

**CITY OF SAN GABRIEL  
CIVIL SERVICE RULES AND REGULATIONS**

The following Civil Service Rules and Regulations have been approved and adopted by the City Council by resolution. These rules and regulations may be amended from time to time by the City Council.

**RULE I – DEFINITION OF TERMS**

The following terms, whenever used in these rules, shall be defined as follows:

“ADVANCEMENT”: A salary increase within the limits of a pay range established for a class.

“ALLOCATION”: The assignment of a single position to its proper class in the City’s Position Classification Plan.

“APPOINTING AUTHORITY”: The City Administrator or those designated as appointing authorities by the City Administrator. Appointing authorities have the final authority to make appointments to City positions. Department heads shall be appointed by the City Administrator with the concurrence of the City Council.

“APPOINTMENT”: The designation of a person by due authority to become a City employee, signing of the proper forms to record that designation and acceptance by the person of the position and conditions as provided in these rules.

“CLASS”: A group of positions which are sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application of equity of common standards of selection, transfer, promotion, and salary.

“COMMISSION”: The Civil Service Commission established pursuant to applicable ordinances creating a civil service system for the City.

“COMPETITIVE SERVICE”: All full-time positions of employment in the service of the City except those specifically excluded by ordinance.

“CONTINUOUS SERVICE”: The continuing service of a probationary or permanent employee in a payroll status without interruption except for authorized leave of absence.

“DEMOTION”: The movement of an employee from one class to another class having a lower maximum rate of pay.

“ELIGIBLE”: A person whose name is on an employment list or reemployment list.

“EMPLOYMENT LIST”:

- A. Open Employment List – A list of names of persons who have passed an open competitive examination for a class in the competitive service.

- B. Promotional Employment List – A list of names of persons who have passed a promotional examination for a class in the competitive service.

“EXAMINATION”:

- A. Open Competitive Examination – An examination for a class which is open to all persons meeting the qualifications for the class.
- B. Promotional Examination – An examination for a class which is open to only permanent and probationary City employees.
- C. Continuous Examination – An examination which is administered periodically with the names of those passing placed on an employment list for a period not to exceed one year.

“FULL-TIME POSITION”: A position requiring the incumbent to work a full-time schedule as designated for the position.

“PART-TIME POSITION”: A position requiring the incumbent to work less than a full-time schedule as designated for the position.

“PERMANENT EMPLOYEE”: A full-time employee who has completed the probationary period in his position and has been retained as hereafter provided in these rules.

“PERSONNEL DIRECTOR”: The City Administrator or his designee.

“PROBATIONARY PERIOD”: A working test period during which the employee has no right of appeal and is required to demonstrate his ability to perform the duties of his position.

“PROMOTION”: The movement of an employee from one class to another class with a higher maximum of pay.

“PROVISIONAL APPOINTMENT”: The appointment of a person who possess the minimum qualifications for a class in the absence of an employment list.

“REINSTATEMENT”: The reemployment without examination of a former permanent or probationary employee.

“SUSPENSION”: The temporary separation from the service of an employee for disciplinary purposes.

“TRANSFER”: Change of an employee from one class to another class having the same maximum salary and similar duties and basic qualifications.

## **RULE II – GENERAL PROVISIONS**

SECTION 1. Gender: Whenever the masculine gender is used in these Rules, it shall be understood to include the feminine gender.

SECTION 2. Discrimination: In personnel actions, the City shall comply with all laws prohibiting discrimination based on race, religion, national origin, sex, age, disability, sexual orientation or marital status.

SECTION 3. Sexual Harassment: The City is committed to providing a work environment that is free of conduct which creates a hostile work environment. In keeping with this commitment, the City maintains a strict policy prohibiting the sexual harassment of any employee. Sexual harassment of any type is grounds for immediate and appropriate disciplinary action.

Any employee who believes he or she has been harassed by a co-worker, supervisor, or agent of the City should promptly report the facts of the incident or incidents and the names of the individuals involved to his or her supervisor or, in the alternative, to the Personnel Director. Supervisors should immediately report any incidents of sexual harassment to the Personnel Director. The Personnel Director will investigate all such claims and take appropriate corrective action.

SECTION 4. Political Activity:

- A. Employees shall not participate in political activities of any kind while in uniform.
- B. Employees shall not engage in political activity during working hours or within City offices.
- C. No employee shall, directly or indirectly, solicit political funds or contributions from persons on City employment lists.
- D. Nothing in this section prohibits an off-duty employee from:
  - (1) Communicating through the mail, or by other means, requests for political funds or contributions to a segment of the public which may include City employees.
  - (2) Soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rates of pay, hours of work, retirement, civil service system, or other working conditions of city employees.

