

RESOLUTION NO. 94-141

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A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE RULES FOR PERSONNEL ADMINISTRATION

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BE IT RESOLVED that the Rules for Personnel Administration as shown on Exhibit A attached hereto are hereby adopted by the City Council of the City of Lodi, to be effective immediately.

FURTHER RESOLVED that this Resolution shall apply to all employees in the City's classified service (as defined in Lodi Municipal Code §2.44.020) except those classifications represented by the United Firefighters of Lodi, which shall remain subject to the rules and regulations affecting personnel which are in force on November 15, 1994.

FURTHER RESOLVED that Resolutions No. 1718 and 83-9 are superseded in their entirety, except to the extent provided above in this resolution.

Dated: November 16, 1994

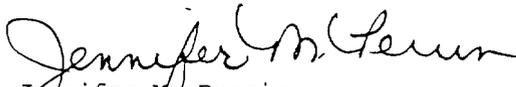
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I hereby certify that Resolution No. 94-141 was passed and adopted by the Lodi City Council in a regular meeting held November 16, 1994 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk



RULES FOR PERSONNEL ADMINISTRATION

**CITY OF LODI
CALIFORNIA**

AS SUBMITTED TO THE MAYOR AND CITY COUNCIL
ON NOVEMBER 16, 1994

RULES FOR PERSONNEL ADMINISTRATION

**Jack A. Sieglock, Mayor
Stephen J. Mann, Mayor Pro Tempore
Ray G. Davenport, Council Member
Phillip A. Pennino, Council Member
John R. (Randy) Snider, Council Member**

Thomas A. Peterson, City Manager

**Prepared by the Staff
of the
City of Lodi**

CITY OF LODI, CALIFORNIA

RULES FOR
PERSONNEL ADMINISTRATION

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RULES FOR PERSONNEL ADMINISTRATION

ARTICLE I
MERIT PRINCIPLE

SECTION 1.01 MERIT SYSTEM ESTABLISHED.

- A. By adopting these Rules for Personnel Administration, the City Council hereby establishes in accordance with the provisions of Ordinance No. 474, an equitable and uniform procedure for dealing with personnel matters and to place municipal employment on a competitive merit basis such that the best qualified persons available are brought into and retained in city service.
- B. Appointments and promotions in the classified service of the City shall be made according to qualifications and merit and from eligible lists to be established in accordance with these Rules.
- C. Employees shall be notified of proposed changes to these Rules thirty (30) days prior to submittal to the City Council by written notice to each department and posted on the City Hall Bulletin Board.
- D. Violation of the provisions of the Rules constitutes ground for dismissal or other disciplinary action deemed appropriate by the appointing authority.

RULES FOR PERSONNEL ADMINISTRATION

ARTICLE II DEFINITION OF TERMS

SECTION 2.01 DEFINITIONS. The following terms used in these Rules shall have the meaning hereinafter designated, unless from the context hereof it clearly appears that a different meaning is intended.

Allocation. The official assignment of an individual position to its appropriate class on the basis of the duties performed and the authority and responsibilities exercised.

Applicant. A person who has submitted a written application for employment with the City in accordance with these Rules. The term does not apply to a person who has indicated orally or in writing interest in employment or has filed an interest card for employment.

Appointing Authority. The person or persons having lawful authority to appoint or remove persons from positions in the City in accordance with Ordinance No. 474.

Appointment. The offer of and acceptance by a person of a position in the City service in accordance with these Rules.

At-Will Service. The service of an employee which does not provide a legal right to continued employment, and who therefore may be disciplined or discharged with or without cause and without the right of appeal.

Authorized Position. A position approved and allocated which is authorized by the City Council and for which funds are appropriated.

Certification. The submission by the Personnel Director of names of eligibles from an appropriate eligible list to an appointing authority in accordance with these Rules.

City. The City of Lodi, California.

Class. A position or group of positions, the duties, authorities and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties, recruiting standards, and compensation can be applied.

Classification. The process by which a class is established and by which its level in the schedule of the classes is determined.

Classification Plan. The current schedule of classes established by the City Council, class specifications, assigned salaries, and the procedures for maintaining the plan.

Classification Specification. A written statement of the general duties of a classification and the minimum qualifications required to perform them.

