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Pursuant to federal and/or state law, and where necessary to implement the provisions of domestic partners under such laws, gender-specific terms referring to spouses, children, and/or family members of married members as referenced in provisions of understanding, employee agreements, policies, provisions, and provisions of City related to City employees and their family members shall be amended to include domestic partners.

To establish a domestic partnership, the following criteria must be met:

1. Both persons share a common residence.
2. Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership.
3. Neither person is married or a member of another domestic partnership.
4. The two persons are not related in a way that would prevent them from being married to each other.
5. Both persons are at least 18 years of age.
6. Either of the following:

a. Both persons are members of the same sex.

One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a)(1) for Social Security insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C. Section 1381 for Supplemental Security Income benefits for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one or both of the persons are at least 62 years of age.

7. Both persons are capable of consenting to the domestic partnership.
8. Neither person has previously filed a *Declaration of Domestic Partnership* with the Secretary of State pursuant to this section that has not been terminated under Section 299.

Both file a *Declaration of Domestic Partnership* with the Secretary of State pursuant to this section.

The City is prohibited from requiring proof of *Declaration of Domestic Partnership* for benefits eligibility if proof of *Marriage Certificate/License* for benefits eligibility is not required.

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## **ARTICLE 38: LACTATION ACCOMMODATION**

When a female employee returns from pregnancy leave, the City will provide a reasonable amount of break time to accommodate the employee desiring to express breast milk for her infant child. Any time required to express breast milk beyond the employee's normal break time is unpaid; the City may, with prior approval from employee's supervisor, allow the use of paid leave time to allow the female employee additional time beyond her normal break time to express milk. The City will also make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private (also see *Section 13.04. Pregnancy Leave*).

## **ARTICLE 39: ORGANIZATIONAL FRAMEWORK**

### **Section 39.01. Personnel System**

The City Council has, by Ordinance No. 114, delegated responsibility to the City Manager for the administration of the personnel system of the City. In accordance with this responsibility, the City Manager is responsible for the implementation and maintenance of the City's policies. The City Manager may, however, delegate responsibility for the day-to-day administration of the personnel system to the Director of Administrative Services and/or City department heads.

### **Section 39.02. Personnel Committee**

The Personnel Committee shall include two members of the City Council and the City Manager. By Council policy, this Committee shall review actions of the City Manager and department heads in administering the City's personnel system—such as hiring, promotions, merit increases, layoffs, etc. In the day-to-day management of the personnel system, however, the decision of the City Manager is final until such decision has been approved by the Personnel Committee or successfully appealed through the City's grievance procedure.

### **Section 39.03. Employer-Employee Relations**

Employer-employee relations in the City shall be governed by Chapter 10, Division 4, Title 1, of the Government Code of the State of California (Myers, Milias, Brown Act), as enacted by Resolution No. 761 and the Rules and Regulations to implement Employer-Employee Relations Resolution No. 761, adopted by the City Council of the City on November 3, 1969. Under the terms of this resolution, employees shall have the right to form, join, and participate in the activities of employee organizations, with the right of representation on all matters of employer-employee relations—including, but not limited to, wages, hours, and other terms and conditions of employment. Employees shall also have the right to refuse to join or participate in the activities of employee organizations.

The City Manager or designated representative(s), shall represent the City and meet and confer, in good faith, with recognized employee organizations, and meet and discuss with department heads regarding matters within the scope of representation. These and all other matters of employer-employee relations that fall within the scope of Resolution No. 761 and employee representation shall be governed by the procedures set forth in this resolution.

### **Section 39.04. Individual Representation**

In accordance with Montclair Resolution No. 761, any employee who wishes may be represented individually for purposes of discussing wages, hours, and other terms and conditions of employment. So that this might be done in an orderly and logical manner, the procedure set forth below is that which should be followed by those persons who wish to represent themselves.



