

Administrative Grievance Procedure**2.1.2****PURPOSE**

The purpose of this policy is to provide a prompt and effective means of resolving grievances related to issues that are not covered under a grievance procedure contained in a Memorandum of Agreement or for employees who are not represented by a formally recognized bargaining unit.

SCOPE OF APPLICATION

This Administrative Grievance procedure applies to all City employees.

Grievances relating to alleged violations of a Memorandum of Agreement (MOA) should be processed under the grievance procedure contained in the applicable MOA. To the extent that any provision in this policy conflicts with the provisions of an applicable MOA, the MOA provisions shall prevail.

DEFINITION

An Administrative Grievance covered by this policy shall be defined as an employee's contention that the City has failed to comply with an established rule, regulation, policy, procedure, ordinance or resolution governing personnel practices or working conditions and by such failure has either deprived the employee of a right or economic benefit or impaired such right or economic benefit.

IF THERE IS AN APPLICABLE COMPLAINT OR DISPUTE RESOLUTION PROCEDURE PROVIDED IN THE CITY CHARTER, MUNICIPAL CODE, APPLICABLE MEMORANDUM OF AGREEMENT, POLICY, ORDINANCE OR RESOLUTION, THAT PROCEDURE SHALL BE USED.

GENERAL PROVISIONS

1. Any Administrative Grievance not filed or appealed within the time limits specified shall be considered settled on the basis of the last disposition given. In the event the Administrative Grievance is not answered within the time limits specified, the employee may appeal the Administrative Grievance to the next higher step within the time limits provided.
2. Working days shall be defined as the regularly scheduled work days of the employee filing or appealing the Administrative Grievance and the regularly scheduled work days of the appropriate representative of the City responsible for replying to the Administrative Grievance.
3. All time limits specified may be extended by mutual written agreement of the parties.
4. No employee shall suffer retaliation for utilizing the Administrative Grievance procedure in good faith.

Administrative Grievance Procedure**2.1.2****PROCEDURES****Step I**

An employee may present the Administrative Grievance orally or in writing to the immediate supervisor within ten (10) working days following the events on which the Administrative Grievance is based. The immediate supervisor shall make whatever investigation is necessary to obtain the facts pertaining to the Administrative Grievance and respond within ten (10) working days after receiving the Administrative Grievance. The response may be written or verbal.

If the employee is not satisfied with the reply of their immediate supervisor, the employee may appeal the Administrative Grievance to Step II.

Step II

If the employee desires to appeal the Administrative Grievance to Step II, the Administrative Grievance shall be reduced to writing and presented to the Department Director or designee within five (5) working days following the receipt of the immediate supervisor's reply. If the Supervisor in Step II is the Department Director, the appeal shall proceed directly to Step III.

To ensure clear communication and assist in resolving the Administrative Grievance, the written Administrative Grievance shall contain the following information:

- A clear statement of the problem
- The alleged facts upon which the Administrative Grievance is based
- The established rule, regulation, policy, procedure, ordinance or resolution claimed to have been violated and the specific violation claimed
- The remedy requested by the grievant

The Department Director, or designee, may arrange a meeting to attempt to resolve the Administrative Grievance. In any event, the employee shall be given a written decision within ten (10) working days following receipt of the written appeal to Step II.

If the employee is not satisfied with the decision, the employee may appeal the Administrative Grievance to Step III.

Step III

If the employee desires to appeal the Administrative Grievance to Step III, the employee shall indicate in writing the reason for the appeal and present it along with the original written Administrative Grievance to the City Manager or designee (the Office of Employee Relations) within five (5) working days following receipt of the written decision at Step II.

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Within fifteen (15) working days after receipt of the appeal to Step III, the City Manager's Office shall schedule a meeting with the employee and a Department representative to discuss the matter. A written decision shall be given to the employee within ten (10) working days following the meeting.

If the employee filing the grievance works in the City Manager's Office, upon request and by mutual agreement, the matter may be heard by someone other than a City Manager's Office representative.

The Step III decision shall be final and there shall be no further appeal.

Approved:

/s/ Alex Gurza
Director of Employee Relations

2/28/2005
Date

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City of San Jose

City Administrative Policy Manual

Discipline Policy**2.1.3****PURPOSE**

The purpose of this policy is to explain various aspects of the City of San Jose's disciplinary procedures for permanent City employees in the classified service. This policy includes an explanation of disciplinary procedures, the authorities under which disciplinary action is taken, definitions of informal and formal disciplines, and a summary of the rights of employees who are subject to disciplinary action. This policy provides general information for employees. Department managers and supervisors should consult with the City Manager's Office of Employee Relations for more information and assistance with disciplinary actions and procedures.

