

ORDINANCE NO. 4

AN ORDINANCE OF THE LIVERMORE AREA RECREATION
AND PARK DISTRICT AMENDING AND REVISING THE
PERSONNEL SYSTEM ESTABLISHED BY
ORDINANCE NO. 2, DATED SEPTEMBER 11, 1974

THE BOARD OF DIRECTORS OF THE LIVERMORE AREA RECREATION AND PARK
DISTRICT DO ORDAIN AS FOLLOWS:

Sec. 1. PURPOSE: The intent of this personnel system is to establish a uniform policy for personnel matters which serves the best interests of the Livermore Area Recreation and Park District (District). The Board of Directors (Board) reserves the right to modify, rescind, delete or add to the policy from time to time.

Sec. 2. EQUAL OPPORTUNITY: The District is an equal opportunity employer. It is the policy of the District to provide equal opportunity without discrimination on any basis prohibited by law. It is the policy of the District to employ, retain, promote, compensate, train, transfer, terminate and otherwise treat all employees and job applicants on the basis of merit, qualifications and competence.

Sec. 3. AFFIRMATIVE ACTION: It is the policy of the District to make a concerted effort to increase the number of qualified minority and female applicants for job categories in which minority and female employees are under-represented in comparison with their availability within a reasonable and normal recruitment area. To implement this policy, the District shall set reasonable goals and timetables. This policy specifically rejects hiring and/or promotion based on a quota system. At all times, the District shall fill positions with qualified candidates.

Sec. 4. POLICY AGAINST HARASSMENT: The Livermore Area Recreation and Park District is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the District maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal, physical, and visual harassment.

Any employee who believes he or she has been harassed by a co-worker, supervisor, or agent of the District should promptly report facts of the incident or incidents and the names of the individuals involved to his or her supervisor or, in the alternative, to the General Manager. If the General Manager is alleged to be the perpetrator, then the incident should be reported to the Personnel Commission. The District will investigate all such claims and take appropriate corrective action. All complaints will be kept confidential except to the extent necessary to investigate them.

Sec. 5. PERSONNEL COMMISSION: There is hereby created a Personnel Commission consisting of five members. The Board of Directors by majority vote shall appoint each member of the Commission to serve a four year term, commencing on January 16 of the first year of the term. The appointment expires on January 15 of the fourth year of the term. Within 30 days prior to the expiration of the term, the Board of Directors may reappoint a member or

appoint a successor. Each member appointed shall be a qualified elector of the District.

If a vacancy occurs during the term of appointment, the Board of Directors shall appoint a successor by majority vote to fill the unexpired term.

A four-fifths vote of the Board of Directors is necessary to remove a member prior to the expiration of the term.

Sec. 6. DUTIES OF THE PERSONNEL COMMISSION:

Selection of Chairperson: The Commission shall select a Chairperson annually during the first meeting occurring on or after January 16 of every year. The chairperson shall serve for a 12 month period.

Meetings: The Commission shall meet regularly if so required by the rules, on call by the Chairperson, or at the request of three members of the Commission. Three members of the Commission shall constitute a quorum for the transaction of business. A majority vote of the Commission is necessary to take action.

Function: The function of the Commission shall be:

- (a) To monitor the operation of the District's affirmative action program and recommend to the Board of Directors revisions as are appropriate and necessary. The Commission shall report annually to the Board of Directors on the progress of the affirmative action program.
- (b) As provided by the Rules and Regulations, to hear appeals submitted by any nonprobationary employee in the competitive service concerning disciplinary actions of dismissal, demotion, suspension without pay, or reduction in pay. In carrying out this function, the Commission may establish procedures, subject to Board approval, for appointing a hearing officer to perform this function. The Commission shall also appoint an Ombudsperson to conduct investigations and prepare a report where an employee elects an investigatory appeal instead of a hearing.
- (c) To oversee the competitive service system, consistent with the Personnel Rules and Regulations as implemented by the General Manager.
- (d) Upon request by the Board of Directors or the General Manager, the Commission may hold hearings and make recommendations on a specific subject regarding personnel administration.
- (e) To conduct public hearings and make recommendations to the Board of Directors regarding the proposed annual salary resolution for employees in the competitive service.

Sec. 7. PERSONNEL OFFICER: The General Manager shall be the appointing authority for all positions in the competitive service, persons employed under contract to supply expert professional or technical service, volunteers, part-time, temporary and seasonal positions. The General Manager shall serve as the ex-officio Personnel Officer. With approval of the Board of Directors, the General Manager may delegate any of the powers and duties of the Personnel Officer to any other officer or employee of the District or may recommend that certain powers and duties be performed under contract by any qualified person or agency.

The General Manager shall:

- (a) Attend all meetings of the Personnel Commission and serve as its secretary.
- (b) Prepare and recommend to the Board of Directors revisions and amendments to the personnel rules and regulations. The District's legal counsel

shall review the legality of such revisions and amendments prior to submission to the Board.

- (c) Prepare for Board approval, a position classification plan, including class specifications; recommend revisions of the plan as necessary and appropriate.
- (d) Prepare for Board approval, a compensation plan covering all classifications in the competitive service and appropriate exempt positions; recommend revisions to the compensation plan; prepare for Board approval, an annual salary resolution designating the compensation and salary of positions in the competitive service and other appropriate paid positions.
- (e) Implement the District's personnel policies, rules and regulations governing personnel administration.
- (f) Have the authority to take disciplinary action, including discharge, against any employee, except those designated in Sec. 8(a)1,2,5,6,7.