1. Any employee wishing to be represented individually (as opposed to being represented by an employee organization), must indicate a desire to do so in writing and forward the notice to the City Manager or designated representative.
2. Any employee who indicates a desire to be represented individually in connection with any matter relating to wages, hours, or other terms and conditions of employment must submit the items for discussion in writing to the City Manager or City Council/Personnel Committee through the appropriate channels within the City.
3. The City Manager or City Council will review the requests and discuss them with the employee.
4. If the employee and City Manager or City Council are in agreement, the City Manager or City Council may then represent the employee's interest in discussing the proposals and requests.
5. The City Manager or City Council, within a reasonable amount of time, will make a determination regarding the employee's request.
6. All proposals and/or requests from employees who wish to meet and confer individually must be received by the City Manager or City Council prior to April 15 of each year to be considered for implementation in the next fiscal year.

#### **Section 39.05. Affirmative Action/Equal Opportunity Policy**

##### **A. Council Policy Statement**

The City Council is committed to the concept of equal opportunity employment as a necessary element of the City's merit system principle. This commitment will be supported by positive efforts to ensure equal employment opportunity for protected classes in both recurring City employment and in promotional opportunities at all job levels. These objectives are realized by the implementation of an affirmative action/equal opportunity program.

##### **B. Implementation of Plan**

The plan is implemented as follows:

In accordance with the City's personnel policy, the City Manager has delegated the responsibility for the day-to-day administration of the personnel system to the Director of Administrative Services. Therefore, implementation responsibility of the City's affirmative action/equal opportunity program is hereby assigned to the Director of Administrative Services. It shall be the responsibility of the Director of Administrative Services to assume the duties of Affirmative Action Officer for the City.

The Affirmative Action Officer shall provide for effective communication and implementation of the requirements of this plan with department

heads. The plan will be implemented consistent with federal requirements and guidelines. It shall be the Affirmative Action Officer's responsibility to monitor the implementation and progress of this plan and report compliance, success, or deficiencies to the City Manager on an annual basis.

The affirmative action/equal opportunity program does not mean the City will accept employees who do not perform satisfactorily. It will be expected that any new employees hired will progress to full qualifications within the probationary period. If this is not the case, the employees will be subject to discipline.

Selection, employment, and promotion in the City will continue to be based upon such factors as individual performance, ability, aptitude for the position applied for, experience, training, education, character, personality, and physical fitness. The affirmative action/equal opportunity program clearly manifests the intent of this City as an employer to obey all federal employment laws, and guarantee an equal opportunity for employment to all people.

The entire Affirmative Action Policy, adopted by the City Council on June 2, 1975, is on file in the Administrative Services Department.

#### **Section 39.06. Disabled Nondiscrimination Policy**

- A. It is the policy of the City that no qualified handicapped/disabled individual shall, solely by reason of his/her handicap/disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination in any program, activity, or employment opportunity offered by the City.

A "qualified handicapped individual" is defined as a handicapped/disabled person who, with or without a reasonable accommodation, can perform the essential functions of the job in question.

An individual with a disability is any person who has a physical or mental impairment that substantially limits the ability to perform a major life activity; for example, to care for oneself, perform manual tasks, walk, see, hear, speak, breathe, learn, or work; has a record of such an impairment; or is regarded as having such an impairment.

The judgment of whether any given person is "substantially limited" depends upon the nature and severity of that person's disabling condition. Temporary disabilities (e.g., a broken limb or temporary illness) are not "substantially limiting" within the concept of a disabling condition.

Physical or mental impairments that fall within discrimination prohibitions include:

1. Any physiological disorder or condition; cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory

(including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic, and lymphatic; skin; and endocrine; or

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
3. Such diseases and conditions as orthopedic, visual, speech, hearing, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, emotional illness, drug addiction, and alcoholism.