SCOPE OF APPLICATION

This Discipline Policy applies to all permanent City employees in classified service. (Please note that this policy and the rights and procedures contained herein do *not* apply to temporary, probationary employees, unclassified employees, or other employees who are considered "at-will.") Various aspects of this policy may vary by Memorandum of Agreement (MOA), which will be noted throughout the policy. To the extent this policy conflicts with any provision in an applicable MOA, the provisions of the MOA shall prevail.

POLICY

It is the City's policy to administer discipline with the goal of correcting inappropriate conduct and/or substandard performance and to define a standard of conduct of City employees. The appropriate use of discipline is essential to high employee morale and productivity and furthers the City's goal of providing excellent services to the community.

The City's discipline process is based on the concept of progressive discipline. Under progressive discipline, the City takes progressively more severe action if the employee has not responded to previous instructions, warnings, or other lower-level actions. However, progressive discipline does not mean that the City must progress through all discipline steps in all cases. Certain conduct may be serious enough that the first incident may warrant a higher level of discipline, up to and including termination without progressive discipline.

AUTHORITIES

1. **AUTHORITY TO TAKE DISCIPLINARY ACTION.** The San Jose City Charter Sections 701(a), 803.1, 805.1, 809.1 and 901 authorize the *Appointing Authority* to discipline City employees. The City Manager is the Appointing Authority for all City employees, excluding professional employees in the City Attorney's Office, employees of the City Auditor's Office, employees of the Independent Police Auditor's Office, employees of the Office of Retirement Services, and employees appointed by the Mayor and City Council.

The City Manager delegates to the Director of Employee Relations the responsibility to review and approve formal disciplinary actions for City employees under the City Manager's appointing authority. The City Attorney, the City Auditor and the Independent Police Auditor are the Appointing Authorities for all employees in their Offices for which they have the

Original Effective Date: November 3, 1988

Revised Date: July 13, 2016

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Discrimination and Harassment**1.1.1****PURPOSE**

To reinforce the City of San Jose's commitment to equal employment opportunity and a work environment free of discrimination and harassment, including sexual harassment.

SCOPE OF APPLICATION

This policy applies to all City officers, employees, unpaid interns, volunteers, contractors, vendors, suppliers and other persons who participate in City programs and services.

SUMMARY

This policy is divided into the following sections:

- General Policy
- Discrimination and Harassment
- Sexual Harassment
- Consensual Sexual or Romantic Relationships
- Responsibilities (including responsibilities of all employees and supervisors)
- Complaint Procedures—General Information (including options of reporting)
- Complaint Procedures

For questions regarding this policy or to discuss a particular situation, please contact the City Manager's Office of Employee Relations at 535-8150 or via email at employee.relations@sanjoseca.gov.

GENERAL POLICY

It is the policy of the City of San Jose to promote and maintain a work environment free of illegal discrimination and harassment in employment.

The City of San Jose, as a public employer and a provider of services, **WILL NOT TOLERATE NOR CONDONE DISCRIMINATION OR HARASSMENT** from any employee, regardless of employment status. All City employees are responsible for maintaining a work environment free from discrimination and harassment as defined below and will be held fully accountable for complying with this policy and for taking appropriate measures to ensure that such conduct does not occur.

An employee, unpaid intern, volunteer or contractor who believes that he or she has been the victim of discrimination or harassment should immediately report the alleged harassment or discrimination as described under "Complaint Procedures" below. Any City employee, unpaid intern, volunteer or contractor who believes that he or she has witnessed or has knowledge of any harassment or discrimination in the workplace is strongly encouraged to report the acts or occurrences.

Revised Date: January 23, 2015
Original Effective Date: April 15, 1976
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Outside Employment**1.2.3****PURPOSE**

This section provides information on the requirements for all City employees (including contract employees) who wish to engage in outside work activities.

AUTHORITIESSan Jose Municipal Code, §3.04.1710A

No employee shall engage in any work, employment or occupation outside his City employment which is detrimental to the service, which prevents or impedes the efficient performance of his duties in his City employment, or which is in any way in conflict with his employment by the City. No employee shall engage in any work, employment or occupation outside his City employment unless and until he shall have notified the City Manager of his intention to do so.