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Classified Service. All employees except for the following: elected officials; officers appointed by the City Council; Department Heads; members of appointed boards, commissions and committees; persons engaged under contract to render professional, scientific, technical or expert services; and part-time, seasonal or temporary employees.

Compensatory Time Off (CTO). The leave time granted with salary in lieu of payment for approved overtime hours worked.

Continuous Recruitment. A recruitment conducted for an unlimited amount of time subject to close when a sufficient number of applications have been received or when a position has been filled.

Day. A calendar day unless otherwise designated.

Demotion. The movement of an employee from one class to another class having a lower salary range.

Eligible. A person whose name is on a current employment, reemployment or reinstatement list.

Employee. A person occupying an exempt, classified or unclassified position in City service.

Eligible List. A list of eligibles established by competitive examination who may be considered for employment with the City under specific conditions set forth in these Rules.

Examination (Test or Exam). The selection technique used to measure the relative capacities and fitness of applicants.

Final Score. The score used to establish an applicant's ranking on an eligible list. The final score may be a score computed from a combination of scores from various parts of the exam process.

Flexibly Staffed. The procedure by which an employee may be promoted to the next level of staffing within a job series without a competitive examination process.

Layoff. The involuntary separation of one or more regular employees from the work force occasioned by the abolishment of a position or positions or the reduction in number of employees in a given class.

Open Examination. A competitive examination for a particular class in which all those applicants who meet the qualifications for the class may participate, whether or not they are employed by the City.

Oral Reprimand (Oral Warning). A verbal statement to an employee, usually by the supervisor, pointing out an unsatisfactory element of job performance. An oral reprimand (oral warning) is intended to be corrective or cautionary.

Personnel File. The official personnel file maintained in the Personnel Department.

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Position. A combination of current duties and responsibilities assigned to a single class and normally performed by one employee.

Probationary Employee. An employee who has been appointed from an eligible list to a regular position but has not completed the probationary period.

Probationary Period. A specified working test period during which an employee serves at will.

Probationary Release. The separation of an employee from City service during the probationary period without cause.

Promotion. The movement of an employee from one class to another class with a higher maximum salary range.

Promotional Examination. A competitive examination for a particular class which may be taken only by regular and probationary employees of the City who meet the requirements set forth in the examination announcement.

Provisional Appointment. The appointment of an individual, who possesses the appropriate minimum qualifications, to a regular allocated position pending the establishment of an eligible list.

Reclassification. The change in the assignment of a position from one existing class to a new class or another existing class.

Reemployment List. A list of names of former regular employees who have been laid off from a class, with those laid off last at the top of the list for reemployment to that class.

Regular Employee. An employee hired from an eligible list, who has successfully completed the probationary period for a class and occupies a budgeted position in the classified service.

Regular Position. A budgeted position established by the City Council that is a part of the classified service.

Reinstatement. The rehiring of a separated employee to the same classification held during employment with the city.

Resignation. The voluntary separation of an employee from employment with the City.

Salary. The amount of individual cash compensation for the performance of duties in a position in a range and step established in accordance with a memorandum of understanding or Management Salary Plan.

Salary Plan. A set of base salary or salary rates assigned to specific classes of positions.

Salary Range. A series of salary or salary steps to which a class may be assigned.

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Temporary Employee. An employee hired for a limited period of time who may work part or full-time.

Termination. The involuntary separation of an employee from City service for cause.

Transfer. The movement of an employee from one position to another position in the same class or in a comparable class.

Written Reprimand. A cautionary or corrective written notice to an employee with a copy to his/her personnel file informing the employee of an action on his/her part which is the cause for disciplinary action.

Y-Rate. The action of "freezing" the salary of an employee when such salary exceeds the maximum rate authorized in the salary plan for the class of said employee.

RULES FOR PERSONNEL ADMINISTRATION

ARTICLE III GENERAL PROVISIONS

SECTION 3.01 PERSONNEL POLICY. In accepting employment with the City each employee agrees to be governed by and to comply with ordinances, these Rules, the administrative policy and procedure manual, the rules, regulations and directives of the department in which employed, and the memorandum of understanding in effect between the City and the appropriate employee organization.

