Sunnyvale

City of Sunnyvale
Civil Service Rules and Regulations

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Section 11.00 General

11.01 Applicability and Objectives

The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly ~~so as to~~to:

(a) Obtain and retain the best qualified personnel available for service in the Classified Service.~~;~~

(b) Assure that appointments and promotions shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.~~;~~

(c) Assure, through formal appeal provisions, that disciplinary actions~~,~~ or separations from the Classified ~~s~~Service are consistent with the best interest of the City.

11.02 Personnel Board

The Personnel Board shall consist of five members selected as prescribed by the City Charter and shall appoint its own Chairperson at the first meeting of each fiscal year. Three members of the Board shall constitute a quorum, and the affirmative vote of the majority of the quorum shall be required to give effect to any action of the Board. The Personnel Board shall:

(a) Fix the time and place of regular meetings and give reasonable public notice thereof. Special meetings may be convened at the call of the Chairperson or by any three members of the Board after reasonable public notice and notice to the remaining members of the Board; and

(b) Act as a personnel advisory agency and as a personnel appeal~~s~~ hearing agency as prescribed by the City Charter and by these Rules and Regulations as more fully explained in Section 19.02.

11.03 Classified Service

The Classified Service shall consist of all positions in the City service except the following:

(a) All elective officers.~~;~~

(b) All members of Boards and Commissions.~~;~~

(c) The City Manager~~, ~~; Assistant City Manager~~,~~; Deputy City Manager~~,~~; City Attorney~~,~~; and any Attorney in the Office of the ~~Assistant, or Deputy~~ City Attorney.

(d) ~~The head of each department~~All Department Directors.~~;~~

(e) Persons employed in ~~part-time~~ positions regarded as "casual" or "seasonal."~~;~~

(f) Persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional character.~~;~~

(g) Persons employed for a temporary or special purpose for a period of time fixed by resolution of the City Council and in accordance with the City Charter.

11.04 Administration

The City Manager or designated representative shall be responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service.~~;~~ ~~except that the~~ The City Manager may authorize the ~~head~~ director of a department or office to appoint and remove subordinates in such department or office.

Section 12.00 Recruitment

12.01 General Standards

Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made. No applicant shall either be discriminated against or be privileged on account of their protected categories as defined by state and federal law.

12.02 Workforce Composition

The City shall strive to reflect the demographic composition of the total workforce of the community at all job levels and in all segments of the work-force. The City shall provide equal opportunity for all people in all employment policies and practices in accordance with the City's Equal Employment Opportunity Policy.

12.03 Reasonable Accommodation

The City complies with all applicable laws related to reasonable accommodation of applicants and employees with disabilities. ~~Upon receiving a request for reasonable accommodation and wWith adequate sufficient notice, the City shall engage in an interactive process to discuss~~

~~provide all potential reasonable accommodations to with job applicants and, City Employees, Councilmembers, and board/commission members and applicants with who have a disability as defined in applicable law (as defined by the Americans with Disabilities Act and the California Fair Employment and Housing Act). The request must identify the job- or role-related functions at issue, specific work restrictions or functional limitations related to that disability and suggest reasonable accommodations that may assist the applicant or employee individual in performing essential functions of their job or role. in order to ensure access to the benefits and conditions of employment, City facilities, and City services. Documentation from a medical provider is required to confirm the applicant or employeeindividual has a disability as defined in applicable law.~~

12.04 Minimum Standards

Applicants shall~~, prior to appointment,~~ meet the minimum standards prescribed by applicable class specifications and shall:

(a) Pass a medical examination (if required for a specific job classification) administered by a licensed medical practitioner, selected, and paid by the City, to determine physical fitness for the position to which an appointment is to be made.~~;~~

(b) Subscribe to the Oath of Office as contained in the City Charter.~~;~~

(c) All employees are required to be fingerprinted.~~;~~

(d) Pass a full background investigation, if required for a specific job classification.~~;~~

~~(e)~~

~~(f)~~(e) Pass an alcohol and drug test as required by position or assignment~~;~~.

~~(g)~~(f) Meet other requirements as prescribed by state or federal law.

12.05 Employment of Relatives

No person shall serve in a position subject to supervision, evaluation, discipline, or decisions regarding compensation by a relative. No person shall serve in a department where the Department Director is a relative or in a division where the division manager is a relative.

No person may be appointed who at the time of appointment is a relative of the City Manager, Mayor, or any City Council member.

For the purpose of this section, relative shall mean mother, father, spouse, brother, sister, son, daughter, niece, nephew, first cousin, aunt, uncle, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, whether by marriage, domestic partnership, blood, or legal adoption.

~~The City Manager, or the City Manager's designated representative of the City Manager, may refuse to employ any person under the direct supervision of a City official or City employee directly related by marriage or domestic partnership, blood within the first degree (e.g. father/motherparent, son/daughterchild) or second degree (e.g. brother/sistersibling, grandparents/ grandchildren, uncle/aunt, nephew/niece, first cousin) to such person. This also applies to step-parent and step-child.~~

~~They may also refuse, or to employ any person to the same department wherein a direct working relationship with an employee directly related by marriage or domestic partnership, blood within the first degree (e.g. father/motherparent, son/daughterchild), or second degree (e.g. brother/sistersibling, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) exists, and where the above appointments have has the potential for creating a negative impact on the supervision, safety, security, or morale, or involve potential conflicts of interest. This also applies to step-parent and step-child.~~

An application shall not be accepted from, nor shall an appointment be made of any member of the Sunnyvale City Council or any Sunnyvale appointive Board or Commission during the term of office to which the member has been elected or appointed, nor within two (2) years thereafter.

