 Employees in confidential job classes so reassigned shall be placed in the salary step of the appropriate salary schedule closest to their rate of pay. Employees so reassigned shall be reinstated to their former job class and salary step status when positions in their former job class (within their division or department) become vacant. Such reinstatement shall be on the basis of City seniority.
- 11.012 Employees in management job classes reassigned to another management job class shall retain their current rate of pay if it falls within the salary range of the classification reassigned to. Otherwise, their rate of pay will be adjusted to the control point of the salary range for the new classification.
- 11.013 Employees in management job classes reassigned to a bargaining unit classification will be placed in the closest salary step of the new job class which does not provide an increase. The base hourly rate will be used in calculating the appropriate rate of pay.
- 11.014 Employees in bargaining unit or confidential job classifications who are reassigned to a management job classification where the salary range market point is equal to or less than the "E" step of the bargaining unit or confidential job classification shall retain their current rate of pay provided it falls between the salary range minimum and market points of the management classification. Otherwise, the rate of pay will be adjusted to the market point of the salary range. The base hourly rate will be used in calculating the appropriate rate of pay.
- 11.02 Whenever an employee whose position has been abolished cannot be reassigned to a vacant position within his division or department, he may be reassigned by the City Manager to any vacant position in any other division or department in his job class or in an equivalent or lower job class for which he meets the minimum qualifications for employment. The appropriate rate of pay will be the same as outlined in Sections 11.011, 11.012, 11.013 and 11.014. Employees reassigned to vacant positions in an equivalent or lower job class in any other division or department shall be reinstated to their former job class and salary step status when positions in their former job class (within their former division or department) become vacant. Such reinstatement shall be on the basis of City seniority.

Section 11.1 Whenever an employee whose position has been abolished is not reassigned to any vacant position, he shall be placed on the re-employment list for his job class. Persons on the re-employment list shall be re-employed with their former salary step status when positions in their job class (within the division or department from which they were laid off) become vacant. Re-employment shall be on the basis of City seniority.

Section 11.2 Whenever an employee is reassigned to a vacant position in the same class, an equivalent class, or lower class as herein provided, he shall retain the same anniversary date for purposes of merit pay increases.

Section 11.3 Whenever an employee is reinstated to a vacant position in his former job class, or re-employed as herein provided, he shall be given a new anniversary date for purposes of merit pay increases in accordance with the provisions of RULE 4.

- 11.31 An employee reinstated from the re-employment list shall be considered to have continuous service and may be credited with the amount of accumulated sick leave he has accrued at the time of layoff if he elects to remit to the City any payment received under the provisions of RULE 17, SICK LEAVE.

Section 11.4 The provisions of this RULE shall apply only to regular, full-time confidential and management employees in the classified service. Employees appointed to certain grant funded positions as designated by the City Manager under Section 7.7 shall be excluded from the provisions of this RULE.

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Revised 2/1992  
Revised 6/1995  
Revised 3/2001

## RULE 12. REINSTATEMENT

Section 12.0 A full-time confidential or management employee or a non-represented part time employee who terminates his/her employment in good standing may be reinstated to a vacant position in his/her former job class within three years of his/her termination date without requalifying for employment by competitive processes.

- 12.0.1 A full time employee reinstated within thirty (30) days of his/her termination date shall be considered to have continuous service, shall not serve a new probationary period, and shall be credited with the amount of accumulated sick leave he/she had at the time of termination. He/she shall be placed in his/her former salary status step/range and shall retain his/her anniversary date for purposes of merit pay increases. If his/her anniversary date has occurred during the period of his/her absence, his/her new anniversary day shall be the first day of the next biweekly pay period following reinstatement.
- 12.0.2 A non-represented part time employee reinstated within thirty (30) days of his/her termination date shall be considered to have continuous service and shall not serve a new probationary period. He/she shall be placed in his/her former salary step and shall retain his/her record of step hours worked for purposes of merit pay increases.
- 12.0.3 A full-time confidential or management employee or a non-represented part time employee reinstated after thirty (30) days of his termination date shall serve a new probationary period and may be considered to have broken service for purposes of salary status, and shall be considered to have broken service for all other employee benefits.

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Revised 6/2008

## RULE 13. VOLUNTARY DEMOTION

Section 13.0 If an employee takes a voluntary demotion the salary step status shall be in accordance with the provisions of Section 4.10 or as stated in the salary resolution covering management classifications.

Section 13.1 Voluntary demotions as a result of impending layoff shall be in accordance with the provisions of RULE 11.

Section 13.2 An employee may request a voluntary demotion for any reason. Such a voluntary demotion shall require the approval of the Executive Manager under whom the employee will serve and the Human Resources Director. An employee taking such a voluntary demotion may be placed in any salary of the appropriate salary schedule that does not provide an increase in salary. He/she shall be given a new anniversary date for purposes of merit pay increases in accordance with provisions of Section 4.1.

13.21 Voluntary demotions in accordance with the Vocational Rehabilitation Administrative Regulation shall be in accordance with the provisions of Section 13.2.

Section 13.3 An employee who has taken a voluntary demotion to a lower job class may be reinstated to a vacant position in his/her former job class within three years of the effective date of the voluntary demotion without requalifying by competitive processes.

13.31 An employee reinstated to his/her former job class from a voluntary demotion shall retain his/her rate of pay. If the rate of pay is not included in the salary schedule/range of his/her former job class, he/she shall be placed in the salary of that salary schedule/range which is closest to his/her rate of pay. He/she shall retain his/her anniversary date for purposes of merit pay increases; however, if he/she is placed in the 1st through 6th step of the salary schedule he/she shall be eligible for a merit pay increase after six (6) months or his/her regular anniversary date, whichever is sooner.

Section 13.4 The provisions of this RULE shall apply only to regular full-time confidential and management employees in the classified service.

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Revised 2/1992  
Revised 7/2005

## RULE 14. TRANSFER

Section 14.0 A change of an employee's place of employment from one control center to another or from one department to another shall be considered a transfer. A change of an employee's place of employment to a vacant position in a job class on the same salary schedule/range as his/her own job class shall also be considered a transfer.

- 14.0.1 A transfer from one control center to another or from one department to another shall require the approval of the head of the division or department to which the employee is transferring and the Human Resources Director. Such a transfer may be initiated by the City Manager, Executive Manager or by request of the employee to the Human Resources Director.
- 14.0.2 A transferred employee shall retain his/her rate of pay and his/her anniversary date for purposes of merit pay increases.
- 14.0.3 If a transfer is initiated by request of an employee to a job class with minimum standards of employment substantially different from those of his/her own job class, an employee shall be required to demonstrate his/her eligibility for employment in accordance with the provisions of Rule 7 and shall serve a new probationary period in accordance with the provisions of Rule 9.
- 14.0.4 Consideration for a scheduled merit increase may be deferred at the discretion of the Executive Manager for a period of up to six (6) months to allow management to properly evaluate the transferred employee's work performance and conduct.

Section 14.1 Transfers for the betterment of employees and the best interests of the City shall be encouraged by all echelons of management.

Section 14.2 The provisions of this RULE shall apply only to regular, full-time confidential and management employees in the classified service.

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Revised 2/1992  
Revised 6/2008

## RULE 15. HOLIDAYS

Section 15.0 The following days shall be recognized as holidays, and regular full-time confidential and management employees in the classified service, with the exception of Fire Battalion Chief assigned to suppression as outlined in Section 15.3, shall have these holidays off with pay.

- January 1st, New Year's Day
- Third Monday in January, Martin Luther King's Birthday
- Third Monday in February, - Presidents' Day
- Last Monday in May, Memorial Day
- July 4th, Independence Day
- First Monday in September, Labor Day
- November 11th, Veteran's Day
- Fourth Thursday in November, Thanksgiving Day
- Friday after Thanksgiving
- December 25th, Christmas Day
- Every day designated by the City Council for a public feast, thanksgiving, or holiday

Section 15.1 In the event that any of the above holidays fall on an employee's scheduled day off, said employee shall observe the preceding work day or the following work day as scheduled by the Executive Manager to provide maximum regular service to the public.

Section 15.2 Certain designated employees may be required to work on any of the above holidays or days observed in lieu of those holidays. A Non-exempt Confidential employee required to work on any of the above holidays or days observed in lieu of those holidays shall receive additional compensation equivalent to one and one-half times his/her regular rate of pay. Fire Battalion Chiefs assigned to Suppression and job classes exempt from overtime provisions of RULE 6, PREMIUM PAY, shall be exempt from the provisions of this Section.

Section 15.3 Fire Battalion Chiefs assigned to Suppression shall receive additional compensation equivalent to 1/10th of his regular biweekly compensation for each holiday listed in Section 15.0 and for September 9 (Admission Day). Employees in this classification shall also have the option to accumulate 11.2 hours per holiday. Under the option, any hours accrued but not taken will be paid off at the employee's regular hourly rate of pay as of the end of the pay period including October 1st. Upon termination, a Fire Battalion Chief assigned to Suppression shall be compensated in cash at his current rate of pay for any hours accrued but not taken. Selection of the Holiday option shall be made on September 1st of each year. No employee who is on suspension or unpaid leave of absence during a holiday pay period shall receive additional compensation or accumulate hours during that pay period.

Section 15.4 In order to be eligible for holiday pay, an employee must be either at work or on paid leave of absence on the regularly scheduled work day immediately preceding the holiday or day observed in lieu of the holiday and the regularly scheduled work day immediately following the holiday or day observed in lieu of the holiday. No employee who is on suspension or unpaid leave of absence on either the regularly scheduled work day immediately preceding or immediately following the holiday or day observed in lieu of the holiday shall receive compensation for said holiday or day observed in lieu of the holiday.