SECTION 3.02 EQUAL OPPORTUNITY EMPLOYER.

- A. The City is committed to the goal of equal employment opportunities and to that end has adopted an Affirmative Action Plan.
- B. It is the policy of the City to ensure that the application of these Rules and regulations, and the recruitment, employment, training, advancement, layoff, salary, termination, and all other personnel actions for all positions, classes and individual employees shall be on the basis of qualifications and performance without regard to race, color, religion, national origin, sex, age, political affiliation, sexual orientation, or physical or mental disability.

SECTION 3.03 POWERS OF THE CITY MANAGER.

- A. Except for the Library Department, which is governed by the Library Board under the Education Code, Sections 18900-18965, the City Manager is the chief administrative officer and the head of the administrative branch of the City Government. Whenever the term "City Manager" is used in these Rules, it shall include the City Manager or any person designated by him/her to carry out any function required by these Rules. With reference to Library positions, it shall include the Librarian. When any officer or employee other than the City Manager is assigned a duty or responsibility under these Rules, such assignment is subject to the direction and control of the City Manager, and the City Manager shall have the right to perform such duty or responsibility or to assign it to any other officer or employee.
- B. Subject to Ordinance No. 474, and the Rules for Personnel Administration, the City Manager has the power and authority to:
 - 1. Establish, when not in conflict with these Rules, such other policies, procedures, rules and regulations necessary for the control and supervision of the affairs of the City;
 - 2. Appoint and remove all Department Heads, officers and employees of the City, except those officers appointed by the Council;
 - 3. Approve all proposed appointments and removals of subordinate employees by all officers and Department Heads;

RULES FOR PERSONNEL ADMINISTRATION

4. Transfer, promote, demote, reemploy, reinstate, discipline, layoff, reduce in salary, suspend, or dismiss City employees, except for those officers appointed by the City Council.
- C. The City Manager shall interpret, apply, administer and enforce the provisions of these Rules, any ordinances or resolutions relating to personnel matters, the employer-employee relations resolution, the memorandum of understanding, and any other pertinent regulations, directives and policies which relate to the City's personnel system.

SECTION 3.04 DEPARTMENT RULES AND REGULATIONS. Department Heads may develop, implement and revise as necessary any departmental policies, procedures, rules and regulations pertaining to unique operational requirements and their effect upon departmental personnel as are needed for the full performance of duties and responsibilities and which are not contrary to these Rules.

SECTION 3.05 APPLICATION OF PERSONNEL RULES. These Rules shall apply to all City employees and positions in the classified service except for the following:

- A. Elected officials;
- B. Members of appointed boards, commissions and committees;
- C. Persons engaged under contract to render professional, scientific, technical or expert services for a definite period of time;
- D. Volunteer personnel who receive no regular compensation from the City;
- E. Where a particular rule or article expressly states it does not apply to certain employees and/or positions, or applies only to certain employees and/or positions.

SECTION 3.06 ADOPTION OF PERSONNEL RULES. The personnel rules shall be established by resolution adopted by the City Council.

SECTION 3.07 AMENDMENT AND REVISION OF PERSONNEL RULES. Proposed amendments to/or revisions of the Personnel Rules shall be submitted to the City Council in writing by the Personnel Director after approval of the City Manager.

SECTION 3.08 CONFLICT OF PERSONNEL RULES. In the event that one or more provisions of these Rules contradict provisions included in memorandum of understanding as received by the Council and currently in effect between the City Council and the formally recognized employee organizations, the terms of the memorandum of understanding shall prevail. If there is a conflict between these Rules and a state or federal law, that law prevails. If there is a conflict between these Rules and an administrative regulation, these Rules prevail.

SECTION 3.09 RIGHTS OF MANAGEMENT. The adoption of these Rules shall not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

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SECTION 3.10 VIOLATION OF PERSONNEL RULES. Each employee is responsible to comply with these Rules and any amendments hereto. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including dismissal.

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ARTICLE IV CLASSIFICATION PLAN

SECTION 4.01 DEFINITION. The classification plan is the systematic organization of classes. A class is composed of one or more positions which are substantially similar with respect to duties, responsibilities, authorities and character of work such that the same title, definition, minimum qualifications and compensation schedules are applied equitably under similar working conditions for all positions in the class.