~~Nor shall an application be accepted from, or an appointment be made of, any person directly related by marriage or domestic partnership, blood within the first degree (e.g. father/motherparent, son/daughterchild) or second degree (e.g. brother/sistersibling, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin), to a member of the Sunnyvale City Council, City Manager, Assistant or Deputy City Manager, or Department Director..~~

12.06 Types of Recruitment Processes

All recruitment processes are conducted in accordance with civil service merit principles. There shall be ~~three~~ two types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:

(a) Citywide Promotional Recruitment. The applicant group is limited to employees who have regular Classified Service status with the City (including probationary employees), meet the minimum qualifications specified on the job announcement, and have received an overall rating of "~~achieves or exceeds~~meets expectations" on the~~ir~~ employee's most recent performance evaluation. The requirement to have received an overall rating of "~~achieves or exceeds~~meets expectations" on ~~their~~ the employee's most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation.
~~Citywide Transfer Recruitment. This type of recruitment may be conducted to fill vacancies in a classification which exists across City departments and/or in a classification that has similar minimum qualifications and the same salary range.~~

(b) Open and Competitive Recruitment. This type of recruitment is normally conducted to fill vacancies. A The City Manager or dDepartment head dDirector may request that any recruitment be conducted on an open and competitive basis.

If a City employee applies for a transfer through the Citywide Promotional or Open and Competitive Recruitment processes listed above, the employee is not required to have an overall rating of "meets expectations" on their employee's most recent performance evaluation to apply for transfer. However, if an employee who does not have an overall rating of "meets expectations" is selected for the transfer, they employee will serve in a probationary status for six months. If the employee is rejected while on the transfer probationary period, the employee will be returned to the former position from which the transfer occurred.

12.07 Solicitation of Applicants

Announcements of vacancies shall be posted on the City's website and on the bulletin board in the Department of Human Resources and advertised in a manner appropriate to the type of examination to be administered (open, closed transfer, or promotional — see paragraph 13.02). City departments shall also post announcements of vacancies at each work location where computers are not easily accessible.

Section 13.00 Examinations

13.01 Preparation

The City Manager, or the City Manager's designated representative, shall direct the preparation of such tests of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the designated positionclassifications to which appointments are to be made. The City Manager, or the City Manager's designated representative, shall determine whether the examination shall consists of a written, or oral, or performance, or psychological, or investigative, or physical test,s, or any combination thereofof these tests, and shall indicate the procedure in the announcement.

13.02 Classes of Examinations

Examinations held to establish a list of eligible candidates for any classification shall consist of one or more of the following parts, as determined and developed by the Department of Human Resources ~~Department~~. All examinations administered by the City are objective, content-valid, and job-related ~~examinations~~. The following represent the most common types of City examinations utilized:

(a) Training and Experience (Supplemental Questions) Examinations. A training and experience examination is designed to measure the applicants' training and experience as it relates to the minimum qualifications of the position. This examination process requires applicants to respond to supplemental questions included on the job posting. The responses ~~that~~ are rated and scored to determine the best qualified applicants. Those applicants that are determined to be the best qualified will continue with the examination process.

(b) Oral Examinations. An oral examination is designed to measure candidates' knowledge, skills~~,~~ and experience determined to be essential to the position, including interpersonal, leadership, problem solving, customer service, supervisory, presentation~~,~~ and/or oral communication skills. The oral examination is a standard set of questions developed by Subject Matter Experts (SMEs) and is consistently asked of every candidate.

(c) Written Examinations. A written examination is designed to measure the various knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job.

(d) Performance Examinations. A performance examination is designed to determine the level of abilities and/or manual skills of candidates to perform the essential functions of the job. The performance examination is a standard set of questions and/or tasks developed by Subject Matter Experts (SMEs) and given to each candidate.

(e) Physical Agility Examinations. A physical agility examination is designed to determine physical agility, stamina, and physical fitness of candidates to perform essential functions of the job.

(f) Assessment Center Examinations. An assessment center examination is a series of examinations that are designed to determine the knowledge, skills, and abilities of candidates determined necessary to perform the essential functions of the job, including role playing, in-basket, presentation, oral examinations, etc.

(g) Other Examinations. Other types of selection tools may be developed and administered, ~~including:~~including presentations, personal interviews, typing tests, work samples, background investigations, or any combination of these or other tests as described above. All examinations are developed with the assistance of Subject Matter Experts (SMEs) and administered by the Department of Human Resources.

13.03 _Disqualification of Applicants

An applicant may be disqualified during any step of the examination process for any one of the following reasons:

(a) Using or attempting to use influence to gain advantage in the examination process.~~;~~

(b) Making a false or misleading statement of material fact in connection with any stage of the examination process.~~;~~

(c) Is found to lack any of the requirements, certificates, or qualifications of the classification applied for.~~;~~

(d) Making demeaning comments or behaving inappropriately towards others during ~~the course of~~ the examination process in violation of the City's policy against Harassment, Discrimination, and Retaliation.~~;~~

(e) Withholding relevant information regarding applicant qualifications.~~;~~

(f) Using deception or fraud at any stage in the examination process.~~;~~

(g) Possessing unauthorized materials, devices, or anything of use or assistance in any stage of the examination process.~~;~~

(h) Behaving in a disruptive manner during an examination process.~~;~~

(i) Directly or indirectly obtaining information regarding examinations.~~;~~

(j) Copying the work of another applicant; or reviewing the examination documents prior to commencement of an examination.~~;~~

(k) Arriving at the place of examination after the start time.~~;~~

(l) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law~~;~~.