San Jose Municipal Code, §3.04.1710B

The City Manager may impose reasonable conditions or limitations upon any outside work, employment or occupation or may order an employee to terminate such outside work.

San Jose Municipal Code, §3.04.1710C

Any violation of any provision of this rule may be deemed grounds for discharge or other disciplinary action. Any employee affected by a denial of an outside work permit, or limitations or conditions upon any outside work may appeal such action to the [Civil Service] Commission within ten (10) working days after notice to the employee of the denial of an outside work permit or limitations or conditions imposed on an outside work permit.

POLICY**1. Criteria for Approval**

Applications by City employees to engage in an outside work activity may be approved if the outside work activity (1) is not detrimental to the City (2) will not impede the efficient performance of the employee's assigned duties and (3) will not create a conflict of interest for the employee.

A conflict of interest occurs where an employee could make or participate in a decision that may foreseeably have a material effect on his or her personal financial interests. If an employee's outside work activity puts him or her in a position where his decisions as a City employee could foreseeably have a material effect on his personal financial interests, a conflict of interest is created, and the application for an outside work permit is to be denied.

If necessary, a supervisor may request that an employee provide a job description from the outside employer in order to determine if an outside work activity meets the above criteria for approval.

2. Prior Approval Required

A City employee who wishes to engage in any outside work must first obtain approval from the appropriate Department, through an "Application for Outside Work Permit."

Revised Date: May 10, 2005
Original Effective Date: March 1, 1971
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**Use of E-Mail, Internet Services,
and Other Electronic Media****1.7.1****GENERAL PRINCIPLES**

Technology has significantly expanded opportunities to enhance communication, efficiency, effectiveness, and productivity in the delivery of City services. The City recognizes that the use of e-mail and computers by City employees has increased significantly, raising numerous policy issues with respect to communication, creation of information and systems, retrieval and storage of records, and proper etiquette.

Technology has also greatly expanded opportunities to communicate with friends and family through email and the internet, as well as providing opportunities to conduct personal business, including shopping, social networking, online banking and other non-work activities. However, the special ethical considerations of public service requires us to separate our personal lives from our professional lives.

The City's policy regarding the use of e-mail, internet services, and other electronic media is below.

POLICY**1. General Policy**

As stated in the Code of Ethics, City employees and officials shall not use City time, City funds, City facilities, equipment, or supplies for personal use or personal gain. This includes computers, internet access, and email. These resources are provided for City business only.

It is the policy of the City of San José that the use of City computer equipment, electronic facilities and electronic data is limited to *official City purposes* only. Employees must use the information systems for City of San José business only. Amongst other non-City related uses that are prohibited, the e-mail system may not be used to solicit or persuade others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

Electronic mail and information systems of the City are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. For example, the City prohibits the display or transmission of sexually explicit images, messages, cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, color, sex, sexual orientation, age, disability, religious or political beliefs.

Employees should use personal cell phones/smartphones or personal laptops for personal business instead of using City equipment/resources. (For hourly employees, even when using personal equipment, any personal business should be conducted during breaks or lunch periods and for salaried employees shall not interfere with work. Such use must comply with other City policies, including the Discrimination and Harassment Policy.)

From time to time, however, employees may need to use City equipment to communicate work schedule changes or scheduling or rescheduling of medical appointments because of work

Effective Date: August 22, 1997

Revised Date: March 2, 2010

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Cellular Telephone Policy**1.7.4****PURPOSE**

To provide guidelines and criteria regarding the approval and use of a monthly cell phone stipend, data plan stipend, and the purchase and use of City issued cellular telephones or Smartphone/PDA cellular telephones (herein referred to just as City issued cellular telephones except where otherwise noted).

SCOPE

This policy applies to all City of San Jose employees requesting the purchase and use of a cellular telephone.

POLICY

It is recognized that cellular telephones are valuable in times of emergency. In addition, they can enhance the operational effectiveness and efficiency of staff while away from the office and other means of telecommunication. Although the value of cellular telephones is recognized, they are costly to operate, and expenditures need to be controlled. Therefore, it is the policy of the City of San Jose that authorization to purchase and use cellular telephones will be limited to certain circumstances, when other means of communication such as pagers or mobile radios, are determined to be infeasible or impractical or are less cost effective.