SECTION 5. Nepotism: No person shall be appointed to any competitive position who is the spouse or relative to the second degree of any member of the City Council or City Council appointed official. Further, no person who is the spouse or relative to the second degree of a City employee shall be appointed to a competitive position if such appointment would potentially create an adverse impact on supervision, safety, security, morale, or would involve potential conflicts of interest.

SECTION 6. Substance Abuse: The City maintains a strict policy against drug or alcohol abuse and the use or possession of unlawful drugs while on duty, while on City property or while operating a City vehicle. To facilitate the administration and enforcement of this policy, the City may require or request job applicants and employees to submit to drug or substance abuse testing under certain circumstances.

- A. Pre-Employment Testing: Job applicants may be required to submit to and pass a drug screening test. All offers of employment will be conditioned upon successful completion of the test.
- B. Reasonable Suspicion Testing: When an employee's supervisor or other authorized City official has a reasonable suspicion that an employee possesses or is under the influence of drugs and/or alcohol and such use or influence may adversely affect the employee's job performance, or the safety of the employee, the public, or co-workers, alcohol and/or drug screening may be ordered. This suspicion must be based on objective symptoms related to the employee's appearance, breath, behavior, speech, and/or other conduct. If an employee is on medically-prescribed medication which may influence his comportment, it is the employee's responsibility to so advise his supervisor prior to beginning work.

Testing may also be required if an employee is found to be in possession of drugs, alcohol, or paraphernalia connected with the use of illicit drugs or such items are found in the employee's immediate work area.

- C. Post Mishap Testing: Alcohol and/or drug tests may be required following any work-related accident or any violation of safety precautions or rules, whether or not an injury resulted from such accident or violation.
- D. Testing: Violation of this policy or failure to cooperate fully with a request to test may result in an appointment offer being withdrawn or disciplinary action up to and including termination. The City will pay the full cost of any testing requested of an applicant or employee.

SECTION 7. Smoking – Employees: In view of the documented proof that smoking is hazardous to health, the City is committed to a work environment wherein employees or citizens doing business with the City will not be subject to tobacco smoke. Employees are discouraged from smoking while at work or engaged in City Business.

SECTION 8. Amendment and Revision of Rules: Recommendations for amendment and revisions of these rules shall be made by the Personnel Director to the City Council after compliance with Government Code 3500 et. seq. as regards issues within the scope of representation. Prior to consideration, any amendment or revision shall be posted at such places as the City Council shall prescribe along with notice of time, place, and date of consideration by the City Council. Unless otherwise noted, amendments and revisions shall become effective upon adoption by the City Council.

### **RULE III – CIVIL SERVICE COMMISSION**

SECTION 1. Meeting: The Civil Service Commission shall hold meetings at such time and place within the City as necessary for the Commission to conduct proceedings required by these rules or as directed by the City Council. A majority of the members of the Commission shall constitute a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Commission.

SECTION 2. Public Hearings: Hearings conducted by the Commission shall be public and subject to the "Brown Act", Government Code Sections 54950 et seq., and shall be conducted in private if they pertain to the appointment, employment, or dismissal of a City employee or pertain to the hearing of a complaint or charge brought against an officer or employee of the City, unless such officer or employee requests a public hearing.

## **RULE IV – POSITION CLASSIFICATION**

Section 1. Preparation of Plan: The Personnel Director, or person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan for such positions to the City Council. The classification plan shall consist of classes of positions defined by class specifications. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same scheduled of compensation may be made to apply with equity under like working conditions to all positions in the same class.

SECTION 2. Adoption of Plan: Before the classification plan or any part thereof shall become effective, it shall first be approved in whole or in part by the City Council. Upon adoption, provisions of the plan shall be observed in the handling of all personnel actions. The plan shall be amended or revised as necessary in the same manner as originally established.

SECTION 3. Allocation of Positions: The Personnel Director shall allocate every position in the competitive service to one of the classes established by the plan.

SECTION 4. New Positions: When a new position is created, before the same may be filled, the Personnel Director shall allocate the position to an appropriate class.

SECTION 5. Reclassification: Positions which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Director to a more appropriate class in the same manner as originally classified and allocated. Reclassifications shall not be used to avoid restrictions surrounding demotions and promotions. The incumbent of a reclassified position may be appointed to the position without examination upon recommendation of the department head and approval of the Personnel Director.