Section 15.5 Non-represented part-time employees in the classifications listed in Section 15.54 shall receive pay at the rate of one and one-half times their regular hourly rate of pay for the following:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

15.51 In case of rain-out or cancellation of event, if ANAHEIM does not give reasonable notice, either personally or through public communications, employees will receive two (2) hours pay if the employee reports to work or four (4) hours pay if the gates are open.

15.52 Employees shall be paid at a rate one and one-half times their regular hourly rate for all hours in excess of eight (8) at a single event or forty (40) in any one work week.

15.53 In case of rain-out or cancellation of event, and if ANAHEIM does not give reasonable notice either personally or through public communication, ANAHEIM will pay to hourly employees two (2) hours' pay if the employee reports to work.

15.54 These classifications are:

Alteration Worker  
Assistant Box Office Treasurer  
Box Office Treasurer  
Crowd Control Supervisor  
Head Parking Lot Attendant  
Head Parking Lot Cashier  
Head Usher  
P/T Guest Services Specialist I/II-Convention Center ONLY

Section 15.6 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

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Revised 6/1995  
Revised 6/2004  
Revised 12/2004

## RULE 16. VACATION

Section 16.0 Full-time Confidential, Miscellaneous Management, and Safety Management employees in the classified service with an average work week of forty (40) hours shall receive annual vacation with pay in accordance with the following provisions (except for those classifications listed under Section 16.1 of this RULE):

- 16.0.1 For the first four years of continuous, full-time service shall accrue paid vacation at the rate of four (4) hours for each complete biweekly pay period plus two (2) hours for paid vacation at the close of the final complete biweekly pay period of each fiscal year (106 hours or 13.25 working days per year).
- 16.0.2 Upon completion of four years of continuous, full-time service, such employees shall accrue paid vacation at the rate of five (5) hours for each complete biweekly pay period (130 hours per year).
- 16.0.3 Upon completion of eight years of continuous, full-time service, such employees shall accrue paid vacation at the rate of six (6) hours for each complete biweekly pay period (156 hours per year).
- 16.0.4 Upon completion of fourteen years of continuous, full-time service such employees shall accrue paid vacation at the rate of seven (7) hours for each complete biweekly pay period (182 hours per year).
- 16.0.5 Upon completion of nineteen years of continuous, full-time service, such employees shall accrue paid vacation at the rate of eight (8) hours for each complete biweekly pay period (208 hours per year).
- 16.0.6 Upon completion of twenty-four (24) years of continuous, full-time service, employees shall accrue paid vacation at the rate of nine (9) hours for each complete biweekly pay period (234 hours per year).

Section 16.1 Employees working in part-time classifications listed below who work eight-hundred (800) or more hours in any calendar year shall be paid three percent (3%) of his/her gross earnings as vacation benefits. The calendar year shall be defined as the period for which wages earned are reported for tax purposes.

Assistant Box Office Treasurer  
Box Office Treasurer  
Convention Center Concessionaire  
Convention Center Relief Events Supervisor  
Crowd Control Supervisor  
Head Parking Lot Attendant  
Head Parking Lot Cashier  
Head Usher  
P/T Guest Services Specialist II  
P/T Lead Security Guard – Convention Center ONLY  
P/T Telephone Operator/Receptionist-Convention Center ONLY  
P/T Security Guard-Convention Center ONLY

Section 16.2 Paid vacations shall continue to accrue in accordance with the above provisions during any period of leave with pay, except that Public Safety employees who remain on Industrial Accident Leave in accordance with Personnel Rule 18 INDUSTRIAL ACCIDENT LEAVE after exhausting State mandated 4850 benefits shall accumulate no vacation. All vacations shall be scheduled and taken in accordance with the best interests of the City of Anaheim and the department or division in which the employee is employed. The maximum amount of vacation that may be taken at any given time shall be that amount that has accrued to the employee concerned. The minimum amount of vacation that may be taken at any given time shall be one-half (1/2) hour.

Section 16.4 An employee shall be eligible to take any accrued vacation upon completion of six (6) months of service.

Section 16.5 Each Non-exempt Confidential employee shall have one-half (1/2) hour deducted from his/her accrued vacation time for each one-half (1/2) hour of vacation taken. Non-exempt Confidential employees shall have the number of hours or his/her regular work day deducted from his accrued vacation time for each day of vacation taken.

Section 16.6 Maximum vacation accumulations for Confidential, Miscellaneous Management and Police Safety Management employees with an average regular work week of forty (40) hours shall be as follows (except as provided for in Sections 16.1):

- 16.6.1 For employees accruing vacation at the rate of one hundred six (106) hours for every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be two hundred twelve (212) hours.
- 16.6.2 For employees accruing vacation at the rate of one hundred thirty (130) hours for every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be two hundred sixty (260) hours.
- 16.6.3 For employees accruing vacation at the rate of one hundred fifty-six (156) hours for every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be three hundred twelve (312) hours.
- 16.6.4 For employees accruing vacation at the rate of one hundred eighty-two (182) hours for every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be three hundred sixty-four (364) hours.
- 16.6.5 For employees accruing vacation at the rate of two hundred eight (208) hours for every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be four hundred sixteen (416) hours.
- 16.6.6 For employees accruing vacation at the rate of two hundred thirty-four (234) hours every twenty-six (26) complete biweekly pay periods, the maximum amount of vacation that may be accumulated shall be four hundred sixty-eight (468) hours.

Section 16.7 Upon termination, a confidential or management employee shall be compensated in cash at his current base rate of pay for any vacation accrued but not taken. Upon termination the employee shall be compensated for the full accrual for the final pay period.

Section 16.8 In the event that any recognized holiday occurs during any employee's vacation, the holiday shall not be charged against the employee's accrued vacation. The only vacation hours that shall be charged against any employee's accrued vacation shall be those hours that the employee is regularly scheduled to work.

Section 16.9 Any employee in a classification designated as Confidential shall be compensated for accrued vacation in either two separate increments of up to sixty (60) hours each or one increment of up to one hundred twenty (120) hours subject to the following provisions:

- 16.9.1 A minimum of forty (40) hours of vacation must have been used during the previous twelve months
- 16.9.2 The employee's request for the annual vacation payoff is subject to the approval of the employee's department head.
- 16.9.3 The employee's balance cannot drop below forty (40) hours as a result of the request.

Section 16.10 Any employee in a classification designated as Miscellaneous Management or Police Safety Management shall have the ability to be compensated for accrued vacation hours at any time throughout the year, subject to the following provisions:

- 16.10.1 The employee must have used eighty (80) hours of vacation during the previous twelve months.
- 16.10.2 The employee's balance cannot drop below eighty (80) hours as a result of the request.
- 16.10.3 The employee's Executive Manager must approve the employee's request for the vacation pay-off. Executive Managers must obtain approval from the City Manager or the City Manager's designee for his/her own request.
- 16.10.4 Management employees are not eligible for vacation payoff as defined in Section 16.9 of this Personnel Rule.

Section 16.11 Management employees in the classifications of Fire Chief, Fire Division Chief, Fire Marshal, Fire Battalion Chief-40 Hours and Deputy Fire Marshal may request to be compensated for accrued vacation hours at any time throughout the year subject to the following provisions:

16.11.1 The employee must have used a minimum of forty (40) hours of vacation during the preceding twelve (12) months.

16.11.2 The employee's vacation balance cannot drop below eighty (80) hours as a result of the request.

16.11.3 The Fire Chief or the Chief's designee must approve the respective employee's request for vacation pay-off. The Fire Chief must obtain approval from the City Manager for his/her own request.

16.11.4 Employees covered under this Section 16.11 shall not be eligible for provisions stated under Section 16.10.

Section 16.12 The Human Resources Director may recommend, and the City Manager may approve, a one-time crediting of the vacation time bank for new hires or promotees to Management level job classes upon completion of six (6) months in the position.

16.12.1 For new hires or promotions assigned to Executive or Administrative Management level positions, the Human Resources Director may recommend and the City Manager may approve an alternate vacation accrual rate at the time of hire or promotion.

Section 16.13 The City Manager, City Attorney, City Clerk, and City Treasurer shall also be subject to the provisions of this RULE.

Section 16.14 This rule does not apply to management employees with an average work week of fifty-six (56) hours, with the adoption of Rule 32, Paid Leave Program.

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Revised 6/2002  
Revised 8/2002  
Revised 10/2003  
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Revised 6/2004  
Revised 6/2005  
Revised 7/2005  
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## RULE 17. SICK LEAVE

Section 17.0 Full-time confidential and management employees in the classified service shall accrue annual Sick Leave with pay in accordance with the following provisions:

- 17.01 Regular, full-time employees with an average regular work week of forty (40) hours shall accrue paid sick leave at the rate of three (3) hours for each complete biweekly pay period.
- 17.02 Paid sick leave shall continue to accrue in accordance with the above provisions during any period of leave with pay, except that Public Safety employees who remain on Industrial Accident Leave in accordance with Personnel Rule 18, Industrial Accident Leave, after exhausting State mandated 4850 benefits shall accumulate no Sick Leave.
- 17.03 An employee requesting sick leave for an absence from work as a result of any injury or disease which comes under the State of California Worker's Compensation Insurance and Safety Act after eligibility for Industrial Accident Leave has ended shall receive maximum compensation from the City in an amount equal to the difference between temporary disability payments mandated by the State of California Worker's Compensation Insurance and Safety Act and his regular basic rate of pay.

Section 17.1 Management and Exempt Confidential Employees shall take sick leave in full day increments only except in cases where Family Leave or Short Term Disability situations exist. Non-exempt Confidential employees shall have one-half (1/2) hour deducted from his/her accrued sick leave time for each one-half (1/2) hour of sick leave taken. The number of hours of an employee's regular work day shall be deducted from his/her accrued sick leave time for each regularly scheduled working day that he/she is on paid sick leave.