Cellular telephones are not considered an entitlement or fringe benefit. Requests for the purchase and/or use of cellular telephones for official City business will be approved as outlined in the eligibility criteria defined in this policy. City issued cellular telephones are City equipment and are issued to employees for official City business only. This includes any City issued Smartphone/PDA cellular telephone.

In some instances, it may be deemed necessary or more cost effective to utilize a monthly Cellular Telephone Stipend in an amount determined by the City. The monthly stipend amount will be reviewed and/or adjusted annually to ensure cost effectiveness. All requests for cellular telephones or stipends must be made by submitting the [Cellular Phone Authorization Form](#) to the Director of the requesting party's Department for review and approval.

The requesting department will bear all costs associated with a monthly stipend or the purchase of cellular telephones and associated accessories, including future maintenance. Departments will be responsible for tracking and controlling cellular phone costs. The requesting department is responsible for documenting the issuance of a cellular telephone and associated accessories to each employee, and for ensuring that all cellular telephones and accessories are returned once the employee is deemed to no longer be eligible for a City issued cell phone, such as when changing job duties, or positions, exiting the department (or the City) and when such telephone services are terminated for any reason. If an employee is deemed to no longer be eligible for a monthly stipend, the approving Department is responsible for ensuring that the stipend is terminated.

Cellular Telephone Safety While Driving

Employees are not allowed to use their cellular telephone (either City issued phones or personal phones) while driving on City business or while conducting City business unless a hands-free

Revised Effective Date: November 03, 2011

Original Effective Date: July 1, 1989

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Use of City and Personal Vehicles**1.8.1****PURPOSE**

To establish the policy, procedures and guidelines for the use of City and personal vehicles for the efficient and effective delivery of City services, while minimizing City expenditures and maximizing current resources. This procedure applies to all City employees and officials, and supersedes all other administrative directives previously issued pertaining to the use of City owned or personal vehicle use while conducting City business. This administrative policy, and associated procedures and guidelines support Council Policy 3-1 "Parks, Recreation and Neighborhood Services – Volunteer Policy" relative to volunteers use of city-owned equipment to conduct official City business.

POLICY

Transportation required for employees to conduct official City business will be available by the use of a City provided vehicle or the use of an authorized personal vehicle at the City's sole discretion.

The City Manager has the responsibility for administration of the provisions of this policy, and is responsible for making decisions regarding certain specific vehicle uses as described in this policy. The Department of Public Works, Fleet Management Division has the responsibility to manage the City's transportation vehicle fleet by working with departments to maximize utilization of vehicles, maintaining the fleet in good working condition, determining which vehicles will be removed from the fleet, and managing the acquisition and disposal of vehicles.

Non-City employees which may include volunteers, consultants, contractors, and other persons who are not City employees, may be authorized on a case by case basis and in accordance with Council Policy 3-1 to use a City vehicle in order to conduct official City business. Use of City vehicles by non-City employees will require prior approval from the Department Director (or designee) who is responsible for the services being provided by the non-City employee.

City provided vehicles shall be used only for official City business.

I. TRANSPORTATION TYPES

The following transportation options listed below are potentially available for conducting City business:

A. City-Provided Vehicles

1. **Transport Vehicles**: Vehicles whose primary use is to transport employees from place to place during the course of conducting official City business. Transport vehicles include sedans and light trucks.
2. **Special Purpose Vehicles**: Vehicles whose primary use requires special equipment designed to perform job functions, or whose primary use is in a restricted area where non-City vehicles are prohibited.
3. **Police and Fire Vehicles**: Vehicles whose primary use involves official business conducted by the Police or Fire Departments.

Revised Effective Date: September 13, 2012

Original Effective Date: May 1, 1987

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Nepotism**1.1.3****PURPOSE**

To provide policy direction regarding the hiring and supervision of relatives and/or family members.

SCOPE OF APPLICATION

This policy applies to all City officers and employees.

DEFINITIONS

Immediate Family Members include the following:

1. **By Blood:** Parent, child, grandparent, grandchild, brother, sister, nieces, nephews, uncles, aunts, great grandchildren, great grandparents.
2. **By Marriage:** Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half sister-, half-brother.
3. **By Law:** Guardianship relationships and adoptive parent/child relationships.
4. **Domestic Partner:** Individuals registered with the Human Resources Department and/or the State of California.