SECTION 6. Temporary Reclassifications: A vacant position may be temporarily reclassified to a lower class in the same series and restored to the previous class upon recommendation of the department head and approval of the Personnel Director. Upon restoration of the position to the former class, the incumbent may be appointed to the position without examination, provided the incumbent has demonstrated the ability to perform the job.

## **RULE V – COMPENSATION**

SECTION 1. Preparation of Plan: The Personnel Director, or a person or agency employed for that purpose, shall prepare a pay plan covering all classes of positions in the competitive service.

In arriving at salary rates or ranges, for comparable work in other public employment, to current costs of living, to suggestions of department heads, to the City's financial condition and policies, and to other relevant factors. The Personnel Director, or a person or agency employed for that purpose, shall thereafter make such further studies of the pay plan as may be requested by the City Council.

SECTION 2. Adoption of Plan: The pay plan shall be adopted and may be amended from time to time by action of the City Council.

## **RULE VI – APPLICATIONS**

SECTION 1. Application Forms: Applications shall be made on forms provided by the Personnel Office. Such forms shall require information covering education, training, experience, and other pertinent information. All applications must be signed by the person applying.

SECTION 2. Qualifications and Disqualifications: The Personnel Director may reject any application which indicates that the applicant (1) does not possess the qualifications required for the position, (2) is addicted to the habitual excessive use of drugs or intoxicating liquor, (3) has been convicted of a felony or a crime involving moral turpitude, or (4) made any material false statement therein. Whenever an application is rejected, the applicant shall be so advised. Incomplete applications may be returned to the applicant for completion provided the time limit for receiving applications has not expired.

SECTION 3. False statements made by applicants on the employment application shall be grounds for termination subsequent to appointment.

## **RULE VII – EXAMINATIONS**

SECTION 1. Recruitment and Selection: Competition for positions in the City service shall be open to all applicants who meet the qualifications established for the position for which applications are being solicited. There may be open or promotional recruitments.

SECTION 2. Promotional Examinations: Promotional examinations may be conducted upon recommendation of the department head and approval of the Personnel Director. Only permanent or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

SECTION 3. Continuous Examinations: With respect to selected classes, the Personnel Director may administer successive identical examinations to qualified applicants upon application or at such times as may be deemed appropriate. The resulting scores shall be combined on an employment list with a notation as to date of examination. The removal of names shall be in accordance with rules governing employment lists. Applicants who fail an examination conducted under this section shall be ineligible to retake the examination for a period of six (6) months after the date when the failed examination was taken.

SECTION 4. Conduct of Examinations: The Personnel Director shall be responsible for the manner, methods, and by whom examinations shall be prepared and administered. The City Council, upon recommendation of the Personnel Director, may contract with any competent agency or individual for the preparation and administration of examinations.

SECTION 5. Types of Examinations: Examinations shall be conducted to aid in the selection of qualified employees, and shall consist of recognized selection techniques such as written tests, personal interviews, physical agility tests, performance reviews, work samples, or any combination of these which will, in the opinion of the Personnel Director, test fairly the qualifications of candidates. In any examination, the Personnel Director may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

SECTION 6. Police Officer/Police Recruit Positions: Upon the recommendation of the department head and approval of the Personnel Director, variations in the standard recruitment and selection process shall be permitted for the positions of Police Officer and Police Recruit for applicants who meet at least one of the following criteria:

1. Possess a valid California Basic P.O.S.T. Certificate.
2. Have successfully completed, or are currently enrolled in good standing in, a California P.O.S.T. accredited Police recruit academy.
3. Currently employed in good standing as a Police Cadet, Community Service Officer, or the equivalent position, with a minimum of two years' experience in that capacity with an agency in California that employs Police Cadets or Community Service Officers.
4. Currently employed in good standing as a Level One Police Reserve Officer, certified by the Commission on Peace Officer Standards and Training, with a minimum of one year's experience in that capacity with an agency in California that employs Reserve Peace Officers.

Separate employment lists shall be established for candidates that qualify under each of the above methods.

SECTION 7. Firefighter Positions: Upon the recommendation of the Fire Chief, and concurrence by the Personnel Director, variations from the standard recruitment and selection process shall be permitted for the entry level position of Firefighter for applicants who meet at least one of the following criteria:

1. Pre-service. The position of Firefighter may be filled by pre-service candidates, providing the applicant possesses a California State Firefighter I Certificate or equivalent, and is currently certified as an E.M.T.-1 or higher, and has a minimum of two years of service as a full-time, salaried firefighter, with no more than three years interrupted service.
2. Firefighter Cadet. The position of Firefighter may be filled by a Fire Cadet, providing the candidate possesses a California State Firefighter I Certificate, is currently certified as an E.M.T.-1 or higher, and

- (a) has a minimum of six (6) months experience as a San Gabriel Fire Cadet and is serving as such at the time of employment, or
- (b) has a minimum of one years experience as a volunteer or paid cadet or auxiliary with a city, county or district within the State of California and is serving as such at the time of employment.