SECTION 4.02 PREPARATION & MAINTENANCE OF CLASSIFICATION PLAN.

- A. The Personnel Director shall have the responsibility to recommend the establishment of new classes, or the combination, alteration or abolishment of existing classes to insure the efficient and equitable operation of the classification plan.
- B. The Personnel Director, or the person or agency selected for that purpose, shall ascertain and record the duties and level of responsibilities of all positions in the City and develop/maintain a classification plan for such positions.
- C. The classification plan may contain classes to which there are no current allocations of positions in order to provide for future organizational growth or changes in organizational structure.

SECTION 4.03 ADOPTION OF CLASSIFICATION PLAN.

- A. The classification plan shall be established and amended by resolution adopted by the City Council.
- B. The City Council may create new classes and revise, or abolish existing classes of positions in the City service.

SECTION 4.04 ALLOCATION OF POSITIONS. The allocation of a position to a class shall be authorized by the City Council as recommended by the Personnel Director after study of the duties and responsibilities of the positions in conjunction with appropriate department personnel and shall be based on the principle that positions shall be included in the same class if:

- A. The positions are sufficiently similar in respect to duties, authority and responsibilities that the same descriptive title may be used; and
- B. Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents; and
- C. Substantially the same tests of capacities and fitness may be used in choosing qualified appointees.

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SECTION 4.05 FLEXIBLY STAFFED CLASSES. The Personnel Director may recommend the arrangement of various classes of positions into flexibly staffed series when, in the judgment of the Personnel Director and the appropriate Department Head, the classes are similar or closely related enough in requirements, duties and responsibilities to warrant such arrangement.

SECTION 4.06 CLASS SPECIFICATIONS. The Personnel Director shall prepare and maintain a written specification for each class in the City service. Each class specification shall set forth at a minimum the title of the class, a definition of the class, examples of the typical duties performed by positions within that class, and a statement of qualifications necessary to perform the duties of that class.

SECTION 4.07 CLASS SPECIFICATION QUALIFICATIONS.

- A. Qualifications shall be revised as the need arises.
- B. Personal qualifications commonly required of all incumbents of positions, such as acceptable physical condition, honesty, sobriety, amenability to supervision, and willingness to work cooperatively with others, the ability to comprehend and communicate in the English language, to follow written and oral instructions, shall be implied as qualifications required for every class even though such traits may not be mentioned specifically in the class specifications.
- C. Where a position requires an employee to drive either a City-owned or privately-owned vehicle on official City business, such employee must possess and maintain the appropriate valid California operator's license.
- D. Where a position requires an employee to have a certificate, license, permit or registration, such employee must possess and maintain a current certificate, license, permit or registration.

SECTION 4.08 INTERPRETATION OF CLASS SPECIFICATIONS. The class specifications are descriptive and explanatory in nature. They are intended to indicate the kinds of duties and responsibilities allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind or level of responsibility. The specification for each class should be considered in its entirety and in relation to other classes in the classification plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications required and relation to other positions.

SECTION 4.09 OFFICIAL USE OF CLASS TITLE. A position shall be identified by class title in all official personnel and budget records and transactions.

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SECTION 4.10 RECLASSIFICATION. Whenever a material change in duties or responsibilities of any existing position in the City service occurs the Personnel Director, on his/her own initiative or upon a request of the Department Head or the City Manager, or upon the request by an employee with the approval of his/her Department Head, may review the duties of the affected position.

SECTION 4.11 RECLASSIFICATION CONDITIONS. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in assigned duties and responsibilities.

SECTION 4.12 STATUS OF INCUMBENTS IN RECLASSIFIED POSITIONS. Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination when:

- A. The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred for a significant period of time, normally one year; and
- B. The changed duties and responsibilities justifying allocation to a different classification have taken place during the employment of the present incumbent in such position and were not the result of planned management action; and
- C. The incumbent possesses the knowledge, skills, abilities and experience required of the different class.

SECTION 4.13 PROCEDURE FOR RECLASSIFICATION OF INCUMBENTS.