Supervisor: An employee with any of the following responsibilities:

- Responsible for, or effectively contributes to, employee's performance appraisal
- Issues low level discipline (oral and documented oral counseling)
- Recommends higher level discipline
- Responds to Step 1 grievances
- Accountable for employee's time (e.g., schedule and/or timesheet approval)

POLICY

No employee shall appoint, employ or participate in a hiring decision involving any person within his/her immediate family, nor use his/her position to influence another City employee to hire a member of his/her immediate family. Please refer to policy 3.1.1, titled Hiring Policies in the City Policy Manual.

City employees shall not directly or indirectly supervise an immediate family member. Immediate family members shall not be employed in the supervisory-subordinate relationship even if it results from marriage after the employment relation was formed. The supervisor-subordinate relationship shall be interpreted to include all levels of supervisors within the chain of command, not just the immediate supervisor.

Effective Date: March 30, 2005
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Non-Retaliation Policy**1.1.4****PURPOSE**

The City of San Jose is committed to providing a workplace conducive to open discussion of the City's business practices. The purpose of this policy is to reassure City employees that they can raise workplace concerns regarding alleged violations of City policy or local, State or Federal law without retaliation.

SCOPE OF APPLICATION

This policy prohibits City officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined below.

POLICY

City employees are expected and encouraged to promptly raise questions and concerns regarding possible violations of City policy or local, State or Federal law with his/her immediate supervisor or another management employee within the employee's department. Promptly raising questions and concerns allows the opportunity for such concerns to be addressed quickly and can help prevent problems from occurring or escalating. In the event that an employee is not comfortable with raising an issue with his/her immediate supervisor or another management employee in the employee's department, or if the employee believes that an important issue remains unresolved, employees can contact the City Manager's Office of Employee Relations. Complaints and concerns are accepted in person and by telephone, email, and regular mail and can be anonymous. For more information, please contact the Office of Employee Relations at 535-8150, via email at employee.relations@sanjoseca.gov or by visiting the Employee Relations intranet site (<http://www.sjcity.net/index.aspx?nid=259>). Employees are also free to file a complaint with the appropriate outside agency.

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report or participate in investigations into complaints of alleged violations of City policy or local, State or Federal law in retaliation for that reporting or participation. (Refer to definitions of "protected activity" and "adverse employment action" below.)

No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose alleged violations of City policy or local, State or Federal law.

Disciplinary action, up to and including termination, will be taken against an employee who is found to have violated this Non-Retaliation Policy, and any contractor who violates this policy will be subject to appropriate sanctions. However, employees who file reports or provide evidence which they know to be false or without a reasonable belief in the truth and accuracy of such information will not be protected by this policy and may be subject to disciplinary action, including termination.

Effective Date: February 28, 2005
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Code of Ethics**1.2.1****PURPOSE AND SCOPE**

In order to best serve the citizens and customers of the City of San Jose, the elected and appointed officials, and employees of the City must act individually and collectively to create a City government that is responsible, fair, honest and open. City employees and officials are expected to demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in City employees.

As stated in the City Charter, "The citizens of San Jose expect and must receive the highest standard of ethics from all those in the public service. City officers and employees must be independent, impartial and responsible in the performance of their duties and accountable to the members of the public."

The purpose of this Code of Ethics is to establish policy and guidelines, reflecting expected values and behaviors for use by and applicable to elected and appointed City officials, City officers, including Board and Commission members, and employees. Individuals employed by the City under contractual agreement must also observe the provisions of this policy for the term of their contract or as the contract may stipulate.

For additional regulations regarding ethics please refer to Title 12 of the San Jose Municipal Code.

POLICY

Elected and appointed officials and employees of the City of San Jose at all levels are guardians of the public trust. City officials and employees are required to be impartial and responsible in the fulfillment of their duties. The citizens and customers of San Jose expect and must receive the highest standard of ethics from all those in public service, regardless of personal consideration.

1. Responsibilities of Public Service

City officials and employees are obligated to uphold the Constitution of the United States and the Constitution of the State of California and to comply with Federal, State, and local laws and City policies. Recognizing the special responsibilities of serving the City and its citizens and customers, City officials and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness. The conduct of City officials and employees in both their official and private affairs should be above reproach to assure that their City position is not used for personal gain.

2. General Rule with Respect to Conflicts of Interest

City employees and officials are expected to avoid any conflicts of interest. Further, employees should avoid the appearance of conflicts of interest in order to ensure that City decisions are made in an independent and impartial manner.