(m) Failing to respond to notifications or other correspondence.~~;~~

(n) City employees that apply for a promotion and did not receive an overall rating of "~~achieves or exceeds~~meets expectations" on their last performance evaluation~~;~~. T~~t~~his requirement shall not apply to probationary employees who have not yet received a performance evaluation.~~;~~

(o) ~~Physically or mentally u~~~~Unable~~Inability to perform the essential functions of the job, with or without reasonable accommodation.~~;~~

(p) Is a current user of illegal drugs.~~;~~

(q) Is in violation of Section 12.05 (Employment of Relatives) of the City's Civil Service Rules and Regulations.~~;~~

(r) Has ~~had his~~their ~~or her~~ privilege to currently operate a motor vehicle in the State of California suspended or revoked, if driving is required.~~;~~

(s) Refusing to execute the Loyalty ~~-~~Oath, as required by State law~~;~~.

(t) Is a current City Council member or on a current City Board or Commission during the term of ~~-~~ office the member has been elected or appointed, or within two years thereafter.~~;~~

(u) For any material cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including but not limited to a prior termination from the City or a significant disciplinary action.

~~(u)~~(v) Has applied for the same continuous recruitment process and was not selected for hire or to proceed in the recruitment process within the last three months.

Any applicant disqualified for violating the City's policy against Harassment, Discrimination and Retaliation, fraud, deception, or dishonesty during any stage of the examination process may not reapply with the City for a period of twelve months.

13.04 Grading of Examinations

The ~~City Manager, or the City Manager's designated representative~~Director of Human Resources ~~Director,~~ shall establish for each ~~test~~ examination the basis required for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.

13.05 Veteran's and Active Military Credits

Veteran's and active military credits will only be assigned on examinations for positions in the Classified Service which represent the entry-level classification of a job family. To qualify for veteran's and active military credits, an applicant must submit at the time of application, a copy of an appropriate Department of Defense document indicating the applicant's~~ir~~ military ~~veteran~~ status at the time of application. Veterans and active military members who attain a passing examination score used to determine placement on the eligible list shall be allowed a credit of three ~~(3)~~ points on that score. Disabled veterans shall be allowed an additional credit of two ~~(2)~~ points, for a total of five ~~(5)~~ points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service-connected injury or wound, which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the Classified Service is receiving disability compensation from the Federal Government.

The term "Active Military" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and is currently enlisted.

Applicants who ~~quality~~ qualify for veteran's or active military credits will have them applied to their final passing examination score.

Section 14.00 Eligible List

14.01 Content

The Department of Human Resources shall prepare and establish the employment eligible list at the conclusion of all examination processes. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative weight assigned to each part of the examination. ~~and the~~ The applicants will be placed on the eligible list in score order.

~~The top five eligible candidates, including ties and any bargaining unit inclusions, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional candidate will be referred to the Department for **consideration** for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.~~

~~Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.~~

~~The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.~~

~~The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.~~

~~Direct Referral: For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process(es), establish an employment eligible list and directly refer the eligible candidates to the appointing authority for consideration.~~

~~For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.~~

14.02 Duration

An employment eligible list shall remain in effect for a period of twelve months~~,~~ and may be extended by the Director of Human Resources, at the request of the Department Director, for a period up to an additional twelve months. The exception shall be the Public Safety Lieutenant employment eligible list which will remain in effect for a period of eighteen months with no extensions.

The Director of Human Resources may abolish any employment eligible list when there are two or fewer candidates remaining on the list.

The Director of Human Resources may also abolish any open and competitive employment eligible list prior to its expiration date upon recommendation of the Department Director~~, with approval of the City Manager or designated representative.~~. Such action shall be permitted only when it is considered to be in the best interest of the City.

14.03 Removal

The Director of Human Resources, or designee, shall remove a candidate from a certified employment eligible list for the following reasons:

(a) Refusal to accept appointment to an offered position.

~~(a)~~

(b) For external candidates, refusal to participate in the selection interview process.

(c) For internal candidates, refusal, without an approved waiver, to participate in the selection interview process.

(d) Appointment to the classification for which the eligible list was established.

(e) Written request from the candidate for removal from the list.

(f) Failure to contact the Department Director, or designee, within seven calendar days from being notified of a selection interview or offer of employment.

(g) Failure to continue to meet the minimum qualifications or minimum employment standards for the position for which the eligible list was established.

(h) Failure to successfully complete the City's pre-employment process.

(i) For any of the causes set forth in this section or the Recruitment, Examination, and Selection Policy as basis for disqualification of the candidate from the employment eligible list.

A Department Director, with approval from the Director of Human Resources, shall may remove any external (not a current regular City employee) candidate from a certified employment eligible list for any job-related reason. In addition to the reasons outlined above, examples of appropriate job-related reasons to remove an external candidate from a certified employment eligible list include:include unverifiable information in employment history,; unsatisfactory job performance reference check,; or any reason listed under paragraph 13.03.

14.04 Certification

All vacancies in the Classified Service shall be filled from qualified candidates who have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.

Certification to the eligible list will be accomplished by placing the candidate scores in rank order to differentiate their relative performance. The top five eligible candidates, including ties, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional candidate will be referred to the Department for consideration for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.

Department of Public Safety Sworn Recruitments
The Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates ~~who have~~with final scores~~d~~ between 85% and 100% ~~on their final score~~.

The second band of qualified candidates will be referred ~~over~~ to the Department of Public Safety for consideration when the highly qualified band has been fully considered. Fully considered is defined as ~~(~~ two or fewer candidates remaining in the highly qualified band~~)~~. The qualified band will include all candidates ~~who have scored~~with final scores between 70% and 84% ~~on their final score~~.

