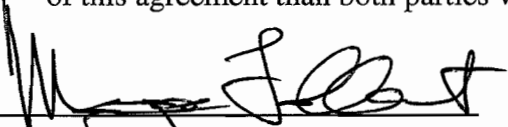


**A CONTRACT EXTENSION AGREEMENT BETWEEN THE
CITY OF TULARE AND
THE TULARE POLICE OFFICERS UNION**

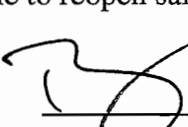
1. The said parties agree the term of the contract shall be July 1, 2010 until June 30, 2011.
2. For the fiscal year 2010/11 sworn officers represented by this unit shall be allowed to cash 40 hours of vacation time. Officers must have a minimum of 120 hours of vacation time accrued to use the cash out benefit. This item is only agreed to in the 2010/11 fiscal year and will not be carried over into future years.
3. For the fiscal year 2010/11 sick leave buy back for annual max overages to be paid at 50% instead of the current 25%. This does not change the rate at separation from employment. This item is only agreed to in the 2010/11 fiscal year and will not be carried over into future years.
4. One (1) personal day off shall be granted per officer. This time shall be placed in a separate leave bank and shall have no cash value. The day must be used prior to the last full pay period in June 2011 or it will be removed from the leave bank. The amount of time allocated will be based upon shift assignment being either an eight (8) hour or twelve (12) hour credit. This item is only agreed to in the 2010/11 fiscal year and will not be carried over into future years.
5. 100.00 per year uniform allowance increase.
6. Reopener in the spring of 2011 to finalize health insurance stipends for a three tier system
7. The said parties agree that if any other bargaining unit gets a salary increase during the term of this agreement than both parties will be able to reopen salary discussions.



Margee Fallert, Administrative Services Dir.

6-16-10

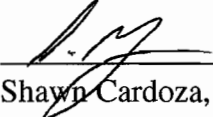
Date Signed:



Brian Haney, Police Representative

 5.11.2010

James Kelly, Police Representative



Shawn Cardoza, Police Representative

Date Signed:

MEMORANDUM OF UNDERSTANDING
July 1, 2009 through June 30, 2010
A MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF TULARE AND
THE TULARE POLICE OFFICERS UNION

I. RECOGNITION

The City acknowledges the Tulare Police Officers Union as the recognized employee organization representing the sworn non-management employees in the Tulare Police Department.

I. PURPOSE

It is the purpose of this Memorandum of Understanding, entered into pursuant to the Meyers-Milius-Brown Act of the California Government Code, Sections 3500 Through 3510, to promote and provide for harmonious relations, cooperation and understanding between the City and the employees covered herein, to provide for an orderly and equitable means of resolving any misunderstandings or differences which may arise under this Memorandum and to set forth the understandings of the parties reached as a result of good faith bargaining. The articles and provisions contained herein constitute a bilateral and binding Agreement by and between the City of Tulare and the Tulare Police Officers Union, upon ratification of the Tulare City Council

I. NON-DISCRIMINATION

The City agrees to act pursuant to section 3502 of the Government Code relative to employee rights to representation. No employee shall be intimidated, coerced, restrained or unlawfully discriminated against because of the exercise of these rights. The provisions of the Memorandum shall be applied equally to all employees covered hereby without favor or discrimination because of race, color, age, sex, national origin, political or religious affiliation.

I. MAINTENANCE OF BENEFITS

The City and the Tulare Police Officers Union agree to meet and confer on any proposed changes to Title I, Chapter 14, Sections 1-13 of the City Code of Tulare, California and Resolution No 2537, Rules and Regulations for the Administration of the City of Tulare Merit Personnel System which may have a direct impact on employees represented by the Police Officers Union within thirty (30) days upon written request of either party throughout the term of this Memorandum of Understanding.

I. CITY AUTHORITY

The City shall retain all legal or inherent exclusive City rights with respect to matters of general legislative or managerial policy, which include, among others: The exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment; direct employees; take disciplinary action; relieve its employees from duty because of lack of work or for other

legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel of which governmental; operations are to be concluded; take all necessary actions to carry out its mission in emergencies and exercise complete control and discretion over its organization and the technology of performing its work. The Union and its members, officers and representatives agree that they will not cause or condone any strike, slow down, or sick out during the term of this Agreement.

I. EMPLOYEE RIGHT TO REPRESENTATION

Any regular employee has the right to representation by a person of his/her choice at a proposed disciplinary proceeding and at meetings that may have a negative impact on the employee's employment relationship with the City of Tulare. If such a meeting is set, the employee shall be notified of same and of their rights under this section.

I. AVAILABILITY OF RULES AND REGULATIONS

It shall continue to be the policy of the City to provide at least one current copy of Resolution No. 2537 (Rules and Regulations for the Administration of the City of Tulare Merit Personnel System) at each departmental or divisional office. A copy of said document shall be available and may be loaned to any employee who so requests. At these same locations, the City shall post information regarding job openings.

I. WORK ACCESS AND EMPLOYEE INFORMATION

The Union may have access to work locations for the posting of employee information, investigation of employee grievances, for representation of employees at grievance and disciplinary hearings and during non-work times for discussions with employees of issues and events when approved by the Personnel Officer. A reasonable number of locations for posting employee information shall be made available by the City. Copies of materials to be posted shall be sent to the Personnel Officer.

I. NOTICE OF CHANGE OF WORK RULES

Except in cases of emergency when the City determines that it must act immediately, the City shall give the Union reasonable notice of any ordinance, rule, resolution or regulation affecting the Union or represented employees and directly relating to matters within the scope of representation proposed to be adopted by the City Council.

I. SALARY

Effective the first full pay period in July 2009 compensation for a Police Officer and a Police Corporal will increase one and a half percent (1.5%) for an equity adjustment.

Police Officers assigned traffic duties in the Traffic Division shall receive a 5 per cent salary differential. Said salary differential shall commence upon assignment and shall terminate when

the individual is no longer assigned traffic duties in the Traffic Division.

The parties agree to use the cities of Hanford, Porterville, Visalia, Tracy, Madera, Manteca, Turlock, and Merced for total compensation comparisons. It is further agreed to use the same categories which were surveyed in the 1995 compensation study.

I. SEVERABILITY

If any provision of this agreement or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Memorandum or the application of such provision to persons or circumstances other than those as to which is held invalid shall not be affected thereby and both parties shall meet and confer for the sole purpose of arriving at a mutually satisfactory replacement for such invalidated provision.

I. RENEGOTIATION

In the event either party hereto desires to negotiate the provisions of a successor Memorandum of Understanding, such party shall serve upon the other its written request to commence negotiations.

I. PROVISION REGARDING AMERICANS WITH DISABILITIES ACT

Because the American with Disabilities Act (ADA) requires accommodations for individuals protected under the Act, and because these accommodations must be determined on an individual, case-by-case basis, the parties agree that the provisions of this Agreement may be disregarded in order for the City of Tulare to avoid discrimination relative to hiring, promotion, granting permanency, transfer, layoff reassignment, termination, rehire, rates of pay, job and duty classification, seniority, leaves, fringe benefits, training opportunities, hours of work or other terms and privileges of employment.

