

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Gloria Leon, Administrative Services Director
Dylan Feik, City Manager
DATE: September 19, 2017
SUBJECT: Revision Sections 3.03 and 3.08 of the City of Calistoga Personnel Rules and Regulations Manual

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of a Resolution Adopting Revisions to Sections 3.03 and 3.08 the
2 Calistoga Personnel Rules and Regulations Manual, and the addition of a revised policy
3 pertaining to the Family Medical Leave Act

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5 **RECOMMENDATION:** Staff recommends the City Council adopt the Resolution
6 adopting revisions to the Personnel Manual, Sections 3.03 and 3.08 for all employees
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8 **DISCUSSION:** On February 16, 1993 the City Council of the City of Calistoga adopted a
9 resolution approving the City of Calistoga Personnel Rules & Regulations Manual for both
10 Police and Miscellaneous Employees.

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12 In December 2016, the City contracted with Liebert, Cassidy and Whitmore to provide
13 assistance to the Administrative Services Department in updating the personnel manual,
14 including the Alcohol and Controlled Substance Abuse Policy, Section 3.03; Harassment
15 Policy, Section 3.08 and drafting a new Family Medical Leave Policy. The City Manager
16 met with the bargaining team members and it was agreed that there was a need for an
17 update to the Alcohol and Controlled Substance Abuse Policy, Harassment Policy and
18 draft a Family Medical Leave Policy of the Personal Manual.
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20 City staff will come at a later date to present additional revisions to the Personnel Manual,
21 based on the recommendations by Liebert, Cassidy and Whitmore.

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23 **DISCUSSION:** Section 3.03 Harassment Policy and Procedure is now updated to be
24 consistent with the April 1, 2016 Department of Fair Employment and Housing
25 regulations and the new title for the policy will be Policy and Complaint Procedure against
26 Harassment, Discrimination and Retaliation. The purpose of this Policy is to: establish a
27 strong commitment to prohibit and prevent discrimination, harassment, and retaliation in
28 employment; to define those terms, and; set forth a procedure for investigating and
29 resolving internal complaints. The employer encourages all covered individuals to
30 report—as soon as possible—any conduct that is believed to violate this Policy.

31 Section 3.03 will be deleted entirely and replaced as Appendix B to the Personnel Rules
32 and Regulations Manuals.

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34 Section 3.08, Alcohol and Controlled Substance Abuse Policy includes language
35 addressing Proposition 64 which was passed legalizing recreational use and possession
36 of marijuana. Despite California law, federal law still prohibits use and possession of
37 marijuana and the City may still enforce a drug-free workplace policy. The City of
38 Calistoga is concerned about employees being impaired for the performance of duty or
39 under the influence of alcohol, drugs and/or controlled substances at work, and the use of
40 such substances in the work environment. The City's position is that, any measurable
41 amount of drugs or alcohol in an employee's system while on City time is counter-
42 productive to the goals and mission of City. The City is also concerned about the
43 possession, distribution, purchase or sale of illegal drugs and controlled substances in
44 the workplace.

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46 These activities may adversely affect work performance, efficiency, safety and health. In
47 addition, they constitute a potential risk to the welfare and safety of other, risks of injury to
48 other persons, property loss or damage, or negative image for the City.

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50 Section 3.08 will be deleted entirely and replaced as Appendix C to the Personnel Rules
51 and Regulations Manuals.

52
53 Family and Medical Leave Policy to be included as Appendix D to the Personnel Rules
54 and Regulations Manuals. To the extent not already provided for under current leave
55 policies and provisions, the City of Calistoga will provide family and medical care leave
56 for eligible employees as required by state and federal law. The following provisions set
57 forth certain of the rights and obligations with respect to such leave. Rights and
58 obligations which are not specifically set in the policy are set forth in the Department of
59 Labor regulations implementing the Federal Family and Medical Leave Act of 1993
60 ("FMLA"), and the California regulations implementing the California Family Rights Act
61 ("CFRA"), including Pregnancy Disability Leave ("PDL"). Unless otherwise provided by
62 this policy, "leave" under this policy shall mean leave pursuant to the FMLA, CFRA,

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63 and/or PDL. Unless otherwise provided by law, the City will run each employee's FMLA
64 and CFRA leaves concurrently.

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66 **FISCAL IMPACT:** There is no immediate financial impact to the City resulting from the
67 adoption of these policies. However, formal policies will help create an environment
68 conducive to meet the needs of our employees and community.

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70 **ATTACHMENTS:**

- 71 1. Draft Resolution
- 72 2. Existing Personnel Manual Section 3.03 (Harassment Policy and Procedure) and
73 Section 3.08 (Alcohol and Drug Substance Abuse)
- 74 3. Appendix B: Policy and Complaint Procedure Against Harassment, Discrimination
75 and Retaliation
- 76 4. Appendix C: Alcohol and Drug Abuse Policy
- 77 5. Appendix D: Family and Medical Leave Policy

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RESOLUTION NO. 2017-XXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING A REVISION
TO THE “PERSONNEL RULES & REGULATIONS MANUALS”**

1 **WHEREAS**, on February 16, 1993 the City Council of the City of Calistoga
2 adopted a City of Calistoga Personnel Rules & Regulations Manual (Police and
3 Miscellaneous Personnel Manuals) to apply to employees; and
4

5 **WHEREAS**, the City of Calistoga has met and conferred with the bargaining
6 team members which calls for an update to Section 3.03 Harassment Policy and
7 Procedure, and Section 3.08 Alcohol and Controlled Substance Abuse Policy of the
8 Personnel Manual; and
9

10 **WHEREAS**, it is in the best interest of the City of Calistoga and its employees to
11 revise the Harassment Policy and Procedure, Alcohol and Controlled Substance Abuse
12 Policy and include a Family and Medical Leave Policy to the provisions of the Personnel
13 Manuals; and
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15 **WHEREAS**, on September 19, 2017 the City Council reviewed the
16 recommendation of staff on this matter at a public meeting and considered public
17 testimony on this matter.
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19 **NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of
20 Calistoga hereby approves the following revisions to the Calistoga Personnel Rules &
21 Regulations Manuals:
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- 23 A. Harassment Policy and Procedures: Section 3.03 is deleted in its entirety and
24 is replaced as Appendix B to the Personnel Rules and Regulations Manuals
25 and is now titled Policy and Complaint Procedures against Harassment,
26 Discrimination and Retaliation
- 27 B. Alcohol and Controlled Substance Abuse Policy: Section 3.08 is deleted in its
28 entirety and is replaced as Appendix C to the Personnel Rules and
29 Regulations Manuals.
- 30 C. Family and Medical Leave Policy: To be included as Appendix D to the
31 Personnel Rules and Regulations Manuals.
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34 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
35 Calistoga at a regular meeting held this **19th day of September 2017**, by the following
36 vote:

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38 **AYES:**

39 **NOES:**

40 **ABSTAIN:**

41 **ABSENT:**

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CHRIS CANNING, Mayor

45 **ATTEST:**

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KATHY FLAMSON, City Clerk