Separate employment lists shall be established for candidates that qualify for the position of Firefighter under each of the processes described above.

SECTION 8. Lateral Transfer: Upon the recommendation of the department head and approval of the Personnel Director, applicants for Police Officer or Firefighter positions who are employed as peace officers or firefighters in the State of California or political subdivision thereof and otherwise satisfy City requirements may be considered for employment without going through an examination process.

SECTION 9. Scoring Examinations and Qualifying Scores: A candidate's score in a given examination shall be the average of his score for each competitive part of the examination, weighted as determined by the Personnel Director. Failure in one part of the examination may be grounds for declaring such applicant as having failed the entire examination or as disqualified for subsequent parts of the examination.

SECTION 10. Physical Examinations: Applicants will be advised of physical requirements and may be offered employment conditioned upon their passing a physical examination.

SECTION 11. Notification of Examination Results: Each candidate in an examination shall be given written notice of whether they passed or failed. Applicants for promotional positions may review examination items in accordance with rules governing examination security.

## **RULE VIII – EMPLOYMENT LISTS**

SECTION 1. Employment Lists:

- A. General Procedure: As soon as possible after the completion of an examination, the Personnel Director shall prepare and keep available an employment list containing the names of candidates who qualified in the examination, arranged in order of final scores from the highest to the lowest. Whenever identical ratings are received, names shall be arranged in order of application dates or alphabetically if the dates are the same.
- B. Police Recruit and Community Service Officer Open Competitive Lists: In lieu of the above, the following procedures shall be utilized for Police Recruits and Community Service Officer Lists. After completion of the examination, the Personnel Director shall prepare and keep available an employment list consisting of the name of candidates who qualified in the examination. The Personnel Director shall prepare the listing of eligible names in alphabetical order and grouped within the following groups:

GROUP A – shall contain the names of those eligibles found to be superior.



GROUP B – shall contain the names of those eligibles found to be well qualified.

GROUP C – shall contain the names of those eligibles found to be qualified but not as qualified as those in Groups "A" or "B".

SECTION 2. Duration of Lists:

- A. Employment Lists: Employment lists, other than those resulting from a continuous examination, shall remain in effect for one year unless sooner abolished by the Personnel Director because it contains three or less eligibles. Lists may be extended, prior to their expiration, by the Personnel Director for additional six-month periods, but in no event shall a list remain in effect for more than two years. Lists resulting from continuous examinations shall remain in effect for not more than one year from the last administration of the examination. Names placed on such lists shall be merged with others already on the lists in order of final scores and shall remain on the lists for not more than one year.
- B. Re-employment Lists: the names of probationary and permanent employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and permanent status. Re-employment lists shall remain in effect for a period of two years.

SECTION 3. Qualification in a Higher Class: An applicant who has qualified through an examination process for a position in a class may have his name placed on an employment list(s) for a position(s) in lower classes within the same class series as the class for which the original examination was taken. The score assigned to the applicant will be the minimum passing score of the examination administered when the employment list(s) was established.

A request for placement on the list(s) must be submitted in writing to the Personnel Director by the concerned applicant.

SECTION 5. Removal of Names from Lists: The name of any person appearing on an employment list shall be removed if the person:

- A. Requests in writing that his name be removed.
- B. Fails to respond to notice of appointment consideration mailed to his last known address.
- C. Was not appointed after being considered for appointment and the appointing authority requested that the person not be retained on the list. (Does not apply to persons on re-employment lists.)
- D. Made false statements on his application or in the representation of his experience, education, or qualifications.
- E. Fails to appear for scheduled interviews or medical appointments or for work after notification to report to work.

F. Declines appointment and does not request further consideration.

G. Is on a promotional list and terminates City employment.

## **RULE IX – METHODS OF FILLING VACANCIES**

SECTION 1. Types of Appointments: All vacancies in the competitive service shall be filled by reinstatement, transfer, demotion, or from eligibles on an appropriate employment list. In the absence of persons eligible for appointment in these ways, provisional, emergency, or acting appointments may be made in accordance with these rules.