The Tulare Police Officers Union recognizes that the City of Tulare has the legal obligation to meet with the individual employee to be accommodated before any adjustment is made in working conditions. The Tulare Police Officers Union will be notified of these proposed accommodations prior to implementation by the City of Tulare.

Any accommodation provided to an individual protected by the ADA shall not establish a past practice, nor shall it be cited or used as evidence of a past practice in the grievance/arbitration procedure.

I. TERM

The provisions of the Memorandum of Understanding shall continue through and include June 30, 2010. The parties agree to reopen the meet and confer process for further discussion on or after April 1, 2010.

I. COMPENSATION AND HOURS

SEC.403 APPLICATION OF SALARY RANGES AND RATES

b. Promotion

Any employee receiving a promotion shall start at the first step of the salary range of the class to which he/she is promoted and be eligible for merit increases as elsewhere provided, unless his/her present salary is equal to or exceeds the first step of the class to which he/she is promoted. In that event, the employee shall be assigned to the step in the salary range to which he/she is promoted that is the equivalent of approximately a 5 percent and not to be less than 4 percent increase in salary for sworn police officers.

SEC. 406 STANDARD WORK PERIODS

The standard work period for city employee shall be as follows:

c. Sworn Police Officers

The standard work period for sworn Police Officers shall be 86 hours within a fourteen (14) consecutive day period.

SEC. 407 EXCEPTIONS TO STANDARD WORK PERIODS

a. The City Manager is hereby authorized to designate other work periods to other employees when, in his opinion, the best interests of the city may be served by such adjustment of standard work periods and hours. The procedure for making adjustments in the standard work period in hours shall be consistent with provisions of Section 3504.5 of the Government Code.

SEC. 410 COMPUTATION OF SALARY

Salaries for all authorized city positions are set forth in the City Compensation Plan. Conversion of monthly salaries to hourly rates shall be determined by dividing the monthly salary by 173.333 for non-shift employees, 186.33 for twelve (12) hour shift employees and for twenty-four (24) hour shift employees the monthly salary shall be divided by 242.666 based on a 56 hour work week.

SEC. 411 OVERTIME POLICY: DEFINITION

It is the policy of the City of Tulare that overtime work be kept to the minimum consistent with the protection of life, property and the efficient operation of the departments and activities of the city and that overtime work be compensated for with time off where practical. Overtime work shall be authorized only with the prior authorization of the department head or, in emergencies where prior department head authorization cannot be issued, first line supervisors may approve overtime. Overtime work for all eligible employees, except where otherwise provided in SEC. 415, SEC. 416 and SEC. 417, shall be defined as any time worked beyond forty (40) hours in a standard work week. The use of sick leave, vacation and holidays shall be

included in the definition of time worked.

SEC. 416 OVERTIME COMPENSATION: POLICE OFFICERS AND POLICE CORPORALS

a. General Provisions

Police Officers shall be paid overtime or receive compensatory time off for all time worked beyond eighty-six (86) hours within a fourteen (14) day duty period on a time and one-half basis. There shall be granted a minimum of two (2) hours overtime for employees called back to work after having been released. Court "stand-by" compensation shall be compensated at the rate of time and one-half for two hours in the morning and two hours in the afternoon. Court call-back compensation shall remain at two hours at time and one-half whenever called. An Officer shall not be compensated for court stand-by and court call-back for the same morning or afternoon block of time. Off duty Police Officers required to attend monthly firearms qualifying sessions shall be granted one hour overtime per month in lieu of any travel time and expenses related to these qualifying sessions as long as the firearms range is not in the Tulare area. Overtime shall be granted for sworn Police Officers required to be instructors of in-service training courses. One (1) hour of overtime shall be granted when a work shift is affected by the time change from daylight savings time to standard time. Payment for a full work shift shall be granted when time changes from standard time to daylight savings time.

b. Compensation for Position of Acting Sergeant or Commander

When Police Officers are required to serve in an acting position of Police Sergeant or Police Commander for five or more shifts in a thirty-five (35) consecutive day period, such acting ranks shall be compensated for at a rate of \$6.00 per shift for the rank of Acting Police Sergeant and \$9.00 per shift for the rank of Acting Police Commander. The thirty-five (35) day period shall commence with the first shift scheduled in an acting position and terminate thirty-five (35) days thereafter. Such pay for acting positions shall be included on the employee's paycheck as overtime and paid in accordance with those procedures administered by the Finance Department. Each thirty-five (35) day period to be established for compensation for acting ranks shall not overlap with a preceding thirty-five (35) day period and shall not be required to immediately begin upon termination of a thirty-five (35) day period. Police Corporals shall not receive acting pay when acting as Sergeant.

c. Compensation for Investigations Stand-By

Officers assigned to the Investigations Division who are required to be on stand-by shall be compensated at the rate of \$2.00 per hour exclusive of any other provisions of the City of Tulare Personnel Rules and Regulations. Stand-by

compensation for said officers shall not exceed 126.75 hours in any seven day period. If an employee on stand-by is called back to work, those hours for which he is compensated will not be considered stand-by. No more than one officer can be on stand-by at any given time.

SEC. 418 OVERTIME CONDITIONS: LOCAL PERIL OR DISASTER

In case of disaster, state of extreme emergency or local peril, the overtime procedures herein established shall not be in effect and compensation procedures will be determined at that time for such conditions.

SEC. 419 DEDUCTIONS

Deductions from employees pay shall be made in accordance with prevailing laws, contracts and administrative rules and procedures established by the City Manager.

SEC. 420 PAID HOLIDAYS

- a. Regular Holidays for Pay Purposes
Holidays for all officers and employees of the public offices of the City of Tulare shall be as follows:
 1. January 1 (New Year's Day)
 2. The third Monday in January (Martin Luther King, Jr. Birthday)
 3. The third Monday in February (President's Day)
 4. The last Monday in May (Memorial Day)
 5. July 4 (Independence Day)
 6. The first Monday in September (Labor Day)
 7. November 11 (Veterans Day)
 8. The fourth Thursday in November (Thanksgiving Day)
 9. The day after Thanksgiving Day
 10. December 25 (Christmas Day)
 11. The employee's date of birth
 12. Two days in lieu of September 9 (Admission Day) and the second Monday in October (Columbus Day), subject to the same rules and regulations as annual vacation leave and shall be credited to the employee as of July 1 for the current calendar year. Any new or reappointed employee whose appointment begins after July 1 of any year shall not be credited for the two in-lieu holidays until the following July 1. Any regular employee who is on a non-pay status July 1 shall be credited with the two in-lieu holidays immediately upon returning to a pay status.

13. Every day appointed by the President of the United States or the Governor of California for public fast, thanksgiving, mourning or holidays as determined by the City Manager.