- 17.11 An employee may, at his option, elect to use vacation time to bridge the period after Sick Leave is exhausted and prior to STD commencing.

Section 17.2 Sick Leave that is accrued, but not taken, shall be accumulated.

- 17.21 Regular, full-time confidential or management employees with an average regular work week of forty (40) hours shall be paid at their regular hourly rate of pay for all hours accumulated beyond one hundred seventy-five (175) in each calendar year. Payment shall be made in January of each year, or upon the employee's termination of employment for any reason. A maximum of one hundred seventy-five (175) hours shall carry over from year to year.
- 17.22 The City shall pay to a regular, full-time confidential or management employee upon the employee's termination of employment due to retirement or layoff in accordance with Rule 11, all hours accumulated up to the maximum of one hundred seventy-five (175) hours that may be carried over from year to year. If an employee dies while employed, the City shall pay to his/her beneficiary, as designated by the Public Employee's Retirement System records, the cash equivalent (paid at base salary rate) of all hours accumulated up to the maximum of one hundred seventy-five (175) hours that may be carried over from year to year.

Section 17.3 A confidential or management employee who has completed six (6) months as a regular full-time employee and is continuously and totally disabled for more than one (1) calendar month, shall receive a short term disability benefit of net sixty percent (60%) of his/her base rate of pay, after withholding taxes, and less deductible benefits. Such disability benefit shall continue during total disability up to a maximum of six months from date of disability. Upon completion of thirty (30) and/or ninety (90) days of absence while receiving short term disability benefits, an employee shall be required to undergo a physical examination by the treating physician or medical practitioner and shall submit a report of such examination explaining the nature and extent of the disabling illness or injury and the prognosis and date of expected return to work. Short term disability benefits shall continue beyond sixty (60) and/or one hundred and twenty (120) days of absence only upon submission of the report of physical examination by the treating physician or medical practitioner.

- 17.31 Deductible benefits include salary or other compensation paid by any employer; Worker's Compensation Act or similar law including benefits for partial or total disability, whether permanent or temporary if benefits being received are for the current disabling condition; a pension plan toward which the City contributed.

- 17.32 Total disability means an employee's complete inability to engage in his/her regular occupation.
- 17.32 Benefits are not payable unless the employee is regularly seen and treated by a licensed physician or medical practitioner who certifies to the continuing disability.

Section 17.4 In the event that any paid holiday occurs during a period when any confidential or management employee is on paid sick leave, the holiday shall not be charged against the employee's accrued sick leave. The only sick leave hours that shall be charged against any employee's accrued sick leave shall be those hours that the employee is regularly scheduled to work.

Section 17.5 An employee eligible for paid sick leave shall be granted such leave for the following reasons:

- 17.51 Illness of the employee or physical incapacity of the employee due to illness or injury.
- 17.52 Enforced quarantine of the employee in accordance with community health regulations.
- 17.53 Medical and dental appointments during work hours. Use of sick leave for scheduled medical and dental appointments shall require prior approval of the employee's supervisor and will be granted in accordance with the best interests of the City of Anaheim and the employee's department or division.
- 17.54 Temporary disabilities caused by pregnancy and childbirth.
- 17.55 Illness of the employee's immediate family member.

Section 17.6 A confidential or management employee who cannot perform his assigned duties due to illness or physical incapacity shall inform his immediate supervisor of the fact and the reason therefore as soon as possible. Failure to do so within a reasonable time may be cause of denial of sick leave with pay.

Section 17.7 In the event that an employee is absent on sick leave in excess of twenty-four (24) consecutive working hours, the employee's Executive Manager or Administrative Manager may require that the employee submit to him a written statement by a physician licensed by the State of California certifying that the employee's condition prevented him from performing the duties of his position. Failure on the part of the employee to comply with such a requirement may be considered cause for disciplinary action.

Section 17.8 In the event that an employee becomes ill during working hours and is placed on paid sick leave prior to the close of the work day, such paid sick leave shall be calculated to the nearest one-half (1/2) hour.

Section 17.9 Effective December 19, 1980, accrued Sick Leave hours shall be entered in a new Sick Leave plan.

- 17.91 Regular full-time confidential and management employees with an average regular work week of forty (40) hours who were employees as of that date shall have up to one hundred seventy-five (175) hours transferred to the usable Sick Leave account. The remainder (over 175 hours) shall be credited as follows: seventy-five percent (75%) to be reported as service credit at retirement; twenty-five percent (25%) converted to cash value at the employee's current (December 19, 1980) regular hourly rate of pay and paid with interest at retirement, layoff or to his/her beneficiary, as designated by Public Employee's Retirement System records if the employee dies while employed. Employees who retire during calendar year 1984 or thereafter shall receive service credit for all hours up to one hundred seventy-five (175).
- 17.92 Regular full-time management employees with an average regular work week of fifty-six (56) hours shall have up to two hundred forty-five (245) hours credited to a usable Sick Leave account. The remainder (over 245 hours) shall be credited as follows: seventy-five percent (75%) to be used as service credit at retirement; twenty-five percent (25%) converted to cash value at the employee's current (December 19, 1980) regular hourly rate of pay and paid with interest at retirement, layoff or to his/her beneficiary, as designated by Public Employee's Retirement System records, if the employee dies while employed. Employees who retire in calendar year 1984 or thereafter shall receive service credit for all hours up to two hundred forty-five (245).
- 17.93 An employee in a classification designated as confidential or management who has more than ten (10) years of continuous City service may elect to receive all or a portion of his/her Employee Sick

Leave Trust Fund account. When requested, such payments may be diverted to the employee's Deferred Compensation account, or paid in cash by separate check subject to standardized withholding taxes. When partial payment is requested, the amount shall not be less than 25% of the balance, and a maximum of four (4) such partial payments shall be allowed with the fourth payment paying the entire remaining balance in the account.

- 17.93.1 Beginning with tax year 2004 and thereafter, employees may no longer receive a portion of the Sick Leave Trust Fund amount and shall be paid any remaining balance only upon separation from City service.

Section 17.10 If two or more periods of total disability occur during a specific six-month elimination period for the insured LTD plan, all such periods shall be considered as one period of continuous total disability under the following conditions:

- 17.101 All periods of total disability must be due to the same cause or causes; and
- 17.102 All recurring periods of total disability that qualify as one period of continuous total disability for the insured LTD plan, shall qualify as one period of continuous total disability for the ANAHEIM Disability Plan and shall not require a new one month waiting period before ANAHEIM Disability Benefits will be paid; and
- 17.103 Commencement of the benefit period for the insured LTD plan shall automatically terminate benefits from the ANAHEIM Disability Plan.

Section 17.11 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

Section 17.12 This rule does not apply to management employees with an average work week of fifty-six (56) hours (with the exception of Section 17.92). Coverage for these employees is contained in Rule 32, Paid Leave Program.

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## RULE 18. INDUSTRIAL ACCIDENT LEAVE

Section 18.0 In the event that any full-time confidential or management employee in the classified service is absent from work as a result of any injury or disease which comes under the State of California Worker's Compensation Insurance and Safety Act, such absence shall be considered to be Industrial Accident Leave.

Section 18.1 Any full-time confidential or management employee on Industrial Accident Leave shall receive compensation from the City in an amount equal to the difference between temporary disability payments mandated by the State of California Worker's Compensation Insurance and Safety Act and his/her regular basic rate of pay.

Section 18.2 Any full-time Safety Management employee on Industrial Accident Leave shall receive compensation from the City in an amount equal to the difference between temporary disability payments mandated by the State of California Worker's Compensation Insurance and Safety Act and his/her regular basic rate of pay.

Section 18.3 In the event that an employee who has received or is receiving Industrial Accident Leave benefits files a civil legal action against a third party for allegedly causing or contributing to the cause of the injury which resulted in the absence from work, the employee is required to inform the Risk Management Center of the filing of such legal action.

Section 18.4 Industrial Accident Leave shall begin on the first day of such absence as defined in Section 18.0.

18.41 Industrial Accident Leave shall continue during all absences due to a single injury, but not to exceed one year of accumulated absence.

18.42 Industrial Accident Leave benefits provided by this RULE shall apply to each injury or disease as defined in Section 18.0.

18.43 The effective date of a permanent disability rating as awarded by the Worker's Compensation Appeals Board ends eligibility for Industrial Accident Leave for that particular injury or disease.

18.44 A written statement from the treating physician that the employee's condition is permanent and stationary or separation from City service ends eligibility for Industrial Accident Leave for that particular injury or disease.

18.45 Industrial Accident Leave for absence due to injury or disease as defined in Section 18.0 shall be granted to employees only upon presentation of a physician's certificate of treatment.

Section 18.5 No employee shall have accrued sick leave deducted while on Industrial Accident Leave. Vacation and sick leave shall continue to accrue for any employee on Industrial Accident Leave in accordance with the provisions of RULE 16 and RULE 17.

Section 18.6 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

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## RULE 19. BEREAVEMENT LEAVE

Section 19.0 In the event a death occurs in the immediate family of a full-time confidential or management employee in the classified service, the employee shall be granted bereavement leave with pay for up to a maximum three (3) consecutive work days. "Immediate family" shall be defined as any relative by blood or marriage, who is a member of the employee's household, under the same roof, and any parent, foster parent, step-parent, spouse or registered domestic partner, child, grandchild brother, or sister of the employee, or any parent, foster parent, or step-parent of the employee's spouse or registered domestic partner, regardless of residence.

19.01 In the event a death occurs among other family members of a full-time confidential or management employee in the classified service, the employee shall be granted bereavement leave with pay for up to a maximum of one (1) work day. Other family members shall be defined as grandparent, daughter-in-law, son-in-law, not under the same roof of the employee, and any grandparent, child, grandchild, brother, or sister of the employee's spouse or registered domestic partner, regardless of residence.