SECTION 2. Notice to Personnel Director: Whenever a vacancy in the competitive service is to be filled, the department head shall notify the Personnel Director. The Personnel Director shall advise the department head as to the availability of applicants for reinstatement, transfer, or demotion and of eligibles on employment lists for the class. The department head shall indicate a preference as to how the vacancy should be filled provided that if a re-employment list exists for the class, it shall be used to fill the vacancy.

SECTION 3. Appointment from Lists: The department head may select any eligible applicant on an employment list. Whenever there are fewer than three names on a promotional or open competitive list, the department head may recommend that one of the eligibles be appointed or request establishment of a new list. Upon making his selection, he shall immediately advise the Personnel Director who shall submit the department head's recommendation to the appointing authority. The Personnel Director or appointing authority shall then make an offer of employment to the selected candidate. If the applicant accepts the appointment and passes the required physical examination he shall be deemed appointed to the position.

SECTION 4. Promotion: If it is practicable and consistent with the best interest of the service, vacancies in the City service shall be filled by promotion, after a promotional examination has been given and a promotional list established. If, in the opinion of the appointing authority, a vacancy could be filled better by an open competitive examination instead of a promotional examination, the appointing authority may direct the Personnel Director to conduct an open competitive recruitment.

SECTION 5. Transfer: An employee may be transferred at any time from one position to another in the same or comparable class as determined by the Personnel Director. If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Administrator orders the transfer for purposes of economy or efficiency. No person may be transferred to a position for which he does not possess the minimum qualifications.

SECTION 6. Reinstatement: An employee who as resigned with a good record may be reinstated without examination within one year after the effective date of his resignation to a position in his former or comparable class. A reinstated employee shall serve a probationary period and in all respects be treated as a new employee.

SECTION 7. Provisional Appointments: In the absence of employment lists and upon recommendation of the department head, a provisional appointment may be made of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any position filled by provisional appointment.

SECTION 8. Emergency Appointments: To meet the immediate requirements of an emergency situation which threatens life or public property, the appointing authority may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance or rules affecting appointments. As soon as possible, such appointments shall be reported to the Personnel Director.

SECTION 9. Acting Appointments: The City Administrator may temporarily appoint an employee who possesses the minimum qualifications for a higher class to act in that higher class. While in an acting position the employee will be expected to perform essentially the full range of duties allocated to a position in the class. The status of the acting position as being exempt or non-exempt for purposes of the Fair Labor Standards Act shall be determinative of the employee's designation while in the acting assignment.

## **RULE X – PROBATIONARY PERIOD**

SECTION 1. Length of Probationary Period: All original and reinstatement appointments shall be tentative and subject to a probationary period of one year, 18 months for entry level public safety officers. Promotional probationary periods shall be for a period of six (6) months. A leave of absence, other than vacation and temporary military leave, shall cause the probationary period to be extended by the length of such leave. Prior to expiration of an employee's probationary period the department head shall recommend to the Personnel Director that one of the following actions be taken:

- A. Grant employee permanent status.
- B. Extend the probationary period for a period not to exceed six (6) months.
- C. Terminate the employee because of unsatisfactory performance.

SECTION 2. Objective of Probationary Period: The probationary period is part of the examination process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his position. During the probationary period, the employee will receive periodic performance reviews as dictated by departmental policies or rules.

SECTION 3. Termination of Probationer: During the probationary period, an employee may be terminated without cause and shall not be entitled to the right of appeal.

SECTION 4. Rejection Following Promotion: An employee rejected while serving a promotional probationary period shall be reinstated to a position within the class from which he was promoted unless charges are filed and he is discharged in the manner provided in the Civil Service Ordinance and these Rules.

SECTION 5. Probation Period – Permanent Employees: For just cause a permanent employee may be placed on probation for a period not to exceed sixty (60) days.

## **RULE XI – ATTENDANCE AND LEAVES**

SECTION 1. Leave of Absence Without Pay: The Personnel Officer may grant an employee a leave of absence without pay for a period not to exceed six (6) months. Any leave of absence for a period longer than six (6) months may be approved by the City Council, but in no event shall a leave of absence exceed one year, with the exception of military leave. Upon expiration of an approved leave, the employee shall be reinstated to a position in the class held at the time leave was granted or to a similar position if the class no longer exists. Failure of an employee on leave to report promptly at its expiration shall be cause for discharge. An employee on leave of absence without pay shall not receive or accrue employee benefits.

SECTION 2. Additional Employment: A full-time employee desiring to accept employment in addition to his City employment shall submit the matter to the appointing authority for a determination whether the employment is incompatible with the employee's City responsibilities. The incompatibility may arise from either the time or nature of the outside employment. In determining incompatibility, it shall be recognized that some City positions require employees to be available at times other than their regular working hours. The acceptance of employment which is incompatible with the employee's City responsibilities shall constitute grounds for discipline.