If any of the foregoing holidays fall on Saturday, the preceding Friday shall be observed as a holiday. If any of the foregoing holidays fall on a Sunday, the Monday following shall be observed as a holiday. If any of the foregoing holidays fall on an employee's normal day off, except Saturday or Sunday, they shall be credited to vacation.

- c. Sworn Police Shift Personnel

Sworn Police shift personnel shall receive twelve days (96 hours) of annual vacation in lieu of holidays. In lieu of taking off six of the twelve days granted in lieu of holidays, each sworn Police shift personnel shall be paid for the six days on the first paycheck in December.

- e. Paid Days in Lieu of Holidays at Termination

Regular employees of the Police and Fire Departments leaving municipal service with accrued pay days in lieu of holidays who give at least two weeks of notice of their intention to terminate shall be paid the amount of accrued days in lieu of holidays to the day of termination. Payment for accrued days in lieu of holidays shall be at the employee's current rate of pay.

SEC. 421 COMPENSATION FOR WORK ON PAID HOLIDAYS

Regular and probationary employees assigned to work on holidays shall receive compensatory time off or pay in lieu of compensatory time off as recommended by the department head subject to the approval of the City Manager except as otherwise provided in SEC. 420(b), (c) and (d). All requests for holiday pay in lieu of compensatory time off shall be made by memorandum to the City Manager and approved by him in advance of payment by the Finance Department.

SEC. 422 COMPENSATION DURING ATTENDANCE OF A TRAINING COURSE DURING VACATION, HOLIDAYS, DAY OFF

City employees should feel free to attend training courses that are available during their vacation, holidays or days off if they so desire, however, compensation for attendance for training courses held during days off, weekends, vacations or holidays will be authorized only where employees have been directed by the department head to attend such on the following basis:

- a. Holidays

Employees directed to attend training courses will be compensated as provided in SEC. 421.

b. Vacations

Employees directed to attend training course held during their vacation days will be allowed to reschedule their vacation days.

c. Days Off or Off Duty Shifts

Employees directed to attend training course on their days off or off duty shifts will be compensated as provided in SEC. 412, 416 and 417. Whenever an employee is out of the city for a number of days on a training course, such as one week seminars, etc., the regular working schedule has no relationship to working hours while in school or in seminars and no special compensation other than regular pay and attendance expenses will be authorized. Under unusual circumstances, deviation from the foregoing procedure may be warranted by department heads, however, only after receiving approval from the City Manager.

SEC. 423 EDUCATION INCENTIVE: SWORN POLICE PERSONNEL

An education incentive program shall be available to all sworn employees of the Fire and Police Departments through the ranks of Assistant Fire Chief/Fire Marshal and Police Commander.

b. The education incentive program for sworn non-probationary Police Officers shall be as follows:

1. A payment of \$37.50 per month shall be granted with the completion of 30 units of acceptable college credit (20 units in Police Science) and two years of police service or an Intermediate POST Certificate.
2. A payment of \$75.00 per month shall be granted with the completion of 60 units of acceptable college credit (20 units in Police Science) and three years of police service or an Advance POST Certificate.
3. A payment of \$150.00 per month shall be granted for a Bachelors Degree in Public Administration, Criminal Justice Administration, Business Management or related field with a minor in Police Science and four years of police service.

c. The employee must provide validated evidence of education completed to the Personnel Officer prior to the granting of respective education incentive payments.

- d. A maximum of \$2,500 per fiscal year per employee shall be reimbursed for tuition reimbursement.

SEC. 424 BRIEFING TIME

Police employees required to attend pre-shift briefing sessions shall be compensated for that time at the employee's current rate of pay for a maximum of 15 minutes per shift, in accordance with SEC. 411, 412, 413 and 416.

SEC. 425 SICK LEAVE COMPENSATION

- b. Annual Compensation for Non-Twenty-Four (24) Hour Shift Personnel Each year 25 per cent (50 per cent for employees designated as Management and Confidential) of the earned sick leave exceeding 120 days shall revert to vacation or shall be compensated for at the employee's current rate of pay, at the option of the employee, and the total accumulation shall be reduced to 120 days. For employees hired on or after July 1, 2005 total accumulation shall be reduced to 60 days.
- d. Upon Retirement An employee having a minimum of ten (10) years of regular service with the City of Tulare shall be compensated for 35 per cent (50 per cent for employees designated as Management and Confidential) of his/her unused sick leave balance upon retirement, at his/her rate of pay at said retirement.

SEC. 427 COMPENSATION FOR FRACTIONS OF HOURS WORKED

Fractions of hours worked shall be compensated as follows:

- 0 - 7.5 minutes no payment
- 7.5 - 22.5 minutes .25 hour
- 22.5 - 37.5 minutes .50 hour
- 37.5 - 52.5 minutes .75 hour
- 52.5 - 60.0 minutes 1.00 hour

SEC. 428 INVESTIGATION ASSIGNMENT

Police Officers assigned investigative duties in the Investigations Division shall receive a 3 per cent salary differential. Said salary differential shall commence upon assignment and shall terminate when the individual is no longer assigned investigative duties in the Investigations Division.

SEC. 429 RETIREMENT COMPENSATION

- a. Non-Management Sworn Police Personnel
Nine percent of the employee's contribution to the Public Employees' Retirement System shall be paid by the city (7% in lieu of a 4 per cent salary increase in the 1982/83 fiscal year and in lieu of a 3 per cent salary increase in the 1986/87 fiscal year.

The city of Tulare has contracted with PERS for optional benefits. The coverage key reflects the following changes:

	Optional Benefit	Misc	Fire	Police
8.1	1 year final comp	12-14-1991	12-14-1991	12-14-1991
8.3	Sick leave credit	12-14-1991	12-14-1991	12-14-1991
8.4	1959 Survivor	03-21-1975	03-21-1975	03-21-1975
8.5	Military Sr Credit 76	06-30-1997	No	01-01-02
8.21	2% @55 Ret formula	no	12-08-1984	12-08-1984
8.22	Inc 59 Survivor	07-04-1980	07-03-1980	07-03-1980
8.40	2.5% @55 Ret formula	no	12-14-1991	12-14-1991
8.44	2% @55 Ret formula	06-30-1997	no	no
8.48	4 th lvl 1959 surv benefit	11-06-1998	01-01-2002	07-01-2005
	3% @55 Ret formula	no	01-01-02	01-01-02
	2.7% @55 Ret formula	07-01-06	no	No
	3% @50 Ret formula	no	no	01-01-07

SEC. 430 PERS SURVIVOR BENEFIT

e. Non-Management Police Personnel

The Public Employees' Retirement System 1959 Survivor Benefit shall be paid by the city effective July 16, 1988. Effective July 1, 2005 or as soon as possible the 1959 Survivor Benefit shall be increased to the 4th level.