19.02 Bereavement leave may be used only at the time a death occurs, or to make burial arrangements and/or attend funeral or memorial services.

19.03 For non-exempt Confidential employees the City will guarantee, that in addition to the above, employees may use all available vacation on the books up to forty (40) hours. If no vacation is on the books, the City guarantees the employee the ability to use leave without pay up to forty (40) hours.

19.03.01 Exempt Management and exempt Confidential employees may use available vacation on the books up to five (5) days.

19.04 As used in this RULE, registered domestic partner means that a Declaration of Domestic Partnership has been filed with the California Secretary of State.

Section 19.1 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

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## RULE 20. MILITARY LEAVE

Section 20.0 City policy relating to military leave and compensation for full-time confidential and management employees in the classified service and the City Manager, City Attorney, City Clerk and City Treasurer, shall be in accordance with the provisions of the Military and Veterans Code of the State of California, and with all Federal provisions (Public Law 93-508).

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## ADDENDUM TO PERSONNEL RULE 20 - MILITARY LEAVE

The following are excerpts from the Military and Veterans Code of the State of California which apply to the City of Anaheim:

### SECTION 395. TEMPORARY MILITARY LEAVE OF ABSENCE: PUBLIC EMPLOYEES

Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of active military training, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty, and provided that military leave of absence is not authorized for periods of inactive military duty.

He shall have an absolute right to be restored to his former office, or position and status formerly had by him in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of such temporary military duty. If the office or position has been abolished or otherwise ceased to exist during his absence, he shall be reinstated to a position of like seniority, status, and pay if such position exists, or if no such position exists he shall have the same rights and privileges that he would have if he occupied the position when it ceased to exist and had not taken temporary military leave of absence.

Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which his temporary military leave of absence begin, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or re-employment that he would have enjoyed had he not been absent there from; excepting that an incomplete probationary period, if any, in the public agency must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency all service of said public employee in recognized military service shall be counted as public agency service.

### SECTION 395.01 COMPENSATION OF PUBLIC EMPLOYEES ON TEMPORARY MILITARY LEAVE OF ABSENCE

Any public employee who is on temporary military leave of absence and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary or compensation as such public employee for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of said public employee in the recognized military service shall be counted as public agency service.

### SECTION 395.02 SALARY OF PUBLIC EMPLOYEE WHILE ABSENT; "OFFICER" AND "EMPLOYEE" DEFINED

Every officer and employee of a public agency who is on military leave other than temporary military leave of absence who has been in the service of such public agency for a period of not less than one year immediately prior to the date of which the absence begins shall be entitled to receive his salary or compensation as such officer or employee for the first 30 calendar days while engaged in the performance of ordered military duty.

As used in this section only, the terms "officer" and "employee" mean an officer or employee who:

- (a) Is ordered into active military duty as a member of a reserve component of the armed forces of the United States;
- (b) Is ordered into active federal military duty as a member of the National Guard or Naval Militia; or
- (c) Is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

### SECTION 395.03 MAXIMUM PAY ALLOWANCE UNDER SECTION 395.01 AND 395.02.

No more than the pay for a period of 30 calendar days shall be allowed under the provisions of Sections 395.01 and 395.02, or both, for any one military leave of absence or during any one fiscal year.

## SECTION 395.11

## PUBLIC EMPLOYEES; RETURN TO POSITION AFTER TERMINATION OF ACTIVE SERVICE

(a) Notwithstanding any other provision of law to the contrary, any officer or employee of the State not subject to Civil Service or any Public Officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or cops of any of the armed forces of the United States or of the militia of this State, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and re-enter upon the office or position within three months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and re-enter upon the office or position shall not extend to or be granted to such officer or employee of the State not subject to Civil Service or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and re-enter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state. He shall also have a right to return to and re-enter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and re-entry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under the provisions of this code if he voluntarily elects to complete the period of such duty.

## RULE 21. JURY DUTY AND COURT APPEARANCES

Section 21.0 In the event any full-time confidential or management employee in the classified service is duly summoned to any court for the purpose of performing jury duty, he shall receive his regular compensation for any regularly scheduled working hours spent in actual performance of such service.

21.01 Whenever an employee is duly summoned to appear as a witness, except where the employee is a litigant or a defendant in a criminal case or any action brought about as a result of his own misconduct, he shall receive his regular compensation for any regularly scheduled working hours spent in actual performance of such service.

21.011 Whenever an employee is summoned to appear as a witness for court matters within the scope of his employment, he shall be compensated in accordance with provisions concerning compensation for normal performance of duties.

21.012 Employees receiving witness fees shall remit such fees to the City Treasurer in order to be considered at work for payroll purposes during time spent as such witnesses.

Section 21.1 The City Manager, City Attorney, City Clerk, and City Treasurer shall also be subject to the provisions of this RULE.

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## RULE 22. LEAVE WITHOUT PAY

Section 22.0 Any full-time confidential or management employee who is absent from work and who is not on leave with pay shall be considered to be on leave without pay.

- 22.01 An employee on leave without pay shall receive no compensation and, if on leave without pay for over forty (40) hours in a pay period, shall accumulate no vacation or sick leave while on such leave.
- 22.02 An employee who has need to be absent from work and who is not eligible for leave with pay may request to be placed on leave without pay. Leave without pay for a period not to exceed forty (40) working hours may be granted by the employee's Administrative Manager. Leave without pay in excess of forty (40) hours shall require the approval of the employee's Executive Manager.
- 22.03 In the event that leave without pay is granted an employee for reasons of illness or physical incapacity due to illness or injury, the City of Anaheim shall continue to pay for any hospitalization and major medical insurance previously paid for by the City, for a maximum of six (6) complete months. The City shall waive the payment of employee premiums for any City sponsored medical, dental and life insurance benefit plans for a maximum of six (6) months.
- 22.04 An employee may be granted leave without pay not to exceed six months. An extension of leave without pay beyond six (6) months is permitted only when leave without pay is granted an employee for reasons of illness or physical incapacity and a determination has been made by the Human Resources Director that return to work is likely.
- 22.05 An employee returning to work from leave without pay shall be placed in the same salary step (range/hourly rate for management employees) he was in prior to such leave. If such leave was in excess of two complete biweekly pay periods, the employee's anniversary date for purposes of merit pay increases shall be changed to conform with the provisions of Section 4.1, provided that he returns to a position in his same job class. If the employee returns to a position in a lower job class, his salary step/range status shall be determined in accordance with the provisions of RULE 13 - Voluntary Demotion.

Section 22.1 The City Manager, City Attorney, City Clerk, and City Treasurer shall also be subject to the provisions of this RULE.

Doc: rule22F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Revised 2/1992

RULE 23. INSURANCE, PENSIONS, AND PERQUISITES

Section 23.0 The following shall be provided for all active full-time confidential and management employees:

23.1 Health Insurance

23.11 The City shall offer the Kaiser Foundation Health Plan, and other prepaid and/or insured health plans recommended by the Joint Committee on Medical Programs and approved by the City Council.

23.12 City and Employee Contributions

23.12.1 The City shall contribute towards the monthly cost of health coverage to the various medical plans through 2002 as follows:

- Approved HMO Plans 100% of the monthly rate
- All Other Health Plans 130% of the Kaiser monthly rate

23.12.10 Effective 2003, the City shall increase its contribution to the premiums for the various health plans each January. This contribution shall be based on the Consumer Price Index, All Items Index – Urban Wage Earners and Clerical Employees (CPI-W), for the area identified as Los Angeles – Riverside – Orange County. The increase in the City’s contribution shall be equal to the percent change for the year ending May of the prior calendar year plus seventy-five percent (75%) of any amount above the CPI-W. (For example, the City’s increase in contribution for calendar year 2003 shall equal the percent change in the CPI-W for the year ending May 2004, plus 75% of the amount of the health premium increase that exceeds the percent change in the CPI-W for the year ending May 2004).

23.12.2 Employee Contributions

23.12.21 Employees shall be required to contribute an amount equal to 100% of the excess amount over what is allowed under Section 23.12.10 of this RULE.

23.12.22 Employees, who are covered by another health plan, including the dependent spouse of married City employee couples, may present proof of such coverage in order to receive \$125 per month in lieu of City provided health benefits. In the event an employee who has elected this option loses health coverage for any reason, and notifies the City of such loss within five (5) working days, he/she may enroll immediately in any City plan. Employees may re-elect this option annually during open enrollment, or may enroll in a City plan.

23.12.3 For all medical plans, City employee couples shall be allowed only one medical plan and only one dental plan to cover all family members and married City employee couples covered by a single enrollment pay no health insurance premium while both spouses are employed by the City. Or, may alternatively elect the “opt-out” payment provided in Section 23.12.22.

23.12.3.1 Effective July 1, 2005, the City shall provide health coverage to couples who have filed a Declaration of Domestic Partnership with the California Secretary of State (“Registered Domestic Partner”).

23.12.4 Proof of marriage will be required of all employees enrolled in any City medical plan to enroll a dependent spouse.

23.12.5 The Master contract between the City and the plan administrator shall govern in the event of any disputes over any matter within the provisions of the contract.

23.13 Regular part-time employees in job classifications listed below, who are hired to work up to thirty (30) hours per week on an ongoing basis (maximum 1,560 hours in any fiscal year) shall be provided health and welfare benefits as long as they remain employed and available to work up to 1,560 hours per year. Job classifications eligible under the provisions of this Section 23.13 are as follows:

Crowd Control Supervisor  
Council Assistant I  
Council Assistant II-A  
Council Assistant II-B  
Head Parking Lot Attendant  
Head Parking Lot Cashier  
Head Usher  
Mayor's Assistant

23.13.1 For employees who enroll in the Kaiser Plan on or after November 24, 2000, the City's maximum contribution towards an employee's purchase of the Kaiser Plan shall be:

First 2 years of coverage	50% of the single party rate
More than 2 years of coverage	75% of the single party rate

All additional premiums shall be the responsibility of the eligible employee.