B. The City shall make all decisions concerning employment in a manner which ensures that discrimination on the basis of handicap/disability status does not occur or limit, segregate, and classify applicants or employees in any way that adversely affects their opportunities or status because of handicap/disability. Specifically, the City does not discriminate against qualified handicapped/disabled individuals in the following activities:

1. Recruiting, advertising, and the processing of applications for employment.
2. Hiring, upgrading, promoting, award of tenure, demoting, transfer, layoff, terminating, right of return from layoff, and rehiring.
3. Setting rates of pay or any other forms of compensation, and changes in compensation.
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists.
5. Granting leaves of absence, sick leave, or any other leave.
6. Providing fringe benefits available by virtue of employment.
7. Selection and financial support for training, meetings, conferences, and other related activities.
8. Employer-sponsored activities.
9. Any other term or condition of employment.

C. The City shall make reasonable accommodation to the known physical or mental limitations of a qualified handicapped applicant or employee, unless the accommodation would impose an undue financial hardship, or would impose severe restrictions on affected programs, activities, or operations. Reasonable accommodations may include but are not limited to the following:

1. Making facilities used by employees readily accessible to and usable by handicapped/disabled persons; and
2. Job restructuring, part-time or modified-work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices (e.g., telecommunication devices), or the provision of readers or qualified sign language interpreters. Accommodations shall be made in consultation with the handicapped/disabled individual.

The determination of whether an accommodation would impose an undue hardship on the operation of City programs or activities shall be made on a case-by-case basis, upon consideration of the following factors:

1. The overall size of the City government with respect to number of employees, number and type of facilities, and size of budget;
  2. The type, composition, and structure of the specific program or activity and the structure of the work force; and
  3. The nature and cost of the accommodation needed.
- D. The City does not use any employment test, selection criterion, or policy that screens out, or tends to screen out from consideration for employment, a handicapped/disabled individual, unless:
1. The test, selection criterion, or policy is shown to be directly related to the essential functions of the position in question; or
  2. Alternative job-related tests, criteria, or policies that do not screen out, or tend to screen out, handicapped/disabled individuals are shown not to be available.

The City shall select and administer tests using procedures that accommodate the special problems of disabled individuals (e.g., auxiliary aids such as readers or qualified sign language interpreters). The test results shall not reflect the applicant's or employee's impaired sensory, manual, or speaking skills, except where such skills are essential requirements of the job.

- E. The City shall not conduct a preemployment medical examination or make a preemployment inquiry of an applicant as to whether the applicant is a handicapped/disabled individual or as to the nature or the severity of the handicap/disability. The City may, however, make a preemployment inquiry into an applicant's ability to perform the essential functions of the job.

The City may condition an offer of employment on the results of a medical examination conducted prior to the prospective employee's entrance on duty, provided that:

1. All entering employees are subjected to such an examination; and
2. The results of the examination are not used as a means of discrimination against a qualified individual with a handicap.

In addition to the above policy, the City will comply with the Americans with Disabilities Act (ADA) and all other federal and state requirements.

### **Section 39.07. Communicable Disease Policy**

- A. The City does not discriminate in its employment policies on the basis of exposure to contagious disease or infection, or the physical conditions produced by such disease or infection. The City is committed to a course of action which will prevent the spread of infectious diseases, including the Acquired Immune Deficiency Syndrome (AIDS virus), and reduce fears and dispel myths about the disease of AIDS. The following guidelines are intended by the City to balance the interests of persons suffering from such diseases with the interests of the City in protecting its employees from any dangers associated with those diseases.
- B. Employees are encouraged to inform the City of any contagious disease or infection which he/she considers to be a handicap or is legally a handicap as soon as an individual learns of his/her condition. No employee who is otherwise qualified to work may be discriminated against because of a physical handicap. Legal protections established for persons with disabilities shall extend to employees significantly impaired by contagious diseases or infections. Employees shall not be required to undergo testing for AIDS, ARC, or the HTLV-III antibody.
- C. An employee who has a contagious disease or infection shall be provided with continued employment in his/her present capacity unless the following factors demonstrate that, because of such disease or infection, the employee would cause a direct threat to the health or safety of other individuals or is unable to perform the duties of the job:
  1. The nature of the risk; e.g., how the disease is transmitted.
  2. The duration of the risk; e.g., how long the carrier is infectious.
  3. The severity of the risk; e.g., the potential degree of harm to third parties.
  4. The probability the disease will be transmitted.
  5. The physical condition of the employee; e.g., diagnosis, treatment, and prognosis of the condition.
  6. The job requirements and the expected type of interaction with others in the work environment.