SEC. 433 BILINGUAL PAY

Sworn public safety personnel, up through and including the rank of Police Lieutenant in the Police Department and Fire Battalion Chief in the Fire Department, shall receive an incentive bonus of two per cent (2%) incentive bonus for certification as being bilingual in accordance with standards established by the Human Resources Manager insuring that the said employee is competent and proficient in the language certified. (09/90&09/93) A re-certification shall occur every 3 years. An employee not passing the re-certification shall not continue to receive the incentive bonus.

I. ANNUAL VACATION LEAVE

SEC. 601 PURPOSE OF ANNUAL VACATION LEAVE

The purpose of an annual vacation is to allow an employee time to both mentally and physically refresh himself/herself in order that he/she be better able to carry out the duties of his/her position. To achieve this goal, it is the intention of the city to have the employee schedule a vacation for periods of at least one week.

SEC. 602 ELIGIBILITY FOR ANNUAL VACATION LEAVE

- a. Regular, Regular Part Time, Probationary and Temporary Employees

All regular, probationary and temporary employees, upon the completion of six months of continuous service, shall be eligible for vacation leave. The amount of time available for an employee's vacation shall be accumulated through the month immediately preceding the month in which the employee's vacation falls.

- b. Seasonal Part Time Personnel

Seasonal part time personnel shall not be eligible for annual vacation leave.

SEC. 603 ACCRUAL OF ANNUAL VACATION LEAVE

Vacation leave shall be accrued and credited monthly by all eligible employees who are on pay status for 50 per cent or more of that month. Those employees eligible for vacation as defined in SEC. 602 shall accrue vacation at the following rates:

- a. Annual Vacation Leave Accrual for Non-Management Sworn Police Personnel

All employees with less than five complete years of continuous service shall earn vacation leave at the rate of 6.67 hours per month or ten working days per year. Upon the completion of six continuous years of service, the employee shall earn one additional working day of vacation; in the same manner, two additional working days vacation shall be earned for the seventh year; three for the eighth year; four for the ninth year; five for the tenth year; for a maximum of fifteen working days per year or ten hours per month thereafter.

SEC. 604 ACCUMULATION OF ANNUAL VACATION LEAVE

- a. Regular, Regular Part Time and Temporary Employees

Employees may carry over a maximum accumulation of one year's annual vacation leave, for a maximum credit of two years annual leave. If vacation is denied due to a city related emergency, such vacation may be carried over into the following year, if necessary.

New sworn police officers hired on or after July 1, 2005 may carry over a maximum accumulation of six months annual vacation leave, for a maximum credit of one and a half years annual leave. If vacation is denied due to a city related emergency, such vacation may be carried over into the following year, if necessary.

SEC. 605 SCHEDULING OF VACATION LEAVE

An employee's vacation shall be, as much as possible, scheduled for the employee's convenience, however, vacation shall be scheduled by department heads so as not to interfere seriously with or impair departmental efficiency.

SEC. 606 WORKING DURING ANNUAL VACATION LEAVE

The city shall discourage any employee from working for another employer during his/her annual vacation. At no time will an employee be permitted to work for the city during his/her vacation and receive double compensation.

SEC. 607 HOLIDAYS WITHIN VACATION LEAVE

When a recognized city holiday falls within an employee's vacation for which he/she normally would have been excused from work, that day shall not be charged as a day of annual vacation.

SEC. 608 ILLNESS WITHIN VACATION LEAVE

If an employee becomes ill or injured during his/her annual vacation leave which requires hospitalization or medical attention, those days for which proof of such hospitalization or medical attention is furnished shall not be charged as annual vacation but shall be charged as sick leave.

SEC. 609 PAYMENT OF ANNUAL LEAVE UPON TERMINATION

Employees who terminate employment shall be paid for any accrued vacation. Payment for accrued vacation upon termination shall be at the employee's current rate of pay.

SEC. 610 VACATION IN LIEU OF HOLIDAYS FOR PUBLIC SAFETY EMPLOYEES

- a. Sworn Police Shift Personnel

All sworn Police shift personnel shall be granted an additional twelve days of annual vacation leave, to be added to their annual vacation, in lieu of holidays. In lieu of taking off six days of the twelve days granted in lieu of holidays, each sworn Police shift personnel through the rank of Sergeant shall be paid for the six days on the first paycheck in December.

SEC. 611 EFFECT OF EXTENDED MILITARY LEAVE

An employee who interrupts his/her service to the city because of an extended military commitment, shall be compensated for accrued vacation leave upon separation from service to the city.

I. SICK LEAVE

SEC. 701 STATEMENT OF POLICY

Sick leave shall not be considered as a privilege which an employee may use at his/her own discretion, but shall be granted only upon the recommendation of the department head. Sick leave shall be allowed only in case of necessity and actual personal illness or disability, medical or dental treatment. Sick leave shall be allowed to a maximum of five days (5) per year (69.2 hours per year for twenty-four hour shift personnel) in case of emergency illness in the immediate family. Upon the approval of the City Manager, additional days may be authorized. The immediate family shall be the spouse, parent, child, brother, sister or other close family member as approved by the Personnel Officer.

SEC. 702 ELIGIBILITY FOR SICK LEAVE

- a. Regular, Regular Part Time, Probationary and Temporary Employees

All regular, probationary and temporary employees, upon completion of six months continuous service, shall be eligible for sick leave with pay.

- b. Seasonal Part Time Personnel

Seasonal part time personnel shall not be eligible for sick leave with pay.

SEC. 703 ACCRUAL OF SICK LEAVE

- a. Sick Leave Accrual for Non-Twenty-Four (24) Hour Shift Personnel

Sick leave shall be accrued and credited monthly by all eligible employees who are on a pay status for 50 per cent or more of that month. Those employees eligible for sick leave, as defined in SEC. 702, shall accrue sick leave at the rate of eight hours per month.

SEC. 704 ACCUMULATION OF SICK LEAVE

- a. Accumulation of Sick Leave for Non-Twenty-Four (24) Hour Shift Personnel

An employee may accumulate sick leave up to a maximum of 120 days.

Sworn Police employee may accumulate sick leave up to a maximum of 60 days. This section apply's to employees hired on or after July 1, 2005.

SEC. 705 HOLIDAYS WITHIN SICK LEAVE

When a recognized city holiday falls within an employee's bonafide use of sick leave for which he/she normally would have been excused from work, that day shall not be charged as a day of sick leave.

SEC. 706 ILLNESS WITHIN VACATION LEAVE

If an employee becomes ill during his/her annual vacation leave which requires hospitalization or medical attention, those days for which proof of such hospitalization or medical attention is furnished shall not be charged as annual vacation but shall be charged as a day of sick leave. (see also SEC. 608 - Vacation Leave)

SEC. 707 USAGE OF SICK LEAVE

Sick leave may be used as needed and approved, to the point of depletion, at which time the employee will not longer receive pay for sick leave.

SEC. 708 DEDUCTION OF SICK LEAVE

Sick leave shall be deducted at the rate of one hour sick leave for each hour absent.