23.13.2 Employees become eligible for coverage on the first day of the month following one complete calendar month after appointment to regular part-time status in accordance with Section 23.13 above.

## 23.2 Life Insurance

23.21 The City shall make available \$50,000 of Basic Group Term Life Insurance to full-time employees covered by this RULE.

23.22 The City shall contribute one-half (1/2) the cost of the premium for Basic group life insurance and dependent coverage. The employee shall contribute the difference between the City contribution and the total premium costs, but in no event shall the employee's contribution exceed the contributions established for employees in the General City Employees Unit of Representation.

23.22.1 Dependent coverage with an insurance value up to \$10,000 per dependent may be added to the Basic Life Insurance coverage at the option of the employee.

23.23 The City shall make available supplemental term life insurance to Confidential employees of up to \$450,000 in increments of \$50,000. One hundred percent (100%) of the cost of the supplemental term life insurance shall be paid by the employee.

23.24 The City shall make available Supplemental Term Life Insurance to management employees as follows:

23.24.1 The employee's allowable coverage under this component shall be limited so that the Basic Life coverage and the Supplemental Life coverage together do not exceed two (2) times the employee's base annual salary rounded up to the nearest \$50,000.

23.24.2 The City shall contribute the full cost of the premium for the Supplemental Life coverage for Executive and Administrative managers.

23.24.3 The City shall contribute one-half (1/2) the cost of the premium for the Supplemental Life coverage for all other management employees. The employee shall contribute the difference between the City contribution and the full cost of the premium.

23.24.4 Management and Confidential employees and City Council members may also elect Supplemental Life "Level 2" coverage. This coverage is fully paid by the employee with no City Contribution. Management and Confidential employees may select "Level 2" insurance of \$50,000 - \$550,000 in increments of \$50,000. Benefit amounts are subject to a combined basic and supplemental life maximum of the lesser of seven (7) times base annual salary or \$700,000. To qualify for "Level 2" Supplemental Life, eligible Management and Confidential employees must enroll in Basic Life and Supplemental Life coverage. City Council members are eligible for \$50,000 of Supplemental Life "Level 2" coverage at 100% City Council member paid with no City Contribution.

If a Management and Confidential employee or City Council member elects "Level 2" coverage, then they may elect Supplemental spouse/registered domestic partner (as defined by California law) and/or dependent life coverage. Employees and City Council members will pay 100 % of these costs with no City contribution. Spouse/registered domestic partner amounts are \$25,000 to \$275,000 in increments of \$25,000, provided that the spouse/registered domestic partner amount of insurance does not exceed 50% of the employee's amount. Dependent child coverage is \$10,000.

23.25 Any employee who retires shall receive a paid-up life insurance policy, paid for wholly by the City, with a face value of \$100.00 for each complete year of service and \$50.00 for more than six months, but less than a complete year of service up to a maximum of \$2,000.

23.26 Employees who are permanently and totally disabled shall receive Permanent and Total Disability Life Insurance under the following conditions:

23.26.1 Employees eligible to retire shall receive the following Life Insurance benefit:

- (a) \$100 paid up life insurance for each year of service as provided under the Retired Life Insurance Program.
- (b) Decreasing term life insurance in the amount of the employee's Basic Life Insurance less the paid up life insurance described above. Such term life insurance shall decrease by 1/60 of the adjusted value each month until the face value of such insurance reaches zero (5 years).
- (c) The permanently and totally disabled employee will pay no premium during the term of this benefit.

23.26.2 Employees not eligible to retire shall receive the following Life Insurance benefit:

- (a) Decreasing term life insurance in the amount of the employee's Basic Life Insurance. Such term insurance shall decrease by 1/60 of the original amount each monthly until the face value reaches zero (5 years).
- (b) The permanently and totally disabled employee shall pay no premium during the term of this benefit.

### 23.3 Long Term Disability Benefits

23.31 The City shall provide long term disability insurance for all employees covered by this RULE.

23.32 The City shall pay the premium for employee group long term disability insurance coverage in accordance with the provisions of any contract between the City and any company or companies providing such coverage.

### 23.4 Dental Plans

23.41 The City shall sponsor prepaid and/or insured dental plans recommended by the Joint Committee on Medical Programs and approved by the City Council.

23.42 The City's contribution towards the cost of Dental plans shall be set annually by the City Council. Employees shall be required to contribute 100% of any excess amount over the contribution set by the City Council.

### 23.5 Short Term Disability

- 23.51 The City shall provide the existing Short Term Disability plan in accordance with RULE 17. The City shall pay the City's portion of medical, dental, life and optical insurance while the employee collects short term disability benefits.

### 23.6 Pensions

23.61 The City will implement Government Code §21354.5 benefits ("2.7 @ 55") for miscellaneous Management and Confidential to be effective on or before December 29, 2005, contingent upon agreement being reached with all miscellaneous bargaining units. The incremental cost of 6.4% of employee compensation to implement Government Code §21354.5 ("2.7 @ 55") retirement benefits shall be paid by employees through a reduction in the City's contribution to post-retirement medical benefit reserving costs of approximately 4.0% of employee compensation, and a reduction in general salary adjustments of 2.5% through fiscal year 2008/09.

- 23.61.1 Effective October 7, 2005 ANAHEIM shall report the 7% PERS employee contribution paid by ANAHEIM to the CalPERS as compensation earned in accordance with Government Code § 20636(c)(4).
- 23.61.2 The following special conditions shall apply with respect to the implementation of Government Code §21354.5 benefits ("2.7 @ 55").
- i. The incremental cost to implement Government Code §21354.5 retirement benefits of 6.4% of employee compensation shall be the ongoing defined contribution by the City.
  - ii. Any variances in the employer rate attributable to the implementation of Government Code §21354.5 ("2.7 @ 55") retirement benefits shall accrue to the employee. All proportional costs above the 2005/06 employer rate of 15.063% shall be paid by the employee. All proportional reductions below the 2005/06 employer rate of 15.063% to the floor of 8.626% shall be paid to the employee. "Proportional costs" and "proportional reductions" mean the ratio between the unmodified 2005/06 PERS employer rate of 8.626%, and the modified PERS employer rate of 15.063%; such that 42.6% of any variance from the 2005/06 PERS employer rate of 15.063% shall accrue to the employee.
  - iii. A rate variance shall be calculated for a fiscal year based upon the CalPERS employer rate assessed for the PERS Miscellaneous Plan for Anaheim City, Employer Number 303. If the rate exceeds 15.063%, employees shall pay the proportional difference in the form of a biweekly payroll deduction. If the rate is less than 15.063% (to the floor of 8.626%), employees shall receive a proportional difference in the form of an addition to the employee's biweekly pay check. Adjustments to pay under the provisions of this Section shall be based upon biweekly PERS reportable compensation.
  - iv. The City shall continue to contribute a portion of the statutorily required employee retirement contribution for full-time Confidential and Management employees and part-time unrepresented employees enrolled in CalPERS who are in full-time equivalent classifications, in the amount of seven percent (7%) of the employee's reportable compensation to CalPERS. Employees shall be responsible for the additional statutorily required employee retirement contribution of one percent (1%) of the employee's reportable compensation.
  - v. The City shall continue to contribute a portion of the statutorily required employee retirement contribution for unrepresented part-time employees enrolled in CalPERS who are in classifications that do not have a full-time equivalent classification, in the amount of 3.25% of the employee's reportable compensation to CalPERS. Employees shall be responsible for the additional statutorily required employee retirement contribution of 4.75% of the employee's reportable compensation.

23.6.1.3 Part-time employee's covered by this rule shall be restricted to secondary and tertiary classifications from the same PERS coverage group as their primary classification.

23.62 For Safety Plan Employees in the Public Employees Retirement System assigned to the Fire Safety Management Unit, each employee shall pay the statutorily required nine percent (9%) employee PERS pension contributions. However, pursuant to Section 414(h)(2) of the Internal Revenue Code, those employee payments shall be "Picked up" by the City and, thus, regarded as employer contributions.

23.62.1 Effective November 11, 2001, the City's contract with the Public Employees Retirement System, Fire Safety Plan, shall be amended to provide Government Code §21362.2 benefits ("3% @ 50").

23.63 For Safety Plan Employees in the Public Employees Retirement System assigned to the Police Safety Management Unit, the City of Anaheim shall pay the statutorily required employee PERS pension contributions. Effective January 12, 2007, ANAHEIM shall report the 9% PERS employee contribution paid by ANAHEIM to the CalPERS as compensation earned in accordance with Government Code § 20636(c) (4)

23.63.1 Effective July 6, 2001, the City's contract with the Public Employees Retirement System, Police Safety Plan, shall be amended to provide Government Code §21362.2 benefits ("3% @ 50").

23.63.2 Effective October 28, 2003, employees covered under this Section 23.63 shall also be required to pay 2.5% of the employer PERS rate as a result of the "3% @ 50" retirement benefit.

23.63.3 Effective July 10, 2009, the statutory employee PERS contribution shall be reduced to nine percent (9%).

23.7 Retirement Health Savings Plan:

23.71 Full-time employees covered by this RULE, including City Attorney, City Clerk, City Manager and City Treasurer shall participate in the Retirement Health Savings Plan.

23.71.1 The City shall establish an Integral Part Trust for reimbursement of qualified medical expenses. Eligible medical expenses are those expenses authorized in the Plan document.