- D. The condition and job assignment of an employee who has a contagious disease or infection shall be reevaluated on a regular basis. The City Manager, or designee, shall monitor changes in the state of medical knowledge about the contagious disease or infection, or changes in the employee's medical treatment or health status which might affect his/her assignment.
- E. The City shall provide reasonable accommodation to employees impaired by a contagious disease or infection, in a manner consistent with that provided for other medical problems. Employees may be reassigned or granted disability leave if they are unable to perform job responsibilities because of a contagious disease or infection, or if a contagious disease or infection endangers an employee's health or the health of others.
- F. If an employee has concerns about the presence of a person with the AIDS virus, or any other infectious disease, that individual should be directed to a knowledgeable counselor or medical health practitioner in the City's Employee Assistance Program (EAP) to help allay fears.
- G. **Confidentiality**

Although medical personnel are required to report known AIDS cases to the local county health department within 24 hours, confidentiality of all medical conditions shall be maintained. There is no medical necessity to advise co-workers of the immediate presence of persons who have AIDS, AIDS Related Complex, or a positive HTLV-III antibody test. Disclosure of the result of a blood test to detect AIDS, without written authorization from the employee tested, can result in substantial monetary penalties under state law.

The City Manager shall ensure that all employees' rights to confidentiality are strictly observed. Medical records/information shall be disclosed only to the extent required or permitted by law. Only those persons with a clear need to know shall be informed of an employee's health condition.

### **Section 39.08. Bloodborne Pathogens Policy**

#### **A. Purpose**

It is the intent and purpose of this policy to minimize or eliminate employee exposure to, and/or spreading of, communicable diseases.

#### **B. Policy**

1. The City shall accept the responsibility for the establishment of measures to protect "at risk" personnel (employees) from exposure to blood and other potentially infectious body fluids.

2. To assist personnel in making decisions concerning the use of protective equipment.
3. To protect the privacy rights of all personnel who in the line of duty may be exposed to or contract a communicable disease.
4. Each Department within the City with "at risk" personnel (employees) shall establish and implement procedures that are ". . . at least as effective" as the Department of Labor's Occupational Exposure to Bloodborne Pathogens. ("29 CRF Part 1910.1030" Occupational Safety and Health Administration.)

## **Section 39.09. Drug/Alcohol Abuse Policy**

### **A. Purpose**

It is the intent and purpose of this policy to eliminate substance abuse and its effects in the workplace; to protect the safety of employees, citizens, and property; to promote efficiency and productivity among City employees; and to prevent loss of public confidence and damage to the City's reputation.

The City's primary concern is to ensure employees are in a condition to perform their duties safely and efficiently. The City has no intention of unnecessarily intruding into the private lives of its employees, unless involvement with drugs and alcohol off the job affects job performance and employee safety. The presence and influence of drugs and alcohol on employees during working hours will not be tolerated.

Employees who think they may have an alcohol or drug usage problem are encouraged to voluntarily seek confidential assistance from the City's Employee Assistance Program (EAP) or other available sources. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

### **B. Policy**

1. It is the City's policy that employees shall not report to work intoxicated or under the influence of alcohol or narcotics, prescribed or over-the-counter medications in excess of prescribed dosage, or other nonprescribed hallucinogenic substances, or become so intoxicated or influenced while on duty. In addition, employees shall not sell or provide any drugs or alcohol, while on duty or on City property, unless directly related to a legitimate criminal investigation or authorized City function.