SEC. 709 VERIFICATION OF SICK LEAVE USAGE

The city reserves the following rights with regard to control and verification of appropriate sick leave usage:

- a. The city may require that any employee who uses more than two (2) consecutive days of sick leave to provide a physician's certification of the employee's illness.
- b. The city may formally place an employee on "sick leave restriction" whereupon, for a period of time, the employee may subsequently be required to provide the city a physician's certification of illness for each incidence of sick leave usage, regardless of the amount of time off work. In determining whether or not to place an employee on "sick leave restriction", the city agrees to consider not only gross usage and so-called "patterns of usage", but also extended illness, major medical problems and incidents of family sick leave.

SEC. 710 WORKERS COMPENSATION

- a. Police and Fire Department Personnel
 1. An employee of the Police or Fire Department who is entitled to the benefits of Labor Code Section 4850, who is absent from work by reason

of an injury or illness covered by workers compensation, shall be allowed up to one year's leave of absence, as required by said section. The employee shall continue to receive his/her regular paycheck as long as he/she remains on pay status; provided, however, that such employee assigns to the city any and all workers compensation payments received by the employee.

2. An employee of the Police of Fire Department who is absent from work by reason of an injury or illness covered by workers compensation will continue to accrue sick leave, vacation and holiday benefits and consideration for normal salary increases as though he/she were not on leave of absence.
3. Whenever such disability of an employee continues for a period beyond one year, the leave of absence may continue until the expiration of his/her accrued sick leave, vacation and previously accrued compensatory time off for overtime and paid days in lieu of holidays, calculated to the nearest one-half day, with compensation at the employee's regular rate of pay.
4. When it appears the employee cannot return to work by the expiration of such allowances, disability retirement shall be requested by the city to become effective at the expiration of these allowance unless the employee applies for or consents to his/retirement as of an earlier date, at which time he/she may be compensated for his/her accrued benefits at his/her regular rate of pay.
5. No employee of the Police of Fire Department shall be paid any disability indemnity under workers compensation concurrently with wages or salary payments by the city amounting to more than his/her regular rate of pay at any time during his/her leave of absence.
6. No employee of the Police or Fire Department shall receive wage or salary payments from the city after a period of five years from the date of injury for any one injury.

SEC. 711 DEPLETION OF SICK LEAVE, COMPENSATORY TIME AND VACATION BENEFITS

Upon depletion of accumulated sick leave, compensatory time and vacation for any injury or illness and upon the recommendation of the employee's department head, an employee may be placed on medical leave of absence without pay for a period not to exceed sixty (60) days. If the employee is unable to return to work at the end of this period, he/she must request further medical leave which shall be subject to approval of the City Manager. If further leave is granted, the employee must notify the city of his/her intent to return to work every thirty (30) days. If further leave is not granted, the

employee's service with the city shall be considered terminated.

SEC. 712 EMPLOYEE REHABILITATION

The city shall provide a rehabilitation program for industrially injured employees, pursuant to Section 139.5 of the California Labor Code. Employees unable to return to their previous position shall be interviewed for an available position, if said employee submits a timely application and meets the minimum qualifications for such position. The above procedures applies for eighteen (18) months. The employee's name shall be placed on a mailing list for the period designated above.

SEC. 713 COMPENSATION FOR SICK LEAVE UPON TERMINATION

An employee having a minimum of ten years of regular service shall be compensated for 25 per cent (50 per cent for employees designated as Management and Confidential) of his/her unused sick leave balance upon honorable separation, at his/her rate of pay at said separation.

SEC. 714 COMPENSATION FOR SICK LEAVE UPON RETIREMENT

An employee having a minimum of ten years of regular service shall be compensated for 35 per cent (50 per cent for employees designated as Management and Confidential) of his/her unused sick leave balance upon retirement, at his/her rate of pay at said retirement.

I. OTHER LEAVES OF ABSENCE

SEC. 801 LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay may be granted in cases of emergency of where such absence would not be contrary to the best interests of the city. Such leave is not a right but a privilege. Employees on authorized leave of absence without pay may not extend such leave without the expressed approval of the City Manager. No vacation or sick leave benefits shall be used for illness occurring during such leave.

a. Approval of Department Head

Leave of absence without pay for one week or less may be granted by the department head, depending on the merits of the individual case. Such leaves shall be reported to the Personnel Officer.

b. Approval of City Manager

Leave of absence without pay in excess of one week's duration may be granted by the City Manager on the merits of the case, but such leave shall not exceed twelve months' duration.

SEC. 802 ABSENCE WITHOUT LEAVE

Absence without leave shall be considered to be without pay and reduction in the employee's pay shall be made accordingly. Absence without leave for more than three consecutive days may result in termination of employment.

SEC. 803 LEAVE OF ABSENCE: DEATH OUTSIDE THE IMMEDIATE FAMILY

Leave without pay may be granted a regular employee by his/her department head in the event of death to family members other than one of the immediate family, such leave to be granted in accordance with SEC. 801.

SEC. 804 MATERNITY

Leave of absence for maternity will be covered under the provisions authorized in SEC. 701 and 708. An employee may work until she has been advised by her doctor to cease working. The employee may continue on sick leave either until the doctor gives written permission to return to work or until benefits are exhausted. (SEC. 1604.10, Chapter XIV, Part 1604, Title 29, United States Labor Code)

SEC. 805 EMPLOYEE'S TIME OFF TO VOTE

Time off with pay to vote at any general, special, direct primary or Presidential primary election shall be granted as provided in the State of California Elections Code, and notice that an employee desires such time off shall be given in accordance with the provisions of said code.

SEC. 806 JURY DUTY: LEAVE OF ABSENCE

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the city all fees received for such duties, other than mileage or subsistence allowance, within thirty (30) days from the termination of his/her jury service.

SEC. 807 SUBPOENAS: LEAVE OF ABSENCE

Regular employees who are subpoenaed to appear as witnesses in a court trial may be granted a leave of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances to the city within thirty (30) days from the termination of his/her service. Compensation for mileage or subsistence allowance shall not be considered as a fee and shall be retained by the employee.

SEC. 808 LEAVE FOR ATTENDANCE AT INDUSTRIAL ACCIDENT COMMISSION HEARING OR RELATED PHYSICAL EXAMINATIONS

Employees who have been injured in the course and scope of their employment with the city and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the city's workers compensation insurer or the Industrial Accident Commission shall be granted leave with pay for such absences only if the employee is in pay status at the time of the scheduled examination or hearing. Applications for such leaves of absence shall be filed in advance with the department head.

SEC. 810 BEREAVEMENT LEAVE

The city shall allow an employee to be absent from work with pay for a maximum of three days (33.6 hours for twenty-four hour shift personnel) for a death which occurs within the State of California. If the death occurs outside the State of California, a maximum of five days with pay (60 hours for twenty-four hour shift personnel) shall be allowed. Bereavement leave is allowable in the case of death in the employee's or the employee's spouse's immediate family as defined in SEC. 701 of the Personnel Rules and Regulations, including step-child.