Direct Referrals–
For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process~~(es)~~, establish an employment eligible list, and directly refer the eligible candidates to the appointing authority for consideration.

For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted to and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.
~~All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with the Certification Procedures section of the Recruitment, Examination and Selection policy.~~

~~All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.~~

~~Certification to the eligible list will be accomplished by placing the candidate scores in rank order to differentiate their relative performance and referred to a Department for consideration. The Department of Human Resources shall certify the top five eligible candidates to the Department Director, or designee, for consideration for an approved vacancy. One additional eligible candidate will be referred to a Department for consideration for each additional approved vacancy. The candidate names referred to the Department for consideration will be in alphabetical order. All candidates referred to the Department Director are considered fully qualified and eligible for hire.~~

~~Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.~~

~~The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.~~

~~The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.~~

Waiver of Certification

Internal candidates may ~~waive certification~~decline to be referred for a position ~~once~~ twice upon giving reasons satisfactory to the Director of Human Resources. If the reason is not approved by the Director of Human Resources, then the candidate's name shall be removed from the eligible list from which they were certified. ~~Waivers~~ Requests to decline a referral must be filed in writing with the Director of Human Resources.

There is no provision for external candidates to request to decline a referral ~~waive certification or to request a waiver from certification~~.

Selective Certification

If a vacancy exists within a broad classification, the Department Director, or designee, may request a selective certification of candidates having the specialized qualifications required from the eligible list for that classification. For example, ~~if~~ a department has a requirement that candidates ~~be able to type at a certain rate of speed or use a ten-key.~~need a commercial driver's license or bilingual skills may request a selective certification.

When selective certification is indicated, the Director of Human Resources, or designee, shall determine which candidates, in order of ranking on the applicable list, have the required special qualifications.

The special qualification may be tested for as part of the examination for the classification. Applicants must be notified of their opportunity to be tested for the special qualification.

Applicants who do not pass the special qualification testing required for selective certification will remain on the original employment eligible list.

Section 15.00 Appointments

15.01 Classes of Appointments

The classes of appointments to positions in the Classified Service shall be Probationary~~,~~ and Regular~~, and Term-Limited~~. Appointees to each class shall be subject to the conditions and limitations set forth herein.

15.02 _Probationary Appointments

Probationary appointments are for the purpose of providing a work performance evaluation period (also known as a "probationary period") prior to filling positions on a Regular Appointment basis. The appointing authority shall make each probationary appointment from the certification list (see paragraph 14.04).

Probationary periods are used to evaluate an employee's work for the period of time prior to an employee obtaining regular employment status with the City. A probationary period will occur when a new employee is hired within regular appointment, ~~or~~ grant-funded appointment status, or when a current City employee promotes to a new position requiring a probationary period. A probationary period will also occur when a casual or term limited employee is hired into a classified regular full-time or part-time position.

The probationary periods shall be ~~for~~ the following ~~period of time~~:

a) ~~Thirty-nine~~~~Eighteen (39~~18~~)~~18 ~~pay periods~~months for Public Safety Officers.~~;~~
b) ~~Twenty-six~~~~Twelve (26~~12~~)~~12 ~~pay periods~~months for Public Safety Dispatchers, Public Safety Dispatchers – Lateral, Public Safety Dispatchers-in-Training.~~;~~
c) ~~Thirteen~~ Six ~~(13~~6~~) pay periods~~months for ~~Management and~~ all other classified full-time and part-time employees~~;~~.

~~As specified below, an employee's probationary period may be extended for the time period indicated upon recommendation of the Department Director or designee, and approval of the City Manager or designee, if the employee's work performance or work- related behavior does not meet the required standards of the position:~~

~~Up to an additional thirteen (13) pay periods for Management and all other classified full-time and part-time employees;~~

During the probationary period an employee may be rejected at any time without cause and without the right of appeal upon recommendation of the appointing authority and approval of the Director of Human Resources. An employee does not acquire regular employment status in a position until the probationary period has been successfully completed.

An employee who has obtained regular employment status in a prior lower-level classification and is rejected while on the promotional probationary period will be reinstated to the classification from which the promotion occurred~~,~~ unless the rejection is due to discharge for cause in which case no reinstatement shall occur. ~~However, i~~If the rejection is due to discharge for cause, the Procedures for Formal Disciplinary Action in ~~Paragraph~~ paragraph 21.04 and the

Appeal Procedures contained in paragraph 19.02 ~~would~~ apply.

Probationary full-time and part-time employees ~~Regular full-time and part-time employees on probationary periods~~ shall be entitled ~~, according to their pay periodstime of service,~~ to all ~~of~~ the supplementary pay and benefits applicable to regular full-time and part-time employees ~~holding regular full- time and part-time appointments~~ with the same ~~pay periods and/or monthstime~~length of service.

Probationary Period Extensions
An employee's probationary period may be extended for up to ~~6~~six months upon recommendation of the Department Director or designee, ~~and~~with approval of the City Manager or the City Manager's designated representative, if the employee's work performance or work--related behavior does not meet the required standards of the position.

Probationary periods will be automatically extended for absences that exceed a cumulative total of 30 days. The probationary extension will be equivalent to the number of days absent. This excludes any time approved in advance of the probationary period, such as time granted during job offer negotiations. The probationary employee will receive written notice of the extension. Probationary periods will be automatically extended for Temporary Modified Work Assignments (TMWA) to allow~~ing~~ sufficient opportunity to assess performance in the regular assignment.