## **RULE XII – SEPARATION FROM THE SERVICE**

SECTION 1. Dismissal: A permanent employee in the competitive service may be dismissed for cause as defined in Rule XIII of these Rules. Such dismissal shall be made by the appointing authority in compliance with the procedural requirements covered in Rule XIII of these Rules.

SECTION 2. Layoff:

A. Intent: Public interest may require elimination, curtailment or reorganization of a public service activity which, in turn, may require the layoff of one or more employees. The layoff procedure is intended to minimize the impact of staff reduction on City services and ensure that employees are treated fairly in the processing of layoffs.

B. Procedures: When a position is to be abolished, the following procedure shall be followed:

1. The names of all provisional and original probationary employees occupying positions in the affected class shall be listed in alphabetical order. The City Administrator or his designee shall select from this list one employee, regardless of his place on the list, to be laid off for each position to be abolished.

2. If the positions to be abolished exceed the number of employees available for layoff after application of "1" above, a "Subject to Layoff List" shall be prepared. The list shall be composed of all permanent and promotional probationary employees in the class from which a position is to be abolished. Names of the employees shall be listed in reverse order of their lengths of City service; i.e., those having the least seniority will be listed first. For purposes of this section, time served on a military leave of absence shall be considered City Service.
3. In selecting persons to be laid off, those employees at the top of the list shall be laid off first. When employees have equal seniority, the order of layoff shall be based on levels of performance. Deviation from this procedure is permitted when it can be clearly demonstrated that an employee possesses special skills and knowledge necessary to the efficient operation of City services. In this event, the City Administrator may retain said employee over employees having more seniority provided that none of those having more seniority possesses the requisite skills and knowledge.
4. Any permanent or promotional probationary employee subject to layoff under these provisions who held permanent status in a lower class may request demotion to a position in said lower class or an equivalent class in lieu of layoff. If the employee makes such request, lists of employees as prescribed in paragraph "2" shall be prepared; and the employee shall have his name placed among the other names on the "Subject to Layoff List." Thereafter, the City Administrator or his designee shall choose an employee to be laid off according to the provisions of paragraph "3".
5. In the case of further layoffs necessitated by the displacement of employees, the same provisions as above outlined shall apply.
6. The Personnel Director shall determine the equivalency of classes for the purpose of preparing the lists prescribed above, and his decision shall be final.
7. The names of laid off employees shall be listed on a re-employment list in the reverse order of their dates of layoff. Use of the list shall be in accordance with Rules VII and VIII of these rules.

SECTION 3. Resignation: Employees shall give reasonable notice (minimum two weeks) of their intent to resign. A failure to do so may result in the loss of reinstatement privileges. Once submitted and accepted by the City, a resignation may not be withdrawn without the approval of the appointing authority.

### **RULE XIII – DISCIPLINARY ACTION AND ADMINISTRATIVE REVIEW**

SECTION 1. Disciplinary Action: Disciplinary action refers to actions by management directed to the modification of employee conduct which is contrary to the best interests of the public service. It is primarily corrective in nature and taken in response to acts or a failure to act on the part of the employee. Disciplinary action does not include performance counseling and/or

evaluations, demotions, pay reductions or layoffs resulting from organizational or service changes. The following disciplinary actions may be taken against an employee:

- A. Oral and Written Reprimands: Informal (oral) or formal (written) notification of performance or conduct deficiencies.
- B. Suspension: An involuntary absence without pay.
- C. Salary Reduction: A reduction in pay from the employee's current step within a pay range to any lower step within that same range as provided in the Compensation Plan.
- D. Demotion: Involuntary movement from a position in one class to a position in another class having a lower salary range.
- E. Dismissal: Discharge from the City service.

SECTION 2. Cause for Disciplinary Action: The following is a non-exclusive list of the more common causes for disciplinary action:

- A. Violation of City policies, ordinances, rules, and regulations.
- B. Failure to maintain job performance standards.
- C. Failure to maintain adequate personal appearance.
- D. Lack of cooperation and courtesy.
- E. Insubordination.
- F. Carelessness.
- G. Punctuality and/or attendance problems.
- H. Violation of a safety rule.
- I. Failure to maintain prescribed records (i.e., falsifying, concealing, misusing, mutilating, or removing).
- J. Willful concealment of pertinent information from supervisors.
- K. Physical abuse or threats directed at supervisors, co-workers, or the public.
- L. Sexual harassment.
- M. Willful damage or theft of City property or property of others.
- N. Being under the influence of alcohol while on duty.