While use of prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of City equipment may result in discipline, up to and including termination. In the event there is a

- question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.
2. The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee. In areas not jointly or fully controlled by the City, City may notify the appropriate law enforcement agency consistent with Government Code Section 3309. All searches shall be conducted in the presence of at least 1 representative of the City.
  3. The City is committed to providing reasonable accommodation to employees whose drug or alcohol problem classifies them as handicapped under federal or state law.
  4. An EAP has been established to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors, or an EAP counselor directly, for additional information.
  5. Employees violating this policy shall be subject to disciplinary action, up to and including termination.
  6. For purposes of this policy, "subject to duty" means "specifically assigned to an on-call status (e.g., standby, etc.)."

**C. Application**

This policy applies to all employees of the City. It applies at all times when employees are on City property, and when employees are off City premises but on duty and engaged in any activity where the employee is representing the City. Alcohol and all substances, drugs, or medications (legal or illegal) that could impair an employee's ability to effectively and safely perform the functions of the job, or increase the potential for accidents, absenteeism, substandard performance, and poor employee morale, are covered by this policy. In addition, certain employees are covered by the Department of Transportation Drug Testing Rules. These rules and the specification of employees covered by these rules are set forth in a separate City Policy entitled "Drug and Alcohol Policy Pursuant to the Department of Transportation Regulations."

**D. Employee Responsibilities**

An employee shall:

1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on- or off-duty alcohol or drug use;
2. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or



while on City property, unless authorized by the City Council, City Manager, or possessed/consumed as part of an official City function;

3. Not directly, or through a third party, sell or provide drugs or alcohol to any person or to any other employee while on duty;
4. Submit immediately to an alcohol/drug test if requested by his/her supervisor, when there is reasonable suspicion that he/she is under the influence of drugs or alcohol. Failure to submit to an alcohol/drug test, when so ordered by a manager or a supervisor, will be considered insubordination and grounds for termination;
5. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment; and
6. Provide, within 24 hours of request, evidence of a current valid prescription for any drug or medication identified when a drug/alcohol test is positive. The prescription must be in the employee's name.
7. Nothing herein shall be construed to waive any rights provided by law.

**E. Management Responsibilities and Guidelines**

1. Managers and supervisors are responsible for reasonable and consistent enforcement of this policy.
2. Managers and supervisors shall receive training as to how to effectively implement the provisions of this policy.
3. Managers and supervisors have the authority to order an employee to submit to a drug/alcohol test when there is a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called. If reasonable suspicion exists, the manager or supervisor shall have the authority to order an employee, accompanied by a supervisor, to report immediately to a City-designated medical facility to be examined by a physician and to take an appropriate test for drug and/or alcohol use. The examination shall be conducted while the employee is "on the clock." The City shall bear the expense of the examination, and shall provide transportation to and from the medical facility and the employee's work station.

"Reasonable suspicion" is a belief, based on objective facts, sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol and the employee's ability to perform the functions of the job safely is impaired or reduced. Examples of factors which may constitute reasonable suspicion include, but are not limited to:

- a. Slurred speech;
  - b. Alcohol odor on breath;
  - c. Unsteady walking and movement;
  - d. An accident on or involving City property, when it appears the employee is at fault;
  - e. A physical or a verbal altercation initiated by the employee;
  - f. Unusual behavior for a particular employee;
  - g. Possession of alcohol or drugs; and/or
  - h. Information obtained from a reliable person with personal knowledge.
4. Any manager or supervisor requesting an employee to submit to a drug/alcohol test shall document, in writing, the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
  5. Any manager or supervisor who encounters an employee who refuses an order to submit to a drug/alcohol test upon request shall remind the employee of the requirements and disciplinary consequences of this policy. If the employee continues to refuse an order to submit to a drug/alcohol test, the manager or supervisor shall prevent the employee from engaging in further work until he/she can be safely transported from the work site.
  6. Managers and supervisors shall not physically search employees and/or personal possessions without an employee's consent. All searches shall be conducted in the presence of the employee and at least two representatives for the City.
  7. Managers and supervisors shall notify their department head, or designee, when they have a reasonable suspicion that an employee may have alcohol or illegal drugs in his/her possession, or in an area not jointly or fully controlled by the City, when an employee refuses to consent to a search. If the department head, or designee, concurs that there is reasonable suspicion of illegal drug possession, the department head shall notify the appropriate law enforcement agency.