15.03 Regular Appointments

Regular appointments may be full-time or part-time and are for the purpose of providing a regular complement of employees in the Classified Service to discharge the duties and responsibilities assigned to the work-force of the City. Regular appointments shall be made by the appointing authority from employees successfully completing the required probationary period ~~required of employees holding probationary appointments~~.

15.04 Term Limited Appointments

Term Limited appointments may be full-time -or ~~part~~ part-time and are designed to fill staffing needs for limited duration projects, tied to a budget for a specific project(s) of limited anticipated duration. Term Limited appointments are for specified durations, are ~~"~~at-will,~~" and~~ are not subject to ~~a~~ probationary periods~~,~~ and may be terminated at any time with or without cause. Term Limited employees shall be approved by the City Manager, and ~~a~~ shall be entitled, according to their ~~pay periodstime~~length of service, to all ~~of~~ the supplementary pay and benefits applicable to employees holding regular full-time and part-time appointments with the same ~~pay periods and/or monthstime~~length of service.

15.05 Transfer

The City Manager may transfer any employee to another position having the same class specifications or to another position in a different class providing the education, experience, knowledge, skill and ability, and salary of the class are substantially equal to the position from which the employee is being transferred.

Section 16.00 Performance

16.01 Performance Standards

Performance standards shall be established for each department or office and shall specify standards of conduct, appearance, and work performance. These standards shall be expressed in precise and readily understood terms for the guidance of employees and for application by supervisory personnel in evaluating employee performance.

16.02 Evaluation Required

For ~~all regular~~ employees who have a six-month probationary period, a ~~work~~ performance evaluation must ~~shall~~ be completed at least once ~~each~~ every three ~~(3)~~ months ~~for employees on a~~ during the probationary period, as well as ~~and~~ at the ~~conclusion~~ end of the probationary period.

For employees who have a ~~twelve~~12-month probationary period, a ~~work~~ performance evaluation must be completed at least once every six ~~(6)~~ months during the probationary period, as well as at the end of the probationary period.

For employees who have an ~~eighteen~~18-month probationary period, a ~~work~~ performance evaluation must be completed at ~~least once every~~the ~~the~~ six ~~(6)~~ months mark ~~point least once every nine (9) months~~ during the probationary period, as well as at the end of the probationary period.

A performance evaluation is ~~also~~ required to extend an employee's probationary period for performance related reasons unless the extension is automatically applied ~~for absence greater than 30 days~~ under section 15.02.

All regular employees who have successfully completed their probationary period will receive an annual evaluation for the rating period specified in City policy.

Performance evaluations may be completed more frequently than on an annual basis as determined to be necessary by the employee's supervisor or manager. This does not preclude the taking of disciplinary action in interim periods between evaluations. Performance evaluation rating periods and/or due dates may be modified due to pending personnel actions or leave issues upon the approval of the Director of Human Resources.

16.03 Performance Rating

The performance evaluation ~~of work performance~~ shall be directed to recording significant facts about the quality and quantity of work performed, conduct and work habits on work assignments, and other pertinent factors which demonstrate the value of the employees' work performance. Such facts shall be reported by the employee's supervisor~~y personnel~~ or manager. A uniform system of appraisal shall be used. Each rating shall be discussed with the employee ~~being rated to the end~~ so ~~that~~ the employee understands the rating and the areas in which performance is competent or must be improved.

16.04 Use of Performance Ratings

Performance ratings are a continuing record of employee performance and progress and shall be used as follows:

(a) Salary adjustments between the steps established as the ~~scale~~ range for a given class shall not be approved unless the employee's work performance ~~achieves~~ meets expectations.

(b) Salary adjustments for management employees designated in the City's current salary resolution shall be made in accordance with provisions therefore set forth in said resolution.

(c) The order of layoff of employees for a lack of work or funds, or in the interest of economy, shall be determined in accordance with Section 17.02.

(d) ~~A Leave of Absence Without Pay~~Unpaid leave shall not be granted unless the overall rating is ~~achieves~~ meets expectations ~~or better~~ except as required to comply with applicable law, ~~. Exception to this requirement is that the unpaid leave is subject to applicable regulations,~~ such as workers' compensation, family medical leaves, military leave subject to the Uniformed Services Employment and Reemployment Rights Act (USERRA), reproductive loss leave, etc.

(e) An overall rating of "~~achieves or exceeds expectations~~meets expectations" on the most recent work performance evaluation is required ~~in order~~ for an employee to be eligible to participate in a promotional examination. This requirement shall not apply to probationary employees who have not yet received a performance evaluation.

(f) Performance ratings shall be considered in disciplinary actions or dismissals.

Section 17.00 Separation

17.01 Resignation

An employee under the appointing authority of the City Manager ~~desiring~~ wanting to leave the City's service may do so by filing a written statement of resignation ~~in writing~~ with the appropriate department director, Director of Human Resources, or the City Manager at least two ~~(2)~~ weeks prior to the effective date thereof. ~~Failure to provide notice two weeks prior to the effective date do so may be considered as grounds for disqualifying the employee for future employment.~~

~~Once the resignation is accepted by the City Manager or , the employee may rescind or modify the separation date only upon the approval of the City Manager or designee.~~
An employee under the appointing authority of the City Attorney desiring to leave the City's service may do so by filing a written statement of resignation ~~in writing~~ with the City Attorney or designee at least two ~~(2)~~ weeks prior to the effective date thereof. ~~Failure to do soprovide notice two weeks prior to the effective date may be considered as grounds for disqualifying the employee for future employment.~~

~~Once the resignation is accepted by the City Attorney or designee, the employee may rescind or modify the separation date only upon the approval of the City Attorney or designee.~~
Failure to provide notice two weeks prior to the effective date may be considered as grounds for disqualifying the employee for future employment. Once the resignation is accepted, the employee may rescind or modify the separation date only upon the approval of the hiring authority.