Sec. 8. EXEMPT POSITIONS:

- (a) The following positions shall be exempt from the competitive service:
 - (1) Elected officers.
 - (2) Positions on appointed Boards, Commissions and Committees.
 - (3) Persons employed under contract to supply expert, professional or technical service for a definite period of time.
 - (4) Volunteer personnel who receive no regular compensation from the District.
 - (5) Legal Counsel.
 - (6) General Manager.
 - (7) Assistant General Manager.
 - (8) Part-time, temporary and seasonal positions.
- (b) Selection and appointment of the General Manager and Assistant General Manager rests with the Board of Directors. The General Manager may participate in the selection of the Assistant General Manager by screening and recommending candidates to the Board for final selection.
- (c) The General Manager, Assistant General Manager, Legal Counsel and part-time, temporary and seasonal employees serve at the pleasure of the Board of Directors and may be disciplined or discharged for any reason, with or without cause, with or without notice.

Sec. 9. COMPETITIVE SERVICE: Competitive service is the system of selecting the best qualified individual to fill nonexempt positions designated in the competitive service classification and compensation plan.

Appointments to vacant positions in the competitive service shall be made in accordance with the Personnel Rules and Regulations.

It is the policy of the District that appointments be based on merit and a competitive examination as determined by the Personnel Officer.

Appointments to vacant positions in the competitive service shall be made by the General Manager from a list of qualified candidates after completion of a competitive examination.

In the absence of an appropriate employment list, the General Manager may appoint, on a temporary basis of up to six months, a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any vacancy in a regular position in the competitive service which is filled by temporary appointment.

The General Manager, with approval of four-fifths of the Board of Directors, may extend a temporary appointment for not more than 60 days at a time.

No service credit shall be allowed to an individual serving in a temporary appointment of a vacant position in the competitive service toward meeting the qualifications of that position.

Sec. 10. PERSONNEL RULES AND REGULATIONS: The General Manager shall prepare personnel rules and regulations for adoption by the Board of Directors. The General Manager shall make recommendations to revise such rules and regulations as appropriate and necessary. The personnel rules and regulations shall cover the following subject areas but are not limited to those areas:

- (a) Preparation, implementation, revision and maintenance of a position classification plan covering all positions in the competitive service, including minimum standards and qualifications for each position.
- (b) Preparation, implementation, and administration of a compensation plan directly corresponding with the position classification plan, providing a rate or range of pay for each position.
- (c) Selection procedures for positions in the competitive service.
- (d) Appointment of employees in positions exempt from the competitive service.
- (e) Evaluation of employees.
- (f) Discipline and dismissal of employees.
- (g) Layoff, reinstatement or rehire of employees after a competitive service position is abolished.
- (h) Promotion of employees in the competitive service.
- (i) Grievance and appeals of employee complaints regarding disciplinary matters.
- (j) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.
- (k) Suitable provisions for presentation to the General Manager and to the Board of Directors by employees of matters relating to general conditions of employment.
- (l) Content, maintenance and use of personnel records and forms.
- (m) Preparation of affirmative action goals and timetables.

Sec. 11. PROBATIONARY PERIOD: All employees appointed to a position in the competitive service shall serve a probationary period as specified in the Rules and Regulations. Probationary employees may be disciplined or discharged without cause at any time, for any reason, with or without notice.

Sec. 12. DISCIPLINARY ACTION: Any nonprobationary employee holding a position in the competitive service is subject to disciplinary action and may be discharged, suspended, reduced in rank or compensation for cause. Specific examples of cause are provided in the Personnel Rules and Regulations. Probationary employees and employees holding positions exempt from the competitive service may be disciplined or discharged for any reason, with or without cause and serve at the pleasure of the Board.

Sec. 13. RIGHT OF APPEAL: Nonprobationary employees holding a position in the competitive service have a right to appeal a disciplinary action as provided in the Rules and Regulations. The Board of Directors makes the final decision in all cases where an appeal is made.

Sec. 14. LAYOFF: The Board of Directors has the discretion to abolish any and all positions due to lack of work, lack of funds, reorganization, or the needs and best interests of the District. Employee layoffs resulting from the abolishment of a position or for other reasons shall be governed by the Personnel Rules and Regulations. Reinstatement or rehire of laid-off employees shall be governed by the Personnel Rules and Regulations.

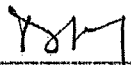
Sec. 15. SEVERABILITY: If any section, subsection, subdivision, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and each section, subsection, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases may be declared unconstitutional.

Sec. 16. EFFECTIVE DATE: This ordinance shall take effect on March 15, 1990, and a summary hereof shall be published at least once in a daily newspaper of general circulation, published and circulated in the Livermore area, and thenceforth and thereafter the same shall be in full force and effect.

On Motion of Director Pound, seconded by Director Bernal, the foregoing ordinance was passed and adopted the 14th day of March, 1990, by the following roll call vote:

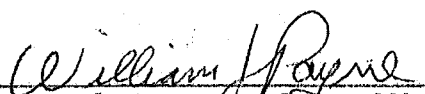
AYES: Directors Pound, Bernal, Rodrigues, and Chairman Bing (4)
NOES: None (0)
ABSENT: Director Faltings (0)

Approved this 14th day of March, 1990



Chairman, Board of Directors

ATTEST:



General Manager and ex-officio
Clerk to the Board of Directors