Original Effective Date: August 19, 1980

Revised: 06/28/2005

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Gift Policy**1.2.2****PURPOSE AND SCOPE**

The purpose of this policy is to establish policy and guidelines for use by and applicable to elected and appointed City officials, City officers, including Board and Commission members, and employees in their officially assigned duties and responsibilities.

POLICY

Elected officials and City employees shall not accept money or other considerations or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities, or favors of any kind which might be perceived or interpreted as an attempt to influence their actions with respect to City business. Gifts may not be accepted unless they are done so in accordance with this policy.

For the purposes of this Policy, the term "gift" is used as defined in San Jose Municipal Code Chapter 12.08 and all exceptions in that Chapter also apply to this Policy except where otherwise provided in a more stringent departmental or administrative policy. Employees are advised to check with their departments for such a policy.

Section 12.08.020 provides that gifts include:

1. Any rebate or discount in the price of any thing of value unless the rebate or discount is made in the regular course of business to members of the public.
2. An officer's or employee's community property interest, if any, in a gift received by that individual's spouse.
3. The provision of travel, including transportation, accommodations and food, except as expressly permitted pursuant to Section 12.08.030.

As used in Chapter 12.08, the term "gift" does not include:

1. Campaign contributions which otherwise comply with Title 12 of the San José Municipal Code and which are required to be reported under Chapter 4 of the Political Reform Act of 1974 as amended.
2. Any devise or inheritance.

The exceptions in Chapter 12.08, Section 12.08.030 are included below.

Gifts which are acceptable are as follows:

A. Gifts with a value less than fifty dollars (\$50):

Any gift, including meals and beverages provided to an officer or employee in a business or social setting, that has a value less than fifty dollars (\$50), as long as

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Revised: 06/28/2005

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Workplace Violence Policy**1.3.1****PURPOSE**

The Workplace Violence Policy is intended to: (1) establish administrative policy and procedures for assessing threats and the potential for violence in the workplace, and (2) minimize and help prevent the possibility that a threatening situation will escalate into violence or a crisis.

POLICY**1. Background**

The safety and security of City employees is of vital importance, and it is the City of San Jose's administrative policy to promote a safe environment for its employees, customers and visitors. Acts or threats of physical violence, including intimidation, harassment or coercion, which occur on City property or involve City employees will not be tolerated, and a zero-tolerance policy shall be in effect. Discipline, up to and including termination, will occur for employees who violate this policy, including those who use workplace phones, faxes or e-mail to make threats of violence.

2. Scope

All employees are covered under this policy. Each City employee is responsible for notifying his or her immediate supervisor or manager or the Office of Employee Relations, if that employee believes that he/she or someone else may be a potential victim of Workplace Violence. City management will be responsible for prompt action in responding to incidents of Workplace Violence.

Examples of conduct which may be considered threats or acts of violence include, but are not limited to:

- Threat or actual physical or aggressive contact
- Threat or actual destruction of City or individual's property, including acts of sabotage
- Harassing or threatening telephone calls, e-mails or faxes (harassment of a nature other than that related to threats or acts of physical violence, such as sexual harassment, are covered by other City policies)
- Possession, use, threat of use, or brandishing of a gun, knife or other weapon of any kind
- Stalking
- Veiled threats of physical harm or similar intimidation

The causes of Workplace Violence are varied. Some of the more common sources include abusive domestic relationships, dissatisfied customers, mental illness, and disgruntled current/former employees.

3. Domestic Violence

Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this policy, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor.

Revised Date: July 14, 2004
Original Effective Date: August 22, 1997
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Drug-Free Workplace Policy**1.4.1****PURPOSE**

It is the policy of the City of San Jose to maintain a workplace for all City employees that is free from illegal drugs and safe from the dangers associated with drug abuse in the workplace. In accordance with this policy, and the Federal Drug-Free Act of 1988, this policy is applicable to all City employees.

AUTHORITIES

The City, as an employer who receives Federal Grants or Federal contract funds, is required to abide by the Federal Drug-Free Workplace Act.

POLICY

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by City employees is prohibited on any City worksite or in any area controlled partially or fully by the City. Controlled substances are defined by Federal law (21 U.S.C.S. 812) to include any illegal drug or prescription drug which has not been prescribed for the individual by a physician.

Any employee who violates the prohibition on drugs in a City workplace or in an area either partially or fully controlled by the City may be subject to appropriate disciplinary action under San Jose Municipal Code 3.04.1370, up to and including dismissal, and/or may be required to attend an initial screening session with the Employee Assistance Program (EAP) in accordance with the City's Substance Abuse Program.