17.02 Reduction ~~of~~ in Force

When it is necessary to reduce the staff for lack of work, ~~or~~reduced ~~funds~~funding, or in the interest of economy, the City Manager shall determine the ~~classes~~ classification~~(s)~~ in which the reduction~~(s)~~ is to be made and the number of positions to be eliminated. The layoff of employees shall occur within the ~~classes~~ classifications determined in accordance with the following procedure:

(a) All employees holding Term Limited appointments shall be laid off first~~;~~.

(b) Employees holding probationary appointments shall be laid off next~~;~~. E~~except that e~~mployees holding probationary appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously attained regular status.

(c) Employees holding regular appointments who have an overall performance rating of less than "~~achieves~~ meets expectations" in the last complete performance evaluation shall be laid off next.

(d) All regular employees having a performance rating of at least "~~achieves~~ meets expectations" shall be laid off last in order of seniority of service.

(e) The names of regular or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of layoff.

17.03 Retirement

Each employee shall be entitled to retirement in good standing upon becoming eligible therefore under the provisions of the retirement plan in force.

Section 18.00 Reinstatement

18.01 Reinstatement ~~A~~after Resignation

A ~~permanent~~ regular City employee in the Classified Service who has resigned from the City in good standing may apply to be reinstated to their former vacant position without examination, within one year from the effective date of resignation.

An application shall be completed and sent ~~forwarded~~ to the Department of Human Resources. ~~and u~~Upon review and approval by the appropriate Department Director and the Director of Human Resources, the ~~previous~~former employee will be placed on the reinstatement employment eligible list, subject to all the following conditions:

(a) The applicant held a regular appointment at the time of separation and resigned in good standing.~~;~~

(b) The applicant received an overall rating of "~~achieves or exceeds~~meets expectations" on their last performance evaluation~~;~~.

(c) The applicant has applied for reinstatement within one year from the effective date of resignation~~;~~. ~~and,~~

(d) The applicant ~~can demonstrate that they~~ meets the minimum qualifications and employment standards of the position.

The submission of an application for reinstatement will not result in an automatic appointment.

Reinstatement appointments are made upon the recommendation of the Department Director and upon approval of the City Manager or the City Manager's designated representative~~, or designee~~.

~~Reinstatement appointments~~Employees who are reinstated will be required to successfully pass all pre-employment examinations required of the position. ~~Reinstatement appointments~~Employees who are reinstated do not serve a new probationary period.

18.02 Reinstatement from a Reduction ~~I~~in Force List

A regular City employee in the Classified Service who has been laid off will be placed on a re-employment list for ~~five~~ three years from the effective date of the layoff. ~~Applicants~~ Reinstatement candidates will be ~~listed~~ on the re-employment list in inverse order of the layoff. ~~Applicants~~ Reinstatement candidates whose names appear on a re-employment list ~~as a result~~because of a reduction in force shall be reinstated in the order in which their names appear on the list subject to the following conditions:

(a) A position is available in the class from which the ~~applicant~~ reinstatement candidate was separated as an employee.

(b) The ~~applicant~~ reinstatement candidate accepts reinstatement within ~~seven (~~7~~)~~ calendar days from the date of notification~~;~~ or notifies the Department of Human Resources within this ~~time period~~period of the desire to remain on the list but not to accept the current opening. Only ~~one~~ 1 refusal is allowed.

(c) The reinstatement candidate can perform ~~Except when T~~~~the applicantreinstatement candidate can no longer has not during the period of layoff incurred any disability or condition which would prevent the applicant from performing~~ the essential ~~duties~~ functions of the position in an acceptable manner after being granted ~~with or without~~ a reasonable accommodation if needed.

~~The re-employment list shall be retained for five~~ three ~~(5~~3~~) years from the date of establishment.~~

(d) The reinstatement candidate will be given hiring priority over all other applicants for appointments to positions where the reinstatement candidate is qualified by reason of previous appointment or status.

18.03 Reinstatement from Military Leave

Employees who are drafted or recalled to military service ~~for long-term assignments are to be separated~~ shall be reinstated in accordance with the provisions of applicable state and federal law. ~~the State Military and Veterans' Code. Upon termination of the military service the employee is to be reinstated provided there has been full compliance with the provisions of the code including application for reinstatement within ninety (90) days.~~

~~18.04 Priority of Appointment~~

~~Applicants whose names appear on a re-employment list Reinstatement candidates shall be given priority over all other applicants for appointments to positions for which the applicants reinstatement candidates have are qualified by reason of previous appointment or status. have reinstatement rights to their current position if the requirements under USERRA are met.~~

Section 19.00 Appeals

19.01 Grievance Appeals Procedure

Any employee having a grievance arising from employment in the Classified Service, other than that which is subject to the Disciplinary Appeal Procedure, shall seek a resolution to the grievance initially with their immediate supervisor. Should the immediate supervisor be unable or unwilling to arrive at a satisfactory resolution, or be a part of the grievance, the employee may seek resolution with the ~~department~~ Department ~~head~~Director. Should the director ~~epartment head~~ be unable or unwilling to make a satisfactory resolution, or be a party to the grievance, the employee may then seek resolution from the City Manager or designee as outlined in the applicable MOU.

The employee may request the service of the State Mediation and Conciliation Service to advise the City Manager on this matter. The decision of the City Manager shall be final and conclusive.
The foregoing procedure shall not apply to any employee covered by an alternate formal grievance procedure established pursuant to a Memorandum of Understanding entered into between the City and an employee bargaining unit.

