

Terms of Employment

Section 1.1

PURPOSE

To specify and define employment terms for uniform use and interpretation.

DEFINITIONS

Acting/Interim Appointment:

A temporary appointment of a qualified candidate made to a regular full-time or part-time position where there is no appropriate list of eligible persons, or when there are an insufficient number of persons on an appropriate list who are willing to accept such appointments, and when all other recruitment measures have been exhausted. Such appointment shall expire when an eligible list has been prepared and a regular appointment made, or within the fiscal year time limits allowed by CalPERS and/or any other applicable laws. The HR/RM Director must certify eligibility of such appointment prior to making an appointment.

The City Manager may authorize an acting appointment for an authorized leave of absence where the incumbent has reinstatement rights or for an extended recruitment. Upon reinstatement of the incumbent or hiring of an individual, the acting employee shall be returned to the position previously held.

Appointments:

An appointment is the offer, by the appointing authority and acceptance by a person eligible under City policies and laws, of a position in City employment that is made in accordance with approved policies, procedures, and terms and conditions of employment agreed to by the respective bargaining agents of the represented classification. Specific types of appointments to positions in the City are regular classified or non-classified service, part-time non-classified service, temporary non-classified service, acting/interim capacity, or based on an emergency need.

Classified Employees:

Full-time regular employees who participate in a competitive examination process and retain a property interest in their jobs after successful completion of their probationary periods. All full-time employees, excluding those in non-classified or temporary positions, within the classification system adopted by the City Council from time to time are classified employees. These employees are regularly scheduled forty (40) hours per week or a City-approved alternative work schedule and are entitled to full benefits from the City. Classified employees have a property interest in their positions once they have satisfactorily completed their probationary periods.

Contract Employment (Independent Contractors):

The practice of engaging individuals under contract for personal services may be utilized only where it has been demonstrated that an employer-employee relationship does not exist, and in accordance with any applicable MOU. All such contracts for personal services must be approved as to form by the City Attorney.

Emergency Appointments:

Where an emergency or other temporary need exists for additional help or appointments outside of the hiring process, which are not addressed in this policy statement, a Department Head may, subject to the approval of the City Manager and HR/RM Director, implement one or more of the following hiring methods in his/her discretion:

- Emergency Direct Hire:
Hire any individual considered qualified for emergency work for a period not to exceed fourteen (14) calendar days at any one (1) time.
- Temporary Agency:
Utilize the services of an agency supplying temporary, short-term, or emergency help for a period not to exceed ninety (90) calendar days.

Full-time Non-Classified Employees:

Employees who are regularly scheduled to work at least forty (40) hours per week and do not retain property interests in their jobs. These employees are entitled to full benefits from the City. Non-classified full-time employees serve at the pleasure of the appointing authority and have no property interest in their positions, other than as may be established in an at-will employment agreement approved by the City Council from time to time.

A full-time non-classified position is created when it is the determination by the City Manager that the City requires a classification to perform top-level administration, managerial, professional, and/or confidential functions with direct accountability to the City Council. Upon reasonable notice to the affected employees and bargaining agent(s) of the applicable bargaining unit(s), the City Manager may from time to time, create other full-time non-classified positions as appropriate. No changes in the classification plan will be made without the approval of the City Council and upon completion of the meet and confer process with the bargaining agent(s) of the applicable bargaining unit(s).

Non-Classified (Executive) Positions:

The following positions are the established full-time non-classified positions of the City:

- City Manager
- Assistant City Manager
- Economic Development Director
- Finance Director
- Human Resources and Risk Management Director
- Parks, Recreation, and Community Services Director
- Public Works and Utilities Director
- Police Chief

Part-time Appointment (Non-Classified Service):

An appointment made from a certified eligible list to a budgeted position. All appointments in this category shall be designated “at-will” and shall serve at the option of the City.

Part-time Employees:

Employees who are hired to work less than forty (40) hours per week on a regular basis. Employees in these positions serve at the will of the City Manager and do not have any property interest in their jobs. At-will employment has no definite or determinable period of time, and may, regardless of the date of payment of the employee’s wages or salary, be terminated at any time, for any reasons or for no reason at all, with or without advanced notice, at the option of the City. These employees work on an hourly basis and are eligible for overtime, but are not eligible for any other benefits not required by law.

Part-Time Position:

A position established to provide service on a part-time, ongoing basis into the future whereas the work schedule involved is less than forty (40) hours per week on average. Such work schedule may be of an irregular nature including short shifts at various times and on various days of the week.

Positions:

A position is the basic unit of an organization within the classification system adopted by the City Council from time to time and the corresponding duties and responsibilities assigned by management that requires the full or part-time employment of one person. Specific types of positions in the City organization are regular full-time, part-time, and temporary.

Regular Appointment (Classified Service):

An appointment made from a certified eligible list to a budgeted position and subject to successful completion of a probationary period.

Regular Appointment (Non-Classified Service):

An appointment made by the City Manager, or other City official designated to hire outside the classified service. Such appointments shall be made to an authorized position typically from a certified eligibility list. All appointments in this category shall be designated "at-will" and subject to the terms and conditions of an at will employment agreement approved by the City Council from time to time.

Regular Full-Time Position:

A position established to provide service on a full-time, ongoing basis into the future.

Seasonal Position:

A position established to fill an operational need to perform work in support of City operations for a limited period of six (6) months or less in the same time period of the year, such as summer or winter, based on programming and project needs.

Temporary Appointment (Non-Classified Service):

An appointment to a position established for a definite length of time, for a special project that shall cease to exist at the end of a stated time, for a regularly recurring need, or to alleviate cyclical or peak workloads. Such appointment is not to exceed twelve (12) months without the written approval of the City Manager. No benefits are provided, except as required by law.

The City Manager or designee may authorize the temporary appointment of a qualified individual designated by a department head to a grant-funded position or a specially budgeted project that exceeds eighteen (18) months. Full benefits or mandatory benefits only may be authorized depending on the terms and conditions of the grant.

Temporary Employees:

Employees in these positions serve at the will of the City Manager and do not have any property interest in their jobs. At-will employment has no definite or determinable period of time, and may, regardless of the date of payment of the employee's wages or salary, be terminated at any time, for any reasons or for no reason at all, with or without advanced notice, at the option of the City.

These employees are not exempt from the Fair Labor Standards Act (FLSA) and are hired only for a specified limited period of time. There is a twelve (12) month employment period limit for all temporary appointments. However, with written justification from the appointing department and City Manager approval, an extension of no more than six (6) months may be granted. In no event shall a temporary employee be allowed to work more than eighteen (18) months in the same

classification unless approved by the City Manager due to special circumstances. This limitation of the term of employment also applies to dual classifications. These employees are eligible for overtime, but are not eligible for any other benefits not required by law.

Temporary Position:

A position established to provide a specified limited period of service. Such positions may be filled on a full-time or part-time basis.