- A. The Department Head may submit a written request to the Personnel Director for a classification study to be conducted on a position. Such request shall include supporting evidence/information justifying the study. The Personnel Director shall determine if the classification study is warranted.
- B. The findings set forth in Section 4.10 of these Rules shall be transmitted by the Personnel Director to the City Manager at the time a reclassification is under consideration. The Personnel Director shall recommend to the City Manager appropriate action to be taken regarding the incumbent whose position is being reclassified.
- C. The Personnel Department shall determine whether the reclassification of a position constitutes a downward, lateral or upward movement of the position relative to its current allocation. The following actions prevail with regard to each of the following kinds of changes:
 - 1. Downward. The incumbent may accept a demotion to the reallocated position or be reassigned to a vacant position in the same class and retain regular status.
 - 2. Lateral. The incumbent will remain unchanged in the class to which the position is reallocated.

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3. Upward. The employee will retain regular status in the new class when the Personnel Department determines that either (a) there has been no essential change in the duties or responsibilities of the position during the individual's incumbency; or (b) there has been a gradual change in the duties and the incumbent has performed the higher level tasks for a significant period of time, normally one year. If none of the above situations exist, the employee may compete for the reallocated position.

D. An employee may appeal a reclassification action according to the following procedure:

1. The appeal shall be submitted in writing using the appropriate form available from the Personnel Department, to the Personnel Director, within fifteen (15) work days of the date of notification of action.
2. The Personnel Director shall respond in writing within fifteen (15) work days of the date of receipt of the appeal.
3. If the appeal is not settled in step 2, the employee may submit an appeal in writing to the City Manager within fifteen (15) work days of the date of the response by the Personnel Director.
4. The City Manager shall respond in writing within fifteen (15) work days of the date of receipt of the appeal. The decision of the City Manager shall be final and binding.

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ARTICLE V
SALARY SCHEDULE

SECTION 5.01 PREPARATION OF SALARY SCHEDULE.

- A. The City Manager shall prepare a salary schedule for all classes in the classified and unclassified City service.
- B. The salary schedule shall establish a schedule of salary ranges and salary steps showing monthly minimum and maximum rates, biweekly rates and hourly rates.
- C. The development and implementation of the salary schedule shall include, but not be limited to, the following considerations:
 - 1. Enabling the recruitment of qualified employees;
 - 2. Encouraging employee retention;
 - 3. Recognizing salary trends in other governmental agencies and private industry;
 - 4. Observing the principle of equal salary for equal work;
 - 5. Recognizing differences in minimum requirements and responsibilities relative to the classification plan;
 - 6. Providing incentives for employee work performance and job development;
 - 7. Supporting the internal equity and alignment of the classification plan.

SECTION 5.02 ADOPTION OF SALARY SCHEDULE.

- A. The salary schedule shall be established and amended by resolution adopted by the City Council.
- B. Each class in the classified and the unclassified services shall be assigned to a salary range and salary steps, or an hourly rate.

SECTION 5.03 SALARIES. All salary rates prescribed shall be fixed on the basis of full-time service in full-time positions, unless otherwise designated.

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ARTICLE VI
EXAMINATION ANNOUNCEMENTS

SECTION 6.01 EXAMINATION ANNOUNCEMENT.

- A. All personnel requisition forms must be received by the Personnel Department prior to announcement of an examination.
- B. The Personnel Department shall prepare an official bulletin announcing any proposed examination. The bulletin shall be posted in public view in such places and by such means as to attract a sufficient number of qualified applicants.
- C. The examination announcement shall contain the class title, a statement that the City is an affirmative action-equal opportunity employer, and shall specify at least the major job responsibilities, minimum and desirable qualifications, the selection process to be used, and the time and manner of making application.

SECTION 6.02 DATES MAY BE CHANGED IN EXAMINATION ANNOUNCEMENT.

Dates specified in any examination announcement may be extended, postponed or canceled by the Personnel Director if such action is necessary or expedient to the needs of the City.

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ARTICLE VII
APPLICATION AND APPLICANTS

SECTION 7.01 APPLICATIONS FOR EMPLOYMENT.

- A. Applications for employment with the City shall be made on official application forms available from the Personnel Department.
- B. A separate, signed application must be submitted each time and for each position for which an applicant applies.
- C. The application shall contain the original signature of the applicant in the space provided on the application.
- D. The application shall be received in the Personnel Department on or before the announced final filing date and time.
- E. All application materials shall become the property of the City.