19.02 Disciplinary Appeal Procedure

Any employee in the Classified Service holding a regular appointment who, for disciplinary reasons, is suspended without pay, demoted, dismissed, or subjected to reduction in salary ~~shall be entitled to~~may file a written request for ~~be heard before the~~a Personnel Board hearing. This hearing will be at a ~~duly constituted meeting thereof~~ scheduled meeting provided a written request ~~therefore~~ has been filed with the Secretary of the Personnel Board within fourteen ~~(14)~~ calendar days from the effective date of the action from which the employee seeks exception. A properly filed written request for a ~~hearing before the~~ Personnel Board hearing shall be processed as follows:

(a) Within thirty ~~(30)~~ calendar days after the proper filing of written request for a hearing, the Personnel Board shall schedule a hearing, following any review of the action and complaint deemed necessary. Upon mutual written agreement by the parties, the timeline to schedule a hearing may be extended. Personnel Board hearings may be continued as determined necessary by the Personnel Board.

(b) The ~~hearing before the~~ Personnel Board hearing may be public or closed at the option of the employee, and the employee may be represented by legal or other counsel; however, the hearing shall be informal, and the rules of evidence prescribed for duly constituted courts shall not apply. Department of Human Resources and Office of the City Attorney staff shall not be excluded from closed hearings ~~designated as closed;~~.

(c) The Personnel Board shall, within fourteen ~~(14)~~ calendar days of conclusion of the ~~aforementioned~~ hearing~~(s) or hearings~~, render its decision in writing and the Secretary shall ~~direct~~ send copies ~~thereof~~ of the written decision to the City Manager and the employee requesting the hearing.

(d) The decision of the Personnel Board may sustain, revoke, or modify the suspension, demotion, dismissal, or reduction in salary and shall be final and conclusive in all respects and shall not be subject to appeal~~; and~~.

(e) In the event the Personnel Board revokes or modifies a suspension, demotion, dismissal, or reduction in salary and orders the employee reinstated to the former position, it shall direct the payment of salary to the employee for the time period ~~of time~~ the Personnel Board finds the suspension, demotion, salary reduction or dismissal was improperly in effect.

19.03 Employment Application Appeal Procedure

Any applicant who is disqualified in the minimum qualification review step for a Classified Service recruitment may appeal to the Director of Human Resources or designee. Such appeal must be in writing and filed with in 3 business days following notice by Human Resources. The written appeal must contain a statement that clearly identifies the basis for appeal. Determination of a~~A~~ppeals ~~determinations~~ will be made within 5 business days after receipt and provided to the applicant via email.

Section 20.00 Standard of Conduct

20.01 Standard of Conduct

An appointment to the Civil Service carries with it certain rights and responsibilities under the law. ~~It is therefore incumbent upon members~~ Members of the Classified Service are required to serve

the public well and respect the rights of all to liberty, equality, and justice under the Constitution. To this end, members of the Classified Service are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality, and devotion to public service. In addition, no public office is to be used for personal gain or the special benefit of any citizen or citizen groups. The public has the right to expect a level of service and conduct that will promote and preserve confidence in and respect for the City Government.

20.02 Employee Responsibilities

(a) At all times, ~~T~~the public shall be served with courtesy, impartiality, fairness, and equality under the law ~~at all times~~.

(b) The public interest shall take precedence over all other considerations regardless of conditions or circumstances.

(c) At all times, ~~E~~employees shall perform the duties to which they are assigned to the best of their ability~~y~~ies ~~at all times~~.

(d) No person shall be granted or be permitted any consideration, treatment, advantage, or favor beyond that which is general practice to grant or make available to the public at large.

(e) Publicly owned or supported property, equipment, vehicles, labor, or services shall be used for public purposes only. Public use shall mean that use which under general practice is available to the public at large, or which under stated policy is authorized in the conduct of official business, or other uses as defined by action of the City Council.

(f) City duty time shall be used for public purposes only.

20.03 Conflict of Interest

(a) Conflict of Interest Codes. Each employee shall comply with ~~such~~ the Conflict of Interest code. The City Clerk will notify employees affected by the Conflict of Interest Code of their responsibilities there under.

(b) Influencing Decisions. Employees ~~shall~~ shall ~~not~~ not ~~participate~~ participate ~~in~~ in ~~or~~ or ~~attempt~~ attempt ~~to~~ to ~~use~~ use ~~their~~ their official positions to influence a governmental decision in which they have a financial interest.

(c) Public Contracts. Employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Employees shall not buy from or sell to others in transactions made in their official capacity. ~~Nor shall employees be purchasers at sale, or vendors at any purchase, made by them in their official capacity.~~

20.04 Incompatible Employment

In accordance with State law, members of the Civil Service shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as employees. Employees shall not perform any work, service, or counsel for compensation outside of their City employment where any part of their efforts will be subject to approval by any other officer, employee, board, or commission of the City.

20.05 Gifts, Favors, and Remunerations

No member of the Civil Service shall accept any gift, whether in the form of money, object, favor, loan, or promise that would not be offered or given if the member were not a City employee other than what is provided by the City Charter, Administrative Policy, ~~and~~ ordinances, and resolutions of the City.

20.06 Confidential Information

Confidential information concerning any employee of the City or any other person, firm, association, group, partnership or corporation, or any property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information nor contrary to applicable state or federal law. Such confidential information regardless of disclosure shall not be used to advance the financial or personal interest of the members of the Civil Service.

20.07 Political Activities

The City may adopt rules regarding political activities which are in conformance with State and Federal laws.