- O. Using, possessing, or being under the influence of illegal drugs or narcotics while on duty.
- P. Conviction of a felony.
- Q. Commission of acts which would bring discredit on the City.
- R. Unauthorized use of a City position for personal gain.
- S. Lying to a City representative regarding City business or issues relating to his or a fellow employee's conduct or employment.

SECTION 3. Notification of Proposed Disciplinary Action: an affected employee shall be given prior written notice of a proposed disciplinary action, except reprimands, unless the good of the service demands that such action be taken immediately. Notification shall include a statement of the proposed action, reasons therefor and materials supportive of the action.

SECTION 4. Administrative Review:

- A. Right to Administrative Review: Any permanent employee shall have the right to an administrative review by the City Administrator of a disciplinary suspension, salary reduction, demotion, or dismissal. Such review will be conducted prior to the effective date of the disciplinary action unless emergency circumstances justify an effective date which makes prior review unfeasible. In this event, the review shall be conducted within a reasonable period of time after the effective date of the disciplinary action.
- B. Upon notification of a proposed or immediately after an effected disciplinary action the employee may request a review of the matter by the City Administrator. Such written request, (a) must be submitted within 10 days of the notification or action, (b) be directed to the Personnel Director, (c) include a statement of disputed issues, (d) the employee's position on each issue, and (e) action desired.
- C. The employee's request plus all relevant forms, reports, records, and documents shall be submitted to the City Administrator. The City Administrator shall conduct such investigation deemed advisable. At the conclusion of the Administrator's review and within 20 working days from receipt of the employee's request, the Administrator shall give his decision in writing to the employee.
- D. An employee has the right to be represented in the Administrative Review.

#### **RULE XIV – COMPLAINT AND GRIEVANCE PROCEDURE**

SECTION 1. Purpose of Complaint and Grievance Procedure: It is the City's purpose to provide an effective and acceptable system whereby employees can seek resolution of grievances or complaints on matters affecting their jobs. All levels of administration and supervision are expected to inform and encourage employees to discuss matters affecting their employment.

SECTION 2. Definitions:

- A. Complaint: An allegation or charge that a wrong has been committed.
- B. Complaint Procedure: The process by which a determination is made as to whether or not a wrong has been committed.
- C. Grievance: An expressed claim by an employee that the City has violated, misinterpreted or misapplied an obligation to the employee imposed by City Ordinances, Rules or Regulations.
- D. Grievance Procedure: A structured method for resolving grievances.
- E. Representative: A person who at the request of the employee or management is invited to participate in grievance conferences.

SECTION 3. Complaint Procedures:

- Step 1. The employee should review any complaint with his supervisor. The supervisor is required to review every complaint and attempt to settle it as quickly and fairly as possible.
- Step 2. If the action taken by his immediate supervisor is not satisfactory, the employee may take his complaint to successive levels of supervision as determined by the chart of administrative organization, up to and including the City Administrator.

SECTION 4. Grievance Procedure:

- Step 1. The employee shall inform his supervisor of his grievance and relevant facts within ten days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. At least one conference shall be held between the employee and his immediate supervisor within two days after the employee has expressed his grievance. The immediate supervisor shall advise the employee of his decision within two days following the conference.
- Step 2. If the grievance is not resolved in Step 1, the employee shall put the grievance in writing and submit copies to his immediate supervisor and department head not later than five days following completion of Step 1. The written grievance shall include a citation of the sections of the ordinance or rules and regulations alleged to have been violated and remedy sought by the employee. The department head shall review the grievance and, if requested by the employee, meet with the employee to discuss the grievance. The department head shall give his written decision to the employee within five days from receipt of the grievance.
- Step 3. In the event the grievance is not resolved in Step 2, the employee may submit his grievance to the City Administrator not later than five days following completion of Step 2. The City Administrator shall review the grievance and give his written decision to the employee within ten days from receipt of the grievance.



Step 4. If the grievance is not resolved in Step 3, the employee may request, in writing, that the grievance be referred to the Civil Service Commission. Such request shall be made within five days after receipt of the decision in Step 3.