23.71.2 Each employee shall be required to contribute 1.0% of his or her gross biweekly pay to the employee's individual member account.

23.71.3 The City shall contribute 1.0% of each employee's gross biweekly pay to the applicable employee's individual member account.

23.71.4 There are no vesting requirements for contributions made to an employee's individual member account.

23.72 Employees are eligible to withdraw funds for reimbursement of eligible medical expenses upon separation from City service for any reason.

23.73 Upon the death of an employee, the surviving spouse and/or dependents are immediately eligible to utilize the individual member account to fund eligible medical expenses. Any amounts forfeited in accordance with the Plan document will remain in the Trust to be reallocated on an equal dollar basis to all participant accounts covered under this Rule.

23.74 If any provision of Section 23.7 of this Rule is at any time or in any way held to be contrary to any law by any court of proper jurisdiction or expressly prohibited by the Internal Revenue Service, the remaining provisions shall not be effected thereby, and shall remain in full force and effect.

23.75 Members of the City Council and Redevelopment Agency are not eligible under the provisions of Section 23.7 of this RULE.

23.8 Uniformed personnel of the Police and Fire Departments and certain other designated personnel shall be furnished uniforms in accordance with regulations established by the City Manager.

23.9 The City shall provide a full-time confidential employee in the classified service adequate meals under the following conditions:

23.9.1 An employee shall be provided with two adequate meals if he is called out on emergency overtime work within one (1) hour before a scheduled work day. If a meal has been earned under another section of this RULE within two (2) hours of the scheduled work day, only one meal shall be provided under this section.

23.9.2 An employee will be provided one meal if he is called back to emergency overtime work Within one and one-half (1 ½) hours after normal quitting time and works beyond two and one-half (2 ½) hours after normal quitting time.

23.9.3 An employee shall be provided an adequate meal if he works two (2) hours overtime beyond the normal quitting time.

23.9.4 An employee shall receive one meal if he is scheduled to work overtime two (2) hours before a regular day.

23.9.5 An employee shall be provided an adequate meal at four (4) hour intervals during the performance of emergency overtime work.

23.9.6 Meal time shall be compensated at the appropriate overtime rate and shall normally be limited to one-half (1/2) hour with a maximum limit of forty-five minutes paid meal time.

23.9.7 An employee may, at his request, be compensated for meals at the rate of one-half (1/2) hour of overtime pay per meal.

23.10 The City Mileage Reimbursement rate will be the standard mileage rate established by the Internal Revenue Service.

23.10.1 Any increase or decrease shall be effective the first day of the second month after the date of publication by the Internal Revenue Service.

23.11 Management classifications as designated in the Resolution are eligible to receive either a City-owned vehicle or an automobile allowance in an amount approved by City Council.

23.12 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE except that the City Council may from time to time authorize exceptions.

Doc: Rule23F/HRDshared/vkilmur/personnel rules

Revised 04/14/1988 – Resolution No. 88R-166

Revised 2/1992

Revised 7/1994

Revised 8/1994

Revised 2/2001

Revised 7/2002

Revised 10/2003

Revised 6/18/2004

Revised 6/17/2005

Revised 8/2005

Revised 10/2006

Revised 6/2007

Revised 10/2007

Revised 9/2008

RULE 24. TRAVEL EXPENSE ALLOWANCES

Section 24.0 Travel expense allowance for full-time confidential and management employees while on City business shall be provided in accordance with regulations established by the City Manager and/or the City Council.

Section 24.1 The City Manager, City Attorney, City Clerk and City Treasurer shall also be subject to the provisions of this RULE.

Doc: rule24F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change

## RULE 25. SERVICE AWARDS

Section 25.0 Service awards, in the form of service pins or the equivalent shall be presented to full-time confidential and management employees in the classified service for:

Five (5) years of service;  
Ten (10) years of service;  
Fifteen (15) years of service;  
Twenty (20) years of service;  
Twenty-five (25) years of service;  
Thirty (30) years of service;  
Thirty-five (35) years of service;  
Forty (40) years of service.

Section 25.1 Such a service award shall also be presented to any full-time confidential and management employee in the classified service upon his retirement.

25.11 For purposes of this RULE, the term "years of service," as applied to employees in the classified service, shall be defined as continuous, full-time service.

Section 25.2 The provisions of this RULE shall apply also to the City Manager, City Attorney, City Clerk, City Treasurer, members of the City Council, and duly appointed members of any City board or commission.

Doc: rule25F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change

## RULE 26 - TRAINING

Section 26.0 The Human Resources Director shall encourage the improvement of service by providing employees with opportunities for training, including training for advancement and for general fitness for public service.

26.01 Reimbursement to full-time confidential and management employees for costs incurred for formalized training shall be in accordance with regulations established by the City Manager.

Doc: rule26F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change

## RULE 27. PAYROLL DEDUCTIONS

Section 27.0 Deductions of authorized amounts may be made from employee's pay for the following purposes:

- 27.01 Withholding Tax;
- 27.02 Contribution to retirement benefits;
- 27.03 Contribution to survivors' benefit;
- 27.04 Payment of life insurance and accidental death and dismemberment insurance premium;
- 27.05 Payment of non-industrial disability insurance premium;
- 27.06 Payment of hospitalization and major medical insurance premium;
- 27.07 Payment to or savings in Orange County's Credit Union;
- 27.08 Contributions to the City Employee's Annual Charities Fund Drive;
- 27.09 Payment of membership dues to recognized employee organizations;
- 27.010 Purchase of United States Savings Bonds; and
- 27.011 Other purposes as may be authorized by the City Council.

Doc: rule27F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166  
Reviewed 2/1992 - No Change  
Revised 8/2005

## RULE 28. PHYSICAL EXAMINATIONS

Section 28.0 In order to be eligible for employment with the City of Anaheim, candidates shall be required to pass a physical examination, the character of which shall be in accordance with the standards established by the Human Resources Director.

Section 28.1 In order to be eligible for promotion or transfer to a job class in a category requiring greater physical qualifications, than his present job class, an employee must pass the appropriate physical examination.

Section 28.2 The City Manager, City Attorney, City Clerk, City Treasurer, Executive Managers, and other employees as may be designated by the City Manager shall undergo a physical examination once each calendar year.

28.21 In the event that any Executive Manager fails to pass an annual examination, his employment status shall be determined by the City Council, following a recommendation by the City Manager.

28.22 In the event that any other employee designated in Section 28.2 fails to pass an annual physical examination, the employee's Executive Manager, with the concurrence of the Human Resources Director, shall prescribe assignment of duties to fit the employee's physical condition. If no appropriate position is vacant, such employee shall be recommended for disability retirement if he is eligible.

Section 28.3 Any full-time confidential or management employee in the classified service who returns to work after an absence in excess of forty-eight (48) consecutive working hours due to illness or physical incapacity may be required by his Executive Manager to undergo a physical examination.

28.31 Any employee who fails to pass a physical examination required under the provisions of Section 28.3 may be transferred or demoted to a position requiring lesser physical qualifications, recommended for disability retirement or terminated.

Section 28.4 All physical examinations required under the provisions of this RULE shall be performed by a physician in active practice licensed by California State Law and within the scope of his practice as defined by California State Law.

28.41 Exceptions to the provisions of Section 28.4 may be made only in the case of out-of-state candidates for employment. In such cases, the physician performing the examination may be a physician licensed by the state in which the candidate resides.

Section 28.5 The City of Anaheim shall pay for any physical examination required under the provisions of this RULE.

Section 28.6 Members of the City Council may undergo a physical examination once each calendar year. Such physical examinations shall be paid for by the City of Anaheim.

Doc: rule28F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change

## RULE 29. OUTSIDE EMPLOYMENT

Section 29.0 A confidential, management, or part-time Unrepresented employee may engage in employment other than his job with the City of Anaheim, if his/her Executive Manager determines that such outside employment does not interfere with the performance of assigned duties and does not constitute a conflict of interest.

Section 29.1 The City Manager, City Clerk and City Treasurer may engage in employment other than his job with the City of Anaheim, if the City Council determines that such outside employment does not interfere with the performance of assigned duties and does not constitute a conflict of interest.

Doc: rule29F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change  
Revised 8/2002

## RULE 30. NEPOTISM

Section 30.0 The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the City Manager or any Executive Manager or other officer having appointive power appoint any relative of his or of any Council Member within such degree to any such position.