Section 21.00 Miscellaneous

21.01 Anniversary Date

~~T~~The anniversary date of each employee shall be the date the employee began employment with the City.

21.02 Classification

The City Manager~~, with the advice of the Personnel Board,~~ shall prepare and submit to the City Council a plan of classifications and grading of all positions in the Classified Service according to similarity of authority, responsibility and duties and shall take effect when adopted by the City Council.

Positions shall be assigned to a single class when: (1) a similar level of authority, responsibility and duties is required; (2) a similar level of education, experience, knowledge, and ability is required; and (3) the same descriptive title can be equitably applied to such positions.

Additions to or changes in the classification plan may be adopted from time to time in the same manner prescribed for the preparation and adoption of the original classification plan; provided, however, that the sum of the duties, responsibilities, and authority assigned to a new class shall constitute a regular full-time or regular part-time assignment in the City service as opposed to a casual or seasonal part-time assignment.

~~Specifications shall be prepared for each class and shall include:~~

~~(a) The class title;~~

~~(b) A brief description of the class;~~

~~(c) A summary of essential functions per formed by the class; and~~

~~(d)~~ **~~(c) in CSRR.~~**~~A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.~~

21.03 Classifi~~c~~ication Specifications

Classification specifications ~~shall~~ will be maintained by the Department of Human Resources ~~Department~~ and ~~shall~~ be available ~~for review~~ at all times on the City's website.

Classification specifications will include:

(a) The class title.

(b) A brief description of the class.

(c) A summary of essential functions performed by the class.

(d) -A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.

21.04 Disciplinary Actions

Any employee shall be subject to discipline, including counseling, documented oral counseling, written reprimands, suspension, demotion, decrease in pay ~~step~~ assignment, or dismissal from the classified service, by the City Manager for the causes for discipline identified in the City's Disciplinary Action and Appeal Policy and listed below:

(a) Violations of any City Policy~~;~~.

(b) Misconduct~~;~~.

(c) Misuse of City Property~~;~~.

(d) Theft~~;~~.

(e) Fighting~~;~~.

(f) Discourteous treatment of the public or other employees~~;~~.

(g) Consuming, possessing, or being under the influence of alcoholic beverages, non-prescription or unauthorized narcotics, or controlled substances during working hours and/or while on City property or worksite~~;~~.

(h) Failure to satisfactorily perform the duties of the~~ir~~ ~~his/her~~ position~~;~~.

~~(h)~~(i) ~~This includes f~~Failure to meet or maintain minimum qualifications of the position.

~~(i)~~(j) Inexcusable neglect of duty~~;~~.

~~(j)~~(k) Failure to observe applicable rules and regulations~~;~~.

~~(k)~~(l) Failure to cooperate reasonably with ~~his/her~~the employee's~~ir~~ supervisor, ~~/~~manager, or coworkers~~;~~.

~~(l)~~(m) Willful disobedience~~;~~.

~~(m)~~(n) Insubordination~~;~~.

~~(n)~~(o) Dishonesty~~;~~.

~~(o)~~(p) Fraud in obtaining employment with the City~~;~~.

~~(p)~~(q) Failure to take or subscribe to any oath which is required by law in connection with employment~~;~~.

(r) Absence without leave~~;~~.

~~(q)~~(s) ~~This includes f~~Failure to report to work after a leave of absence has expired or has been denied ~~by the appointing authority~~.

~~(r)~~(t) Excessive use of unprotected ~~disability/sick~~ leave.

~~(s)~~(u) Tardiness~~;~~.

~~(t)~~(v) Falsification of timecards or City records.

~~(u)~~(w) Conviction, including pleas of guilty or nolo contendere, of a felony or misdemeanor if the conviction has a nexus to the employee's position~~;~~.

~~(v)~~(x) Unlawful political activity~~;~~.

~~(w)~~(y) Unauthorized solicitation on City property.~~;~~

~~(x)~~(z) Violation of safety rules~~;~~.

~~(y)~~(aa) Violation of City Charter provisions~~;~~.

~~(z)~~(bb) Any violation of departmental conflict of interest codes approved by the City Council and adopted pursuant to Chapter 7 of the Political Reform Act of 1974 (Government Code 87100)~~;~~.

~~(aa)~~(cc) Any other act, either during or outside of duty hours which is detrimental to the public service.

Employees may appeal a suspension, demotion, pay ~~step~~ reduction, or dismissal to the Personnel Board as provided herein (see paragraph 19.02) and as specified in the Disciplinary Action and Appeal Policy and/or the applicable Memorandum of Understanding.

21.05 Other Employment

Employees in the Classified Service may engage in other employment provided such employment does not conflict or interfere with prescribed duties and does not violate the provisions of p~~P~~aragraph 20.04.

21.06 Personnel Records

Human Resources~~A file~~ shall ~~be~~ maintain~~ed~~ a file for each employee and ~~shall~~ which contains a copy of every personnel transaction affecting the employee's status ~~of said employee~~. ~~Personnel~~ Employee personnel files ~~of individual employees~~ are to be considered confidential information and are to be used or exhibited only for administrative purposes or in connection with official proceedings before the Personnel Board or City Council. However, any employee may examine

~~his/her~~~~the employee's~~ ~~sir~~ their own file at any reasonable time, in accordance with City Administrative Policy and applicable law.

21.07 Training

To the extent possible and practicable, the city will provide in-service training and work performance opportunities ~~shall be provided.~~ ~~to improve daily performance and prepare employees for promotional opportunities. Approved extension or home study courses shall be considered as qualifying education for the purpose of determining eligibility for promotional examinations.~~

END