SEC. 811 EDUCATIONAL LEAVE

Employees may receive paid leave to attend courses, seminars, workshops for conventions which enhance their knowledge, skills or performance in relation to their job. The determination as to when and whether an employee is granted leave shall be made by the department head.

I. LAYOFF

An employee may be terminated by the City Manager because of changes in duties or organization, abolishment of position, shortage of work or funds or completion of work. In cases involving regular employees only, notice of such termination will be given to the employee at least fourteen (14) days prior to the effective date of termination. Such termination shall not be subject to appeal.

In any such reduction in personnel caused by lack of work or funds, seniority shall be observed, except, negative performance during the past three (3) years will be considered to determine the order of layoff. Negative performance and disciplinary actions will be defined as the following:

- a. Denial of merit increases;
- b. Suspension without pay;
- c. Extensions of probationary periods;
- d. Disciplinary demotions to lower level positions;
- e. Performance reviews containing significant, negative, written comments indicating improvement needed and warning of further consequences to follow if

improvement fails to occur.

The order of layoff shall be established by the Personnel Officer, including seniority and results of review of performance evaluations and prior disciplinary actions. The order of layoff will be the least senior employee as determined by the procedure above. Prior to the establishment of the final order of layoff, the Personnel Officer shall furnish affected employees a copy of the "Proposed Order of Layoff." Notice will be hand delivered to employees whenever possible. If personal delivery is not possible, the notice will be sent by certified mail to the last known address.

If the employee wishes to contest the application of the criteria set forth to his/her position on the list, he/she may appeal with any supporting materials to the Personnel Officer. This request should be directed to the Personnel Officer within seven (7) calendar days following the establishment and distribution of a "Proposed Order of Layoff" list. The employee will be allowed representation during the appeal process. After meeting with all employees wishing to be heard with respect to their position on the layoff list, the Personnel Officer or his designee shall establish the "Final Order of Layoff" list. The decision of the Personnel Officer or his designee shall be final and not subject to the grievance process or further appeal.

Regular employees in good standing, who are designated to be laid off and have held regular status in a lower classification, may displace employees in the lower classification provided that the employee exercising the displacement privilege has greater classification length of service than the incumbent in the class to which the employee is bumping, and had an equal or better overall rating on His/her last written evaluation. If the employee in the higher classification has not held status in a lower classification, then no displacement rights accrue to that individual. Conditions which affect displacement rights are as follows:

1. The employee exercising the displacement privilege will displace employees in lower classification in the same order as specified above.
1. All employees must exercise displacement privileges within seven (7) calendar days after receipt of the Notice of Layoff, by written notice to the Personnel Officer. If these privileges are not exercised within the specified time period, they are automatically forfeited.

Layoffs which result from a reduction in force shall be made without regard to an employee's race, color religion, national origin, sex, age, marital status, or functional limitations as defined in the ADA and other applicable state law.

This procedure encompasses all aspects of the negotiated layoff procedure, and the City shall not be required to further meet and confer on this subject during the term of the MOU.

I. DISCIPLINARY PROCEEDINGS

SEC. 1001 DISCIPLINARY ACTION: DEFINITION

As used in this chapter, "disciplinary action" shall mean discharge, demotion, reduction in salary, reprimand, disciplinary probation or suspension.

SEC. 1002 CAUSES FOR DISCIPLINARY ACTION

Causes for disciplinary action against any employee may include, but not be limited to, the following:

- a. Unauthorized absence or tardiness.
- b. Failure to report absences from work or failure to return immediately from authorized leave.
- c. Failure to following the instruction of a supervisor, manager or other property authority.
- d. Disorderly conduct on city premises or while on duty elsewhere, such as, but not limited to, fighting and use of abusive or threatening language.
- e. Possession, use, receiving, distributing or being under the influence of alcoholic beverage or drugs while on duty.
- f. Falsifying or altering city records, including, but not limited to, employment, medical, pay and benefit records, or permitting one's time card to be recorded by another employee.
- g. Thefts of, or intentional harm to, city or other's personal property.
- h. Dishonesty.
- i. Violation of safety rules.
- j. Unauthorized removal of city documents, records or other property.
- k. Negligent or careless performance of duties.
- l. Failure to meet acceptable standards of performance.
- m. Failure to observe work schedules or assignments.
- n. Misuse of city property.
- o. Unauthorized departure from job, department or city premises.
- p. Loitering or sleeping on the job.
- q. Gambling on city's premises or while on duty elsewhere.
- r. A personal appearance or mode of dress that is unkempt to the point of being detrimental to the business environment of the city.
- s. Allowing unauthorized individuals to ride in city's vehicles.
- t. Discourteous treatment of the public or other employees.
- u. Violation of any provisions of these working rules and regulations, administrative policies or written departmental rules and regulations.

SEC. 1003 PERSONS BY WHOM DISCIPLINARY ACTION MAY BE TAKEN

The City Manager or any department head may take disciplinary action against an employee under his/her control for one or more of the causes for discipline specified in this chapter.

SEC. 1004 PROCEDURE PRECEDING IMPOSITION OF DISCIPLINARY ACTION

Prior to initiating any disciplinary action, excluding reprimands, against an employee having regular status, the City Manager or department head shall serve written notice on the employee, personally or by certified mail, at least seven (7) calendar days prior to the effective date of the disciplinary action. The written notice shall include:

- a. A description of the action to be taken and the effective date or dates.
- b. A statement of the reasons for such action, including the acts or omissions on which the disciplinary action is based.
- c. A statement advising the employee of the right to respond, either verbally or in writing, to the disciplining authority prior to the effective date of the proposed discipline.
- d. A statement advising the employee that he/she may represent himself/herself or may be represented by a person of his/her choosing.
- e. A statement that a copy of the materials upon which the proposed action is based in attached or available for inspection upon request.
- f. A statement that if the proposed discipline is imposed, the employee has a right to appeal.

Upon request of the affected employee, the City Manager or department head may extend the response from the employee provided that such extension will have no detrimental effect on the city.

SEC. 1005 IMPOSITION OF DISCIPLINARY ACTION

Upon expiration of the period allowed for employee response and after having given consideration to any response filed by the affected employee, the City Manager or department head may impose appropriate disciplinary action.

SEC. 1006 EXTRAORDINARY CIRCUMSTANCES

- a. In those extraordinary circumstances wherein the City Manager or department head determines that the nature of the employee's act or the charges against him/her are such as to require the employee's immediate removal from the job site, the employee may be placed on leave with pay pending service of the notice of disciplinary action and the effective date of the disciplinary action. In the case that discipline is imposed and upheld, such leave shall be charged as vacation leave.
- b. In those instances where it is determined that immediate disciplinary action is

necessary against an employee as a result of accusations against such employee which would constitute a felony or a misdemeanor involving moral turpitude, the City Manager may impose disciplinary action without compliance with the provisions set forth in SEC. 1004 (Procedure Preceding Disciplinary Action).