SECTION 7.02 CITIZENSHIP OF APPLICANTS. Employment is open to qualified persons who are citizens of the United States and to qualified persons who are not citizens of the United States but who have complied with state and federal laws defining the eligibility of non-citizens for employment in state and local government.

SECTION 7.03 INCOMPLETE APPLICATIONS. Incomplete applications may be rejected or returned to the applicant for additional information and/or completion.

SECTION 7.04 APPLICATION INFORMATION SUBJECT TO VERIFICATION.

- A. During the course of the employment process, information presented on an application may be verified and supplemented by investigations which may include the employment record, character and personal history of the applicant.
- B. Applicants may be required to furnish the Personnel Department with certified copies of any diploma, license or any other accreditation or certification required to meet the qualifications established for the examination or which the applicant claims to hold.

SECTION 7.05 DISQUALIFICATION OF APPLICANTS. The Personnel Director may disqualify any applicant from consideration, either before or after an examination. Reasons for rejecting an application or an applicant may include but shall not be limited to any of the following deficiencies:

- A. The applicant is lacking in any of the qualifications or requirements established for the examination, or set forth in the class specification for the class for which he/she is applying, or in these Rules.

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- B. The applicant has made false statement of material fact, or practiced or attempted to practice deception or fraud in his/her application or examination, or in securing eligibility for appointment.
- C. The applicant fails to follow written or oral direction or is disruptive while taking prescribed examinations.
- D. The applicant failed to submit the completed application to the personnel department by the prescribed filing date.
- E. The applicant used or attempted to use personal or political influence or pressure, or bribery, to secure an advantage in an examination or appointment.
- F. The applicant failed to appear promptly at the time and place designated for any portion of an examination, or failed to reply within a reasonable time to communications concerning availability for employment.

SECTION 7.06 APPLICANTS WITH FELONY OR MISDEMEANOR CONVICTIONS.

Conviction including pleas of guilty and nolo contendere of a felony or of any misdemeanor on the part of the applicant or eligible will be reviewed individually by the Personnel Department as to determine the standing or removal of the name of an eligible from any employment list.

SECTION 7.07 ACCESS TO CRIMINAL RECORDS BY PERSONNEL DIRECTOR. In order to further the objectives set forth in Section 7.06 of these Rules and as authorized by the California Penal Code Section 11105b(10) and 13300(b)(10), the Personnel Director is hereby authorized to have access to and utilize criminal history record information on file with the State of California Department of Justice and/or local law enforcement agencies when it is necessary for such records to be utilized to fulfill employment, certification or licensing duties as set forth in these Rules and in California Labor Code Section 432.7.

SECTION 7.08 APPLICATION AS PART OF THE EXAMINATION. Applications shall be considered a part of the examination process.

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ARTICLE VIII
EXAMINATIONS

SECTION 8.01 RESPONSIBILITY TO CONDUCT EXAMINATIONS.

- A. The Personnel Director shall determine or approve the manner and methods of preparation of examinations, and by whom they are administered, and shall be responsible for the conduct of examinations for all classes of positions within the City service.
- B. The examination selection process is intended to test for the job functions identified in the job analysis and class specifications. The Personnel Director may examine applicants by any one or combination of techniques such as: achievement tests; aptitude tests; evaluation of training, experience, and education assessment centers; personal interview; performance tests; evaluation of work performance and/or work samples; physical agility tests; written tests; review and investigation of personal background and references; medical, physical and/or psychological examinations; successful completion of prescribed training; and/or by such other techniques as determined by the Personnel Director.

SECTION 8.02 NEED FOR EXAMINATIONS.

- A. The Personnel Director shall schedule examinations as deemed necessary for maintaining a continuity of City services.
- B. Examinations may be specified as either promotional or open.

SECTION 8.03 OPEN EXAMINATIONS.

- A. Open examinations are open to all persons who meet the requirements and conditions set forth in the examination announcement.
- B. Open examinations may be assembled or conducted on a continuous basis.
- C. Open examinations shall be conducted when the Personnel Director determines such examinations are in the best interest of the City.