Doc: rule30F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Reviewed 2/1992 - No Change

## RULE 31. GRIEVANCE PROCEDURE

Section 31.0 Any alleged improper treatment of an employee, any alleged violations of the Personnel Ordinance or the Personnel Rules Covering Management, Confidential and Non-Represented Part Time Employees ("Personnel Rule"), or any alleged violation of commonly accepted safety practices and procedures shall be considered to be a matter subject to review through the grievance procedure. Alleged improper treatment of an employee shall be considered to be a matter subject to review up to and including Step II of the grievance procedure. Any alleged violation of the Personnel Ordinance or the Personnel Rules Covering Management, Confidential and Non-Represented Part Time Employees ("Personnel Rules"), any alleged violation of commonly accepted safety practices and procedures, or any discipline imposed under the provisions of Personnel Rule 10 shall be considered to be a matter subject to review up to and including Step III of the grievance procedure. Grievances shall be handled in the following manner:

- 31.0.1 First Step: An attempt shall be made to adjust all grievances on an informal basis between the employee and a supervisor in the employee's chain of command, up to and including his/her Administrative Manager, within seven (7) working days after the occurrence of the incident involved in the grievance. The Administrative Manager shall deliver his answer to the employee within seven (7) working days after submission of the grievance to him/her.
  - 31.0.1.1 Grievances resulting from the actions of a department other than an employee's work unit shall be heard by an appropriate Administrative Manager from that department.
- 31.0.2 Second Step: If the grievance is not satisfactorily adjusted in the First Step, it shall be submitted in writing to the employee's Executive Manager within seven (7) working days after the Administrative Manager's answer is received by the employee. The Executive Manager shall meet with the employee within ten (10) working days after submission of the grievance to the Second Step. The Executive Manager shall review the disposition of the grievance made at the First Step and may affirm, reverse, or modify as he deems appropriate, the disposition made at the First Step and shall deliver his/her answer to the employee within seven (7) working days after said meeting.
  - 31.0.2.1 Grievances resulting from the actions of a department other than an employee's work unit shall be heard by the Executive Manager from that department.
- 31.0.3 Third Step: Grievances alleging violations of the Personnel Ordinance or the Personnel Rules, any alleged violation of commonly accepted safety practices and procedures, or any discipline imposed under the provisions of the Personnel Rule 10 that are not satisfactorily resolved at the Second Step shall be submitted to arbitration. Submission must occur within thirty (30) days after the Executive Manager's answer is received by the grievant.
  - 31.0.3.1 Final & Binding Arbitration: If the grievant affirmatively agrees in writing, it shall be submitted to an impartial arbitrator. The arbitrator's award shall be final and binding on both parties and shall be consistent with and controlled by the Personnel Rules, Ordinances, and Charter of the City of Anaheim and the laws and Constitution of the State of California. The standards of review of the arbitrator's final and binding award shall be in accordance with §1285 seq of the California Code of Civil Procedure.
  - 31.0.3.2 Advisory Arbitration: If the grievant rejects final and binding arbitration, it shall be submitted to an impartial arbitrator for an advisory award. The arbitrator's award shall be submitted to the City Manager for a final determination, and shall not be binding on either party. The City Manager may affirm, reverse, or modify the impartial arbitrator's advisory award as he/she deems appropriate, and the City Manager's decision shall be final and binding on the parties. The standards of review of the City Manager's final decision shall be in accordance with §1094.5 et seq of the California Code of Civil Procedures.
- 31.0.4 In order to request arbitration, the grievant shall serve written notice to the Human Resources Director specifying the grievance to be submitted. Within sixty (60) days thereafter, the parties shall attempt to agree to the issue to be submitted for arbitration and select the arbitrator.
  - 31.0.4.1 Failure by the grievant to request arbitration within thirty (30) days of receipt of the Second Step response will conclusively be deemed abandonment of the right to arbitration.

31.0.4.2 Failure to take action to compel arbitration within ninety (90) days of the date the grievant submits the request to arbitrate will conclusively be deemed abandonment of the right to compel arbitration.

- 31.0.5 All administrative expenses of arbitration shall be borne by the City. Administrative expenses shall include the arbitrator's fee, costs for a court reporter and transcripts from the hearing, rental of any facilities for conduct of the arbitration. Administrative fees shall not include any costs or fees related in any manner to the representation of the grievant at the arbitration or otherwise.
- 31.0.6 The arbitrator will be requested by the parties to render his decision in writing as quickly as possible but in no event later than sixty (60) days after the conclusion of the hearings or filing of closing briefs if applicable, unless the parties agree otherwise.
- 31.0.7 No supervisor shall be represented in grievance matters by an employee whom he/she may supervise.
- 31.0.8 No employee shall be represented in grievance matters by a supervisor for whom he/she may work.

Section 31.1 An employee who has been suspended, demoted, or dismissed may be reinstated to his or her position as a result of a successful appeal through the grievance procedure. In the event of such reinstatement, the employee shall be returned to his/her former status of employment, including reinstatement of seniority and accrued fringe benefits. In such cases, the City Manager, in his or her discretion, may order the payment of back pay to a reinstated employee in any amount up to payment for the full period of time involved. In implementing an arbitrator's final and binding award, the City Manager shall order the payment of back pay to a reinstated employee in the amount provided in the arbitrator's award. It shall be conclusively presumed that there is no award of back pay to a reinstated employee unless specifically set forth in the written order of the City Manager. Any earnings of the reinstated employee from other employment during his period of suspension shall be deducted from the amount of back pay ordered by the City Manager unless contrary to the provisions of an arbitrator's award.

Section 31.2 Any grievance not presented and/or carried forward by the employee within the time limits specified in Sections 31.0.1, 31.0.2, and 31.0.3 shall be deemed null and void, provided, however, the employee and the City representative may agree to extend said time limits.

Section 31.3 Any adoption, deletion, or review of City policy as may be suggested or recommended by an employee shall not be considered to be a matter subject to review through the grievance procedure.

Section 31.4 The provisions of this Rule shall apply to all confidential, management, and non-represented part time employees.

Doc: rule31F/vkilmur/convert/personnel  
Revised 4/1988 (Resolution No. 88R-166)  
Revised 2/1992  
Revised 6/2008

## RULE 32. PAID LEAVE PROGRAM

Section 32.0 Effective June 30, 2006, Full-time management employees in the classified service with an average, regular work week of fifty-six (56) hours shall accrue paid leave time in accordance with the following conditions:

- 32.01 For the first four (4) years of continuous, full-time service, such employees shall accrue paid leave at the rate of 9.75 hours for each complete biweekly pay period (253.5 hours or 10.5625 shifts per year). Effective June 29, 2007, such employees shall accrue paid leave at the rate of 10.75 hours for each complete biweekly pay period (279.5 hours or 11.6458 shifts per year).
- 32.02 Upon completion of four (4) years of continuous, full-time service, such employees shall accrue paid leave at the rate of 10.5 hours for each complete biweekly pay period (273.0 hours or 11.375 shifts per year). Effective June 29, 2007, such employees shall accrue paid leave at the rate of 11.5 hours for each complete biweekly pay period (299.0 hours or 12.4583 shifts per year).
- 32.03 Upon completion of eight (8) years of continuous, full-time service, such employees shall accrue paid leave at the rate of 12.0 hours for each complete biweekly pay period (312.0 hours or 13.0 shifts per year). Effective June 29, 2007, such employees shall accrue paid leave at the rate of 13 hours for each complete biweekly pay period (338.0 hours or 14.0833 shifts per year).
- 32.04 Upon completion of fourteen (14) years of continuous, full-time service, such employees shall accrue paid leave at the rate of 13.25 hours for each complete biweekly pay period (344.5 hours or 14.3542 shifts per year). Effective June 29, 2007, such employees shall accrue paid leave at the rate of 14.25 hours for each complete biweekly pay period (370.50hours or 15.4375 shifts per year).
- 32.05 Upon completion of nineteen (19) years of continuous, full-time service, such employees shall accrue paid leave at the rate of 14.75 hours for each complete biweekly pay period (383.5 hours or 15.9792 shifts per year). Effective June 29, 2007, such employees shall accrue paid leave at the rate of 15.75 hours for each complete biweekly pay period (409.50hours or 17.0625 shifts per year).

Section 32.1 An employee requesting paid leave time for an absence from work as a result of any injury or illness which comes under the State of California Worker's Compensation Insurance and Safety Act after eligibility for Industrial Accident Leave has ended shall receive maximum compensation from the City in an amount equal to the difference between temporary disability payments mandated by the State of California Worker's Compensation Insurance and Safety Act and his regular basic rate of pay.

Section 32.2 Paid leave time shall continue to accrue in accordance with the above provisions during any period of leave with pay except that employees who remain on Industrial Accident Leave after exhausting State mandated 4850 benefits shall accumulate no paid leave time.

Section 32.3 Paid leave time in excess of three (3) consecutive work shifts shall require the prior authorization of the Fire Chief or a certification from a licensed medical practitioner that the employee is disabled and unable to work. Paid leave time for reasons other than illness or injury shall be scheduled and taken in the best interests of the City and the Fire Department. Failure on the part of the employee to comply with these requirements may be considered for disciplinary action.

Section 32.4 An employee shall have one (1) hour deducted from his accrued paid leave time for each hour of paid leave time taken.

Section 32.5 The minimum amount of paid leave time that may be taken at any time is one (1) hour.

Section 32.6 The maximum amount of paid leave time that may be taken at any time shall be that amount that has accrued to the employee.

Section 32.7 An employee who utilizes paid leave time under the provisions of this Rule shall inform his/her immediate supervisor of the fact and the reason as soon as possible and shall ensure that his/her position is manned in accordance with Fire Department operating policies.

Section 32.8 In the event that an employee leaves work during working hours and is placed on paid leave time prior to the close of the work day, such paid leave time shall be calculated to the nearest hour.

Section 32.9 Paid leave time which is accrued but not taken shall be paid under the following conditions:

32.9.1 Upon termination, the employee shall be paid for all hours accrued but not used in excess of two hundred forty five (245). In the event the employee retires from City service, all hours accrued but not used up to a maximum of the two hundred forty five (245) shall be reported as unused sick leave for additional service credit in accordance with the contract between the City and the Public Employees Retirement System.

32.9.2 An employee shall be paid at his regular hourly rate of pay for all paid leave time hours accrued but not used in excess of three hundred fifty (350) hours (or at the employee's option in excess of seven hundred fifty (750) hours) in each calendar year. Payment shall be made in January of each year.

32.9.3 An employee may be paid at his regular hourly rate of pay for all or a portion of paid leave time hours accrued but not used in excess of two hundred forty five (245) hours upon submission of a written and signed request to the Finance Department, Payroll Office. Requests submitted during any biweekly pay period shall be paid on the payday for that pay period. A maximum of four (4) such payments shall be allowed each calendar year. When requested, such payments may be diverted to the employee's Deferred Compensation account, within limits established by law.