City employees who work in programs which receive Federal grants or contracts are subject to the Act as follows:

1. City employees who work in qualifying programs must notify the City of any criminal drug statute conviction (including a plea of nolo contendere) for any violation occurring in the workplace or in the course of their employment. The employee must make this notification to their Department Director no later than five (5) days after such conviction.
2. When a Department Director receives notification of such a conviction of an employee, the Department Director will notify the Federal granting agency of the employee's conviction within ten (10) days, and will provide a copy of that notification to the Office of Employee Relations. Within thirty (30) days of receiving notification of the conviction, the City will take appropriate disciplinary action and/or require the employee to attend an initial screening session with the Employee Assistance Program (EAP), as required by the Drug-Free Workplace Act, and in accordance with the City's Substance Abuse Program.

To increase employee's awareness of the dangers of drugs in the workplace and inform employees of City policy in regards to drugs, the City conducts drug abuse awareness programs as a part of its employee training programs.

Effective Date: May 27, 2003
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Substance Abuse Program & Policy**1.4.2****PURPOSE**

It is the policy of the City of San José to maintain a safe, healthful and productive work environment for all employees. To that end the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or tends to undermine public confidence in the City's workforce.

This policy provides guidelines for self-referral and rehabilitation/treatment options for employees that may be experiencing a problem with alcohol and/or drug use and for-cause alcohol and/or drug testing for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of management and employees. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the serious duty entrusted to employees of the City, with knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City of San José.

APPLICATION**A. Personnel**

- a. Full-time and permanent, benefited part-time employees in the following employee/bargaining units:
 - i. Executive Management and Professional Employees (Unit 99)
 - ii. Association of Engineers and Architects (AEA), IFPTE, Local 21
 - iii. City Association of Management Personnel (CAMP)
 - iv. Association of Maintenance Supervisory Personnel (AMSP)
 - v. Association of Legal Professionals of San Jose (ALP)
 - vi. International Association of Firefighters, San Jose Firefighters Local 230 (IAFF)
 - vii. Association of Building, Mechanical and Electrical Inspectors (ABMEI)
 - viii. Confidential Employees' Organization (CEO), AFSCME Local No. 101
 - ix. Municipal Employees' Federation (MEF), AFSCME Local No. 101
 - x. San José Police Officers' Association (POA)
 - xi. All Unrepresented employees
- b. Unbenefited employees are subject to all rules and responsibilities of this policy, exclusive of benefits provided by applicable MOA/Compensation Summary. Please see applicable MOA/Compensation Summary for information regarding benefits.

**FOR ALL OTHER BARGAINING UNITS, PLEASE SEE BACK OF MOA
FOR APPLICABLE SUBSTANCE ABUSE POLICY.**

B. Substances

- a. Alcohol;

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Revised Date: November 1, 2011
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Administrative Grievance Procedure**2.1.2**

City of San Jose

City Administrative Policy Manual

Personal Use of City Equipment**1.6.2****PURPOSE**

Virtually all City employees have access to some City-owned equipment that helps them perform their prescribed duties. The purpose of this policy is to define appropriate and inappropriate uses of City-owned equipment. The policy expands on the general discussion of the subject found in the Code of Ethics for Officials and Employees of the City of San Jose, Chapter 1.2.1 of the City Policy Manual.

For the purpose of this policy "City-owned equipment" is defined as any City-owned piece of equipment made available to employees for use in accomplishing assigned tasks. City-owned pieces of equipment include but are not limited to:

- Telephones
- City issued cellular phones
- Pagers
- Computers
- Printers
- Computer hardware/software
- Copiers
- Calculators
- Office equipment
- Furniture
- Office supplies
- Athletic equipment

"For personal use" is defined as any task not related to official City business.

For additional information regarding Internet and computer usage, please see CPM Chapter 1.7.1, Use of Email, Internet Services and Other Electronic Media.

For additional information regarding City vehicle usage, please see CPM Chapter 1.8.1, Use of City and Personal Vehicles.

For additional information regarding use of City issued cellular phones, please see CPM Chapter 1.7.4, Cellular Telephone Policy.

POLICY**1. General Policy**

It is the policy of the City of San José that use of City equipment, issued or made available to employees is intended solely for use in performance of authorized City tasks and official City purposes only. Use of City equipment for personal use or private business is prohibited and

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