- c. If, in the opinion of the City Manager or the department head, the employee's behavior is such that he/she is temporarily unable to perform his/her job and the intent is to remove him/her from the job site until he/she is able to return and function adequately, said employee may be placed on sick leave and sent home until determined by the City Manager or department head that he/she is able to function adequately.

SEC. 1007 RIGHT OF APPEAL

An regular employee shall have the right of appeal to the City Manager from any disciplinary action taken by his/her department head under this chapter. Such appeal must be filed with the City Manager within ten (10) working days after receipt of the written notice of such disciplinary action. The appeal must be in writing and must state specifically the reasons upon which it is based.

SEC. 1008 RIGHT OF APPEAL: HEARING

Upon receipt of a written appeal from an affected employee, the City Manager shall conduct a hearing as provided in this chapter. Said hearing shall be conducted within thirty (30) days after receipt of the written appeal. The City Manager may conduct the hearing personally or may appoint a hearing officer to conduct the hearing and to advise the City Manager appropriately. The City Manager may continue the hearing either for the convenience of the city or upon written application of the employee for a reasonable period of time. Written notice of the time and place of the hearing and any continuance thereof shall be given to the appellant. Such hearing shall be conducted in accordance with the provisions of SEC. 11513 of the Government Code of the State of California, except that the employee and other persons may be examined as provided in SEC. 19580 of said Government Code and the parties may submit all proper and competent evidence against or in support of the causes, but it shall be a rebuttable presumption that the statement of causes is true.

SEC. 1009 RIGHT OF APPEAL: REPRESENTATION

The appellant employee shall have the right to appear personally or to be represented by counsel or by anyone else of his/her choosing, including other city employees, with the exception of supervisory, management and confidential employees.

SEC. 1010 RIGHT OF APPEAL: FAILURE OF EMPLOYEE TO APPEAR

Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his/her appeal and the action of the City Manager or department head shall be final.

SEC. 1011 RIGHT OF APPEAL: DECISION

The City Manager shall render a decision within fifteen (15) days after the conclusion of the hearing or after receipt of the official hearing transcript. The City Manager's decision shall be final and conclusive. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the City Manager, the employee shall be compensated in all or in part for the time lost as determined by the City Manager. Any appeal of the City Manager's decision through judicial review must be filed within ninety (90) days of said decision pursuant to the Code of Civil Procedures Section 1094.6.

SEC. 1012 EFFECT OF DISCIPLINARY ACTIONS

a. Oral Reprimand

Employees may receive an oral reprimand.

b. Written Reprimand

Employees receiving a written reprimand shall have a copy filed in his/her personnel jacket kept in the Personnel Office. The employee shall initial a copy of the reprimand prior to its filing, indicating that he/she has read the reprimand. The employee shall have the right to enclose a written response to the reprimand in his/her personnel jacket.

c. Disciplinary Probation

Employees placed on disciplinary probation shall not accrue vacation, sick leave or earned time for salary review while on such probation.

d. Suspension

Employees suspended from the municipal service shall forfeit all rights, privileges and salary while on such suspension with the exception of group health and life insurance benefits.

e. Salary Reduction

Employees who have had their salary reduced shall receive the lowered salary until such time as the department head or City Manager determines that an increased salary is merited.

f. Discharge

Employees terminated pursuant to SEC. 904 of these rules and regulations shall be paid salary for vacation and worked holidays accumulated to the effective date of termination, subject to SEC. 713, if applicable.

SEC. 1013 RELEASING OF INFORMATION RELATIVE TO DISCIPLINARY ACTION AGAINST MUNICIPAL EMPLOYEES

In the interest of preventing undue embarrassment and subsequent loss of ability to perform city work effectively, the following policy will prevail regarding release of information to the news media on personnel actions:

- a. No information shall be released without prior approval of the City Manager.
- b. No information will be released until final action has been determined and taken.
- c. Even after final disposition of the matter, no details will be released other than the exact nature of the action taken.

The foregoing personnel procedure is sanctioned under the Ralph M. Brown Act and related laws. The Attorney General's opinion interpreting Government Code Section 54957 is as follows:

"The purpose of SEC. 54957 is to protect individual public employees and officers from unfavorable publicity, and to permit private inquiry into the employee's activities, or investigation of charges against such employees."

SEC. 1014 INFORMAL COUNSELING WITH THE CITY MANAGER

Nothing in these rules and regulations shall prohibit the City Manager from meeting informally with an employee regarding possible disciplinary action in order to attempt to resolve the problem.

SEC. 1015 NON-APPLICABILITY

The provisions of this section shall not apply to reductions in the work force or reductions in pay which are part of a general plan to reduce or adjust salaries and wages.

I. MISCELLANEOUS

SEC. 1201 REPORTS OF CHANGE OF STATUS

All actions involving employment and change in status of employment shall be reported by the department head to the City Manager on City of Tulare Personnel Action Forms. Copies of such reports shall be furnished to the employee involved.

SEC. 1202 DAMAGE CLAIMS

Any employee of the City of Tulare filing suit for damages arising from occupational injury shall notify the Finance Director of the amount of damages collected

from such suits in order that all expenses paid by the city may be recovered.

SEC. 1203 GRATUITIES

No officer or employee of the city shall solicit or accept any gratuity for services rendered.

SEC. 1204 OUTSIDE EMPLOYMENT

Any regular employee desiring to engage in regular outside employment shall first obtain non-city conflict job approval for his/her department head. The employee shall submit a statement to his/her department head on a standard city form, naming the prospective employer, his/her address and telephone number and outline the proposed duties and the hours of work. Approval may be denied if, in the opinion of the department head, such outside employment is incompatible with the proper discharge of the employee's official duties. All such approvals shall be subject to review by the Personnel Officer and shall be resubmitted prior to January 10 each year to maintain a valid, continuous authorization.

SEC. 1205 TUITION REIMBURSEMENT

Regular city employees are eligible to receive tuition reimbursement for educational purposes which tend to improve their ability to accomplish their city jobs, such reimbursement shall be subject to administrative rules and procedures established by the Personnel Department.

SEC. 1206 COMPENSATION FOR USE OF PRIVATE AUTOMOBILE IN CITY BUSINESS

Regular city employees may receive compensation for the use of their personal vehicle in city business. Such compensation shall be the prevailing IRS approved rate and upon approval of the employee's department head.

SEC. 1207 UNIFORM ALLOWANCE

a. Regular Employees of the Police Department

Regular Police personnel required to wear uniforms in the performance of their duties shall receive a uniform allowance of effective July 1, 2009 \$1,000, with the exception of Safety Dispatcher Clerk, Evidence Technician, Community Service Officer and Police Records Specialist who shall receive \$350.00 per year. New employees of the Police Department shall receive, upon initial employment, two full sets of uniforms and two summer shirts and foul weather gear. Any new or reappointed employee whose appointment begins prior to January 1 of any year shall be granted the allotment for uniform maintenance. If appointed or reappointed after January 1, he/she shall be granted uniform allowance the

following year. (09/93)

d. Additional Uniforms and Uniform Allowance Procedures

Any additional uniforms needed shall be supplied at the employee's expense. The City Manager shall establish such regulations and procedures needed for the administration of the uniform allowance procedure.