Section 32.10 In the event an employee's work schedule changes from a forty (40) hour assignment to a fifty-six (56) hour assignment, the paid leave account shall be established as follows:

32.10.1 Sick leave and vacation hours accumulated shall be added together, multiplied by the ratio of 56/40 (1.4), and rounded to the next highest whole hour.

32.10.2 The employee's paid leave account shall be credited with the hours resulting from this calculation and shall be immediately available for use.

Section 32.11 In the event an employee's work schedule changes from a fifty-six (56) hour assignment to a forty (40) hour assignment, paid leave time accrued but not taken shall be converted as follows:

32.11.1 Hours in the employee's paid leave time account shall be reduced by multiplying the balance by the ratio of 40/56 (.7143) rounded to the next highest whole hour.

32.11.2 The employee's account balance for sick leave with pay shall be credited with all hours to a maximum of one hundred seventy five (175) and shall be available for immediate use.

32.11.3 The employee's account balance for vacation with pay shall be credited with any hours remaining and shall be immediately available for use.

Section 32.12 In the event an employee's work schedule changes from a forty (40) hour assignment to a fifty-six (56) hour assignment after June 29, 2007, the employee's Paid Leave account shall be credited with one (1) hour of Paid Leave for each complete pay period during which the employee was assigned to the 40 hour assignment; except that there shall be no credit for time in a forty (40) hour assignment prior to June 29, 2007. Paid Leave credited to an employee's account pursuant to this Section shall be in addition to any other Paid Leave entitlement an employee may have under the provisions of Section 32.0.

32.12.1 It is the intent that employees promoted from a 40 hour assignment shall receive credit for time worked between June 29, 2007 and their date of promotion as described in Section 32.12 above upon returning to a fifty six (56) hour assignment or as described in Section 32.12.2 below upon their separation from City service.

32.12.2 In the event an employee who is in a forty (40) hour assignment separates City service for any reason, the employee shall be credited with additional accrued vacation equal to the ratio of 40/56 (.7143) hours for each complete pay period during which the employee was assigned to the 40 hour assignment; except that there shall be no credit for time in the forty (40) hour assignment prior to June 29, 2007.

Section 32.13 Paid leave time shall be used under the provisions of this Rule for absences as the result of a non-occupational illness or injury for up to ten (10) regularly scheduled work shifts per occurrence. In the event such an absence exceeds ten (10) regularly scheduled work shifts, an employee may, at his option, use accrued paid leave time in lieu of the disability benefit described in Section 32.13. When exercising such an option, the employee shall exhaust all accrued paid leave time prior to receiving any disability benefit for the remainder of the STD benefit period.

Section 32.14 An employee who is continuously and totally disabled for more than ten (10) regularly scheduled work shifts shall be eligible to receive a disability benefit of net sixty percent (60%) of his base rate of pay, after withholding taxes and less deductible benefits. Such disability benefit shall continue during total disability up to a maximum of six (6) months from date of disability.

- 32.14.1 Deductible benefits include salary or other compensation paid by any employer, Worker's Compensation Act, or similar law including benefits for partial or total disability, whether permanent or temporary if benefits being received are for the current disabling condition; a pension plan toward which the City contributed.
- 32.14.2 Total disability means an employee's complete inability to engage in his regular occupation.
- 32.14.3 Benefits are not payable unless the employee is regularly seen and treated by a licensed physician or medical practitioner who certifies to the continuing disability.

Section 32.15 If two or more periods of total disability occur during a specific six month elimination period for insured LTD plan, all such periods shall be considered as one period of continuous total disability under the following conditions:

- 32.15.1 All periods of total disability must be due to the same cause or causes; and
- 32.15.2 All recurring periods of total disability that qualify as one period of continuous total disability for the insured LTD plan, shall qualify as one period of continuous total disability for the City Disability Plan and shall not require a new one month waiting period before the City Disability Benefits will be paid; and
- 32.15.3 Commencement of the benefit period for the insured LTD plan shall automatically terminate benefits from the City Disability Plan.

Section 32.16 An employee who is continuously and totally disabled for more than six (6) months shall receive long term disability benefits in accordance with the provisions of Rule 23.

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### RULE 33. POST RETIREMENT MEDICAL BENEFITS

33.0 Retired employees (Miscellaneous and Safety) who are receiving a post-retirement medical benefit from ANAHEIM on the date the City Council approves this RULE revision, shall continue to receive such benefits in accordance with the provisions of Personnel Rule 33 that was in effect at the time of their retirement.

33.1 Regular, full-time employees (Miscellaneous and Safety) covered by this RULE who are enrolled as a subscriber in a City-sponsored health plan at the time of separation from ANAHEIM service shall be eligible to participate in any ANAHEIM sponsored health plan (medical and dental) as a retiree subject to the following terms and conditions:

- 33.1.1 The employee must be credited with at least five (5) years of continuous, full-time ANAHEIM service on the date of retirement, and
  - 33.1.2 The employee must have been awarded a retirement from the Public Employees' Retirement System ("PERS") as the reason for separation from ANAHEIM service, and
  - 33.1.3 PERS retirement benefits must commence no later than the first day of the month following the date of separation from ANAHEIM service, OR
  - 33.1.4 The employee must have been awarded a disability retirement (Ordinary or Industrial) from PERS as the reason for separation from ANAHEIM service.
  - 33.1.5 An employee who has completed twenty (20) consecutive years of service with ANAHEIM as a certified Firefighter or sworn Police Officer and who has prior service as a certified Firefighter or sworn Police Officer with another California Fire Agency or Law Enforcement Agency shall receive up to three (3) years of additional service credit for the purpose of calculating ANAHEIM's contribution towards post-retirement medical benefits. Fire Safety Management employees who have completed five or more years of continuous full-time Anaheim service and who terminate employment with Anaheim and are subsequently reinstated within three years of their date of separation shall be credited with prior service for the purpose of calculating continuous full-time Anaheim service upon completion of all of the vesting requirements of Section 33.1
- 33.2 For all regular, full-time employees hired prior to January 1, 1996 who meet the requirements for participation in any Anaheim sponsored health plan as a retiree, the City shall provide separate contributions towards the premium costs of the ANAHEIM sponsored medical and/or dental plans elected by the employee according to the following schedule:
- 33.2.1 For Service Retirements, the contributions shall be a percentage of the annual contributions made by ANAHEIM on behalf of active employees, the percentage equal to one and one-half (1.5) times the miscellaneous 2% @ 60 PERS retirement schedule to a maximum contribution of 95% based on the employee's age at retirement and ANAHEIM service accrued through December 31, 2005. . ANAHEIM service shall be calculated to the nearest complete one-quarter (1/4) year.
  - 33.2.2 The percentage shall be one and two-tenths (1.2) times the 2% @ 50 Local Public Agency Safety PERS retirement schedule for employees in classifications assigned to the Safety retirement group. Such percentage shall not exceed ninety-five percent (95%) and shall be based on the employee's age and consecutive years of Anaheim service at the time of retirement. Anaheim service shall be calculated to the nearest complete one quarter (1/4) year.
  - 33.2.3 For Disability Retirements, the contribution shall be a percentage of the annual contributions made by ANAHEIM on behalf of active employees, the percentage equal to 2% for each year of service to a maximum contribution of 95% based on the employee's consecutive years of City service for Safety and on City service accrued through December 31, 2005 for Miscellaneous. ANAHEIM service shall be calculated to the nearest complete one quarter (1/4) year.
  - 33.2.4 In the event an employee is eligible for both a Service and a Disability Retirement benefit under this RULE, the employee shall receive the Service Retirement benefit.
  - 33.2.5 The ANAHEIM contribution shall be based on the Two Party or Family rate only for those employees who properly enroll a dependent spouse or registered domestic partner and/or other family members prior to retirement, and shall continue only as long as the retiree maintains coverage for such

dependents in City sponsored health plans. Nothing in this RULE shall prevent a retiree from properly enrolling new dependents at the retiree's cost.

33.3 For regular, full-time employees hired after January 1, 1996 that meet the requirements for participation in any Anaheim sponsored health plan as a retiree, there shall not be any City contribution towards the premium costs of the ANAHEIM sponsored medical and/or dental plans.

33.4 The following conditions shall apply to all retirees (Miscellaneous and Safety) who are participating in the City sponsored health plans:

33.4.1. Retirees shall be required to enroll in Medicare Parts A and B upon establishing eligibility. Failure to enroll when eligible will result in cancellation of coverage.

33.4.2 The full value of any Medicare credits provided to ANAHEIM or Medicare surcharges imposed on ANAHEIM by virtue of a retiree's participation or non-participation in Medicare shall be passed on to the retiree in the form of reduced or increased premium costs.

33.4.3 The surviving spouse or registered domestic partner of the retiree may continue coverage under the same terms and conditions provided that the surviving spouse or registered domestic partner was properly enrolled at the time of the employee's retirement and that dependent coverage was continuously maintained during the employee's retirement.

33.4.4 Once cancelled for any reason, coverage shall not be reinstated.

33.4.5 Coverage shall be cancelled for non-payment of fees after three months in arrears.

33.4.6 There shall be Coordination of Benefits where other insurance exists.

33.4.7 Retirees may change plans and add dependents only during open enrollment period, except that the surviving spouse or registered domestic partner of a retiree may not enroll a new spouse or registered domestic partner.

33.5 The City Manager, City Attorney, City Treasurer and City Clerk hired prior to January 1, 2002, who are otherwise eligible under the provisions of this RULE shall receive a minimum benefit of seventy-five percent (75%). Any Employee (as defined in this RULE) who serves in one or more additional positions also eligible for benefits under this RULE, shall be entitled to a single benefit hereunder.

33.6 City Council and Redevelopment Agency Members elected on or after January 1, 2002, shall not be eligible for any post-retirement medical benefit under this Personnel Rule 33.

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