**F. Physical Examination and Procedure**

The drug and/or alcohol analysis may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, heroin, cocaine, morphine and

its derivatives, PCP, methadone, barbiturates, amphetamines, and marijuana or other cannabinoids.

**G. Results of Drug and/or Alcohol Test**

1. If the drug/alcohol test is positive, the employee must provide, within 24 hours of receiving the test results, a valid current prescription for the identified drug(s). Prescriptions must be in the employee's name. If the employee does not have a valid prescription, or if the prescription is not in the employee's name, and if the employee has not previously notified his/her supervisor that he/she was/is using the prescription drug(s), a positive result from a drug and/or alcohol test may result in disciplinary action, up to and including discharge from City employment. The cut-off levels for initial screening tests and confirmation tests shall conform with standards established by Department of Transportation (DOT) drug and alcohol testing regulations, Subpart F, Fees, and other applicable sections and parts. By their reference, such standards shall be incorporated herein.
2. If any alcohol or drug test is positive, the City shall conduct an investigation to gather all the facts. The decision to discipline or discharge an employee will be carried out in conformance with the City's discipline procedures.
3. If the drug/alcohol test is positive, an employee may request an additional alcohol or drug test, through another source, at his/her own expense.

**H. Confidentiality**

Laboratory reports and test results shall be included in a separate confidential medical folder contained within the employee's personnel file. The reports and/or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without employee consent, may also occur when:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the City and the employee;
3. The information is to be used in administering an employee benefit plan; or
4. The information is needed by medical personnel for the diagnosis or treatment of an employee who is unable to authorize disclosure.

**Section 39.10. Civil Litigation Notification**

If the City is notified by an employee that he/she has been named as a defendant in a civil action for conduct occurring within the course and scope of employment, the City shall, in turn, notify the employee of any rights he/she may have regarding representation and/or indemnification by the City. The notification shall include the mechanism by which an employee may request representation/indemnification and the time limits, if any, for such request.

## **ARTICLE 40: EFFECT OF AGREEMENT**

### **A. Amendments**

The provisions of this Agreement can be amended, supplemented, rescinded, or otherwise altered only by mutual agreement in writing, hereafter signed by the City Council and the designated representative of the City and the executive management employees.

- B. It is understood and agreed that the specific provisions contained in this Agreement shall prevail over employer practices and procedures, prior written agreements, and over state laws to the extent permitted by state law, and that in the absence of specific provisions in this Agreement such practices and procedures are discretionary.
- C. It is further understood and agreed that this Agreement shall be applied in conjunction with any individual employee agreement/contract entered into between the City and the City Manager.
- D. This Agreement constitutes the total and entire agreement between the parties and no verbal statements shall supersede any of its provisions.

**ARTICLE 41: TERM**

Except as otherwise indicated herein, this Agreement shall be effective upon date of ratification by the City Council for the period July 1, 2023, through June 30, 2024. After June 30, 2024, the existing terms, conditions, and provisions shall remain in effect, and City and employees agree to abide by those terms, conditions, and provisions unless otherwise altered by the meet and confer process, or unless otherwise indicated in this Agreement.

IN WITNESS THEREOF, this Agreement is entered into this day, pursuant to the provisions of Government Code Section 3500, *et seq.*, for presentation to the City Council of the City of Montclair.

APPROVED

Dated: \_\_\_\_\_

\_\_\_\_\_  
Tenice Johnson, Mayor Pro Tem  
Personnel Committee

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bill Ruh, Council Member  
Personnel Committee

Dated: \_\_\_\_\_

\_\_\_\_\_  
Edward C. Starr, City Manager  
(Designated Representative for the  
City's Unrepresented Managers)