SECTION 5. General Provisions:

- A. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures.
- B. Forms for filing and processing grievances and other documents necessary under these procedures shall be prepared by the Personnel Director and given appropriate distribution.
- C. Failure at any step of this procedure to communicate the decision on the grievance within specified time limits shall permit the aggrieved employee to proceed to the next step.
- D. The grievant may be required to be present at any step in the grievance procedure.
- E. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall constitute a declining of further appeal and render the decision reached in the preceding step final.
- F. The time limits specified at any step in this procedure may be extended by the City to accommodate work schedules or by mutual agreement.
- G. The employee has the right of representation beginning with Step 2 of the Grievance Procedure.
- H. The grievant may use a reasonable amount of work time as determined by his department head in discussing and presenting his grievance.
- I. If an employee's grievance involves charges against his supervisor or department head alleging sexual harassment or improper actions pursuant to Section 53296, et. seq. of the California Government Code he may request that the grievance procedure be initiated at Step 3.

**RULE XV – APPEALS TO CIVIL SERVICE COMMISSION**

SECTION 1. Right to Appeal: Any employee in the competitive service, except an employee serving an original probationary period, shall have the right to appeal grievances unresolved after application of the grievance procedure and any of the following disciplinary actions to the Civil Service Commission.

- A. Suspension
- B. Salary Reduction

C. Demotion

D. Dismissal

SECTION 2. Method of Appeal: Appeals shall be in writing, signed by the appellant, and filed with the Personnel Director, who shall, within ten days after receipt of the appeal, inform each member of the Commission, the City Administrator and such other persons affected by the appeal. The appeal shall be a written statement, addressed to the Commission, explaining the matter appealed from the setting forth therein a statement of the action desired by the appellant. The formality of a legal pleading is not required. The employee must file such appeal within ten working days of the effective date of a disciplinary action or receipt of the final decision rendered pursuant to the Grievance Procedure.

SECTION 3. Notice: Upon the filing of an appeal, the Personnel Director shall set a date for a hearing on the appeal not less than ten days, nor more than thirty days, from the date of filing. The Personnel Director shall notify all interested parties of the date, time, and place of the hearing.

SECTION 4. Hearings: The appellant shall appear personally, unless physically unable to do so, before the Commission at the time and place of the hearing. He may be represented by any person he may select and present any relevant oral or documentary evidence. Questioning of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Commission Chairperson with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. The appellant, in his appeal, shall indicate whether he desires an open or closed hearing.

SECTION 5. Order of Proof: The procedures in any appeal hearing shall be as follows:

- A. The City shall present evidence in support of its position;
- B. The employee shall then present evidence in support of his position;
- C. The parties in interest may then offer, respectively, rebuttal and surrebuttal evidence;
- D. All evidence must be relevant and material to the issues, and the Commission's decision concerning the relevance or materiality of evidence shall be final;
- E. Following the presentation of evidence, each side shall be permitted to argue the case to the Commission. The order of argument shall be as follows: the City shall be permitted to present its opening argument; the employee or his counsel presents an argument; the City shall be permitted to present a final argument;
- F. When arguments are completed, the Chairperson shall declare the hearing closed.

SECTION 6. Findings and Action:

- A. The Commission shall, within thirty days after conclusion of a hearing, submit its findings and decision in writing to the City Administrator and appellant. Such findings and decision shall be based solely on material presented during the hearing. Any member of the Commission may submit a minority or supplemental finding and recommendation.
- B. The decision of the Commission shall be final and binding on the parties.

**RULE XVI – SAFETY**

Acceptance of employment means that the employee has agreed to follow safety rules and methods. It is the responsibility of the respective supervisors to promote safety consciousness among their employees and provide training in safe practices. The City's policy regarding safety incorporates the following considerations and conditions:

- A. Accidents are preventable.
- B. Safety is just as important as getting work done.
- C. Safety rules must be followed.
- D. The City shall provide safe working conditions and safety equipment determined necessary by the City to all employees.
- E. Violators of safety rules are subject to discipline.
- F. All employees share responsibility for their own safety and that of their co-workers.
- G. An employee who is injured must report for medical treatment and notify his supervisor.

**RULE XVII – TRAINING OF EMPLOYEES**

The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Director and Department Heads. Such programs may include lecture courses, demonstrations, assignment of reading matter, or other training methods which may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal employees in the performance of their respective duties.

**RULE XVIII – REPORTS AND RECORDS**

SECTION 1. Reports and Records: The Personnel Director shall maintain a service or roster card for each City employee showing his name, title of position held, the department to which assigned, salary changes in employment status and such other information as may be pertinent.

SECTION 2. Change of Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in the status of employees shall be reported to the Personnel Director in such manner as he may prescribe.

SECTION 3. Performance Evaluation: Each employee in the competitive service shall be rated as to his performance at least once each calendar year. Such performance evaluation shall be made in the manner prescribed by the City Administrator.

SECTION 4. Confidentiality: Personnel records shall be treated as confidential with access permitted only to authorized City employees.

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