SEC. 1209 CONFLICT OF INTEREST

All designated employees shall comply with departmental conflict of interest codes or the applicable regulations adopted by the Fair Political Practices Commission.

SEC. 1210 DAMAGED EQUIPMENT REVIEW COMMITTEE

a. Police Department

A Police Department Damaged Equipment Review Committee shall be established for the purpose of reviewing and determining the rate of payment for all claims for clothing or equipment damaged in the line of duty. The committee shall be composed of a representative from the Personnel Office, Police Department administrative staff and the officers in general.

SEC. 1212 INSURANCE - HEALTH, DENTAL AND VISION

- a. For non-management miscellaneous and public safety employees enrolled for dependent insurance coverage, the city shall contribute sixty-five percent of the premium (65%) per month toward the employee health, dental, vision and life insurance and dependent health, dental, vision and life insurance costs. The employee shall contribute thirty-five percent (35%) per month toward the cost of dependent insurance coverage.
- c. For management and confidential, miscellaneous and public safety employees not enrolled for dependent insurance coverage, the city shall pay the entire amount of the employee health, dental, vision and life insurance cost.
- d. Employees hired after June 23, 1984, upon retirement, shall pay 100 per cent of the total costs of the health insurance premium (with or without dependent coverage). Any increases in future premiums after retirement shall be borne by the retiree. In order to be eligible for said benefits, the employees must directly retire, be at least 55 years of age and have provided twenty years of service to the City of Tulare.

If the health insurance administrator recommends future rate increases or program modifications to be implemented, he/she shall make a recommendation to the Health insurance Committee stating the reasons why such an increase or changes are recommended. The Health

Insurance Committee shall then make a recommendation to the City Manager within thirty (30) calendar days after receipt of said recommendation. The City Manager will make a decision based on the information provided and present it to the City Council for implementation. The City and employees agree to pay any increased costs in the same proportion as the current contribution.

SEC. 1213 INSURANCE - LIFE

- a. Life insurance for non-management employees shall be provided as specified in the employee health insurance policy.

SEC. 1214 RETIREMENT

All regular and regular part time employees are members of the Public Employees Retirement System. The employees and the city shall be subject to changes in the exact contributions and benefits, as determined by the system. The actual terms of retirement benefits for miscellaneous members and local safety members shall be determined by retirement system contracts.

SEC. 1215 DEFERRED COMPENSATION

All regular employees may, at the employee's request, be included in a Deferred Compensation Plan whereby the employee may provide for the deferral of a specified amount of current income to be invested and the payment of such deferred amount and interest thereon to be made at a later date. Said Deferred Compensation Plan shall be subject to approval by the Internal Revenue Service. Implementation of the plan shall involve no cost or charge to the city. Effective July 1, 2005 or as soon as an open enrollment period can be established all sworn non-management police personnel are eligible to participate in the Vantage Health Care Savings Plan

SEC. 1216 PERSONNEL FILES

An employee or his/her recognized employee representative, with the written consent of the employee, shall be entitled to review his/her personnel folder upon request. The employee shall, in advance, be advised of, entitled to read and respond to all statements written by the employee's supervisor, department head or fellow employee of his/her work performance or conduct if such statement is to be placed in the employee's file. No such material shall be filed until an employee has had the opportunity to review and respond to such material. The employee shall acknowledge that he/she has read such material by affixing his/her signature on the copy to be filed, with the understanding that such signature merely signifies that he/she has read the material to be filed and does not necessarily indicate agreement with its contents.

SEC. 1217 POSITION RECLASSIFICATION

- a. Position Reclassification

An employee who believes his/her position is wrongly classified may submit a written request to his/her supervisor for reclassification. Requests shall state the reason the employee believes the present class is not appropriate and which class the employee believes is appropriate, based on the employee's present duties. Requests must be made to the Personnel Department in January or February so that changes may be presented to the City Council in July.

b. Classification Analysis

The supervisor shall forward the request to the department head. The department head shall then request that the Personnel Officer conduct a classification analysis. When the classification analysis is completed, a written response will be sent to the employee and the department head. The city shall endeavor to complete the analysis as soon as practicable.

c. Appeals

If the employee disagrees with the response of the Personnel Officer, he/she may appeal to the City Manager in writing. The written appeal must state the reasons why he/she feels that the Personnel Officer's findings were incorrect. The City Manager may review the appeal, assign it to his designee or establish an advisory committee to review the matter.

The decision of the City Manager shall be final.

SEC. 1218 LONG TERM DISABILITY PLAN

For non-management sworn Police personnel, the city shall contribute up to \$17.13 per month to a long term disability plan (in lieu of a one per cent salary increase for the 1982/83 fiscal year).

SEC. 1219 EMPLOYEE ASSISTANCE PROGRAM POLICY

The city recognizes emotional, medical and substance abuse (alcohol and drugs) problems as treatable conditions. An employee's problem with alcohol and drug abuse, etc., will be a concern only when it manifests affect upon his/her job performance. There is no desire on the part of the city to intrude into the employee's private life. However, if personal problems being to impact job performance, the Employee Assistance Program provides the employee with a possible alternative to disciplinary action. It is expected that the responsibility for recovery rests with the employee. Employees who suspect that they have a problem will take advantage of diagnostic, counseling and assessment services made available through the Employee Assistance Program.

SEC. 1220 FLEXIBLE BENEFITS PROGRAM

The city shall establish a flexible benefits program, effective October 1, 1987, in

accordance with Section 125 of the Internal Revenue Code. The city shall contribute the entire implementation cost and the employees shall be responsible for the monthly cost. Participation in the flexible benefits program is available to management, confidential, miscellaneous, police and fire personnel.

SEC. 1221 VEHICLE USE POLICY

The City Manager shall determine the allocation of usage of city-owned vehicles in accordance with the business needs of the city. All city-owned vehicles shall be operated in conformance with administrative policy, unless the use of a vehicle is otherwise controlled by contractual agreement or other policy adopted by the City Council. The City Manager shall be the responsible authority for interpretation and implementation of adopted vehicle use policies.

In addition to all other changes the Tulare Police Officers Union Agrees to meet and consult on a computer policy.

MISCELLANIOUS

The City agrees that it will create an Administrative Leave Bank Donations Policy dedicated specifically to the ranks of Police Officer and Police Corporal.

Agreed this twenty first day of May 2009.

For the City of Tulare

For the Tulare Police Officers Union

Ken Caves, Caves & Associates

Mike DiCesare, Cops Representative

Margee Fallert, Administrative Services Dir.

Brian Haney

James Kelly