SECTION 8.04 PROMOTIONAL EXAMINATIONS. The conduct of promotional examinations will be considered prior to conducting open examinations when there is a sufficient number of potentially qualified employees. Promotional examinations are open to probationary and regular employees of the City who meet the requirements and conditions set forth in the examination announcement. The names of eligibles on promotional lists who are no longer employed by the city shall automatically be dropped from such lists.

SECTION 8.05 RATING EXAMINATIONS.

- A. The passing score on an examination or any part of an examination will be established by the Personnel Department.

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- B. An applicant's final score in a given examination shall be the score or the combination of scores attained on each competitive part of the examination.
- C. Failure on any one part of the examination may be grounds for declaring that the applicant has failed the entire examination, or that the applicant is disqualified for subsequent parts of the examination.
- D. Parts of an examination may be designated as qualifying only, with no numerical weight assigned to passing scores on such part.

SECTION 8.06 NOTICE OF EXAMINATION RESULTS. Each applicant in an examination shall be sent written notice to his/her last known address giving the results of such examinations and, if successful, his/her final score and position on the eligible list, if applicable.

SECTION 8.07 INSPECTION OF TEST ANSWER KEY. Answer keys for written tests will be available for review by applicants within two (2) weeks of notification of test results except for standardized or copyrighted tests, essay or problem tests not subject to scoring by an absolute standard, oral qualifications appraisal interviews, or tests used for examinations on a continuing basis by the City.

SECTION 8.08 PROTEST OF APPLICATION REJECTION OR EXAMINATIONS. Protest as to alleged errors, fraud or discrimination must be submitted to the Personnel Director within ten (10) working days of the date of the mailing of the appropriate notices and he/she may take such corrective measures as appropriate. Correction of any score shall not invalidate any previous appointment.

SECTION 8.09 APPEALS FROM DISQUALIFICATION IN EXAMINATIONS AND SELECTION.

- A. Individuals electing to appeal their disqualifications in any phase of the examination or selection process, shall, within ten (10) working days of the date of mailing of the appropriate notice, file a written statement with the Personnel Director setting forth:
 - 1. The action being appealed;
 - 2. The specific basis for the appeal; and
 - 3. The relief sought.
- B. Within ten (10) working days from the receipt of a timely appeal, the Personnel Director shall complete an investigation. The individual shall be promptly notified of the results of the investigation and advised of any rights and responsibilities for further appeal.
- C. An individual may appeal the decision of the Personnel Director to the City Manager or his designee by filing a written request to do so with the Personnel Director within ten (10) working days following the written notification of results by the Personnel Director. The City Manager's decision is binding on both parties.

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SECTION 8.10 EXAMINATION RECORDS. The records of an examination are working documents, confidential in nature, and not public documents. The Personnel Director shall establish and maintain procedures to ensure the confidentiality of examination records including rating sheets, test results, reference checks, background investigations, physical and psychological examinations, records, ethnic, sex, age, citizenship/legal alien documents and data.

SECTION 8.11 STATUS OF PROTESTED EXAMINATIONS. The Personnel Director may, after considering the needs of the City, continue the scoring of tests and other parts of the examination, certification, and appointment process prior to answering protests. Appointments made are not invalidated even if a protest is subsequently allowed.

SECTION 8.12 POSTPONEMENT AND CANCELLATION OF EXAMINATIONS. If, in the opinion of the Personnel Director, a sufficient number of qualified applicants has not made application for an examination or the vacancy no longer exists, the Personnel Director may extend the final filing date and the date of the examination or cancel the examination.

SECTION 8.13 LIMITED RECRUITMENT. When it can be anticipated that the applicant group will be large in relation to anticipated vacancies, the Personnel Director may take steps to limit the size of the applicant group through (a) shorter filing period; or (b) specifying a maximum number of applications which will be accepted; or (c) other means which are appropriate to the circumstances and otherwise consistent with these Rules.

SECTION 8.14 SELECTIVE RECRUITMENT. When a specific position's duties require a unique or specialized skill, the Personnel Director - may within a job classification - modify recruitment or selection processes to those individuals possessing the specialized skill(s).

SECTION 8.15 AFFIRMATIVE ACTION CONSIDERATION. The Personnel Director may utilize alternative selection processes in order to eliminate adverse impact as part of an affirmative action program.

SECTION 8.16 FEES FOR EXAMINATIONS. Application and/or examination fees may be charged to applicants for the recovery of costs associated with the selection process for open examinations.

ARTICLE IX
ELIGIBLE LISTS

SECTION 9.01 ESTABLISHMENT OF ELIGIBLE LISTS.

- A. Eligible lists shall be established as a result of an examination process.
- B. Eligible lists may be ranked or unranked.
- C. Upon completion of scoring the examination, the names of successful applicants shall be arranged in order of final score earned, from the highest score down to the lowest passing score. In the event of identical ratings, names shall be arranged in the order of application date, and if the same, then arranged alphabetically. In the event of identical ratings for promotional examinations, names shall be arranged in the order of application date, and if the same, then arranged by seniority, and if the same, then arranged alphabetically.
- D. An eligible list may be unranked when the list is composed of five (5) or less applicants, or the selection process does not measure those aspects of performance which differentiate among levels of job performance.
- E. Eligible lists shall become effective when certified by the Personnel Director.

SECTION 9.02 DURATION OF ELIGIBLE LISTS. Eligible lists shall be effective for a period of two years unless exhausted, abolished, or extended.

SECTION 9.03 ABOLISHMENT OF ELIGIBLE LISTS. The Personnel Director may abolish an eligible list prior to the end of the prescribed period when consistent with the principles of merit.

SECTION 9.04 EXTENSION OF ELIGIBLE LISTS. Prior to its expiration, the Personnel Director may extend the effective period of an eligible list for open examinations for a period of time not to exceed an additional twelve (12) months.

SECTION 9.05 SUBSTITUTION OF ELIGIBLE LISTS. Eligible lists that are currently established may be substituted to fill vacancies in classifications which require the same knowledge, skills, and abilities as classifications within the same job family and of the same or lower level compensation and for which there is no eligible list.

SECTION 9.06 ELIGIBLE LISTS RESULTING FROM CONTINUOUS RECRUITMENT. Lists established as a result of a continuous filing shall remain in effect no longer than one year from the date of the examination unless sooner exhausted, abolished, or extended. Names placed on such lists may be merged with any others in order to establish one pool of applicants.

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SECTION 9.07 REEMPLOYMENT LISTS.

- A. The reemployment list for any class shall consist of the names of employees who have been laid off. Such names shall be placed on the reemployment list in reverse order of layoff.
- B. Persons placed on a reemployment list shall remain on such a list for three years from the date of layoff.

SECTION 9.08 REINSTATEMENT.

- A. Any separated employee with employment in good standing may request to be placed on a reinstatement list for a period not to exceed three (3) years. Any separated employee may be reinstated at the request of the Department Head to the employee's former classification if vacant, or to a vacant position in a lower rated class in the same class series in which he/she meets the minimum qualifications. Whenever any person is reinstated, his/her reinstatement date shall govern his/her seniority. Reinstated employees shall be required to serve a probationary period. No former employee has a right to reinstatement. The decision to reinstate is at the discretion of the Department Head with the approval of the appointing authority.
- B. Any person reinstated shall be treated as a new employee and shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City.

SECTION 9.09 AVAILABILITY OF ELIGIBLES.

- A. It is the responsibility of eligibles, those on reemployment lists and individuals who have requested reinstatement to notify the Personnel Department of any change of address or other change affecting availability for appointment.
- B. Eligibles, those on re-employment lists, and those who have requested reinstatement, who do not indicate willingness to accept employment under the offered conditions will be considered to have declined appointment, and their names may be withheld from certification for other positions in which the same employment conditions apply.

SECTION 9.10 REMOVAL OF NAMES FROM ELIGIBLE LISTS. The Personnel Director may remove the name of any eligible from an eligible list for any of the following reasons:

- A. Disqualification for any of the reasons identified in these Rules that would be grounds for termination of employment.
- B. A report of a background investigation.
- C. A report of a medical, or psychological examination is unsatisfactory.

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- D. On evidence that the eligible cannot be located by postal authorities at the last known address. Failure to reply within five (5) workdays from the date the letter or card was mailed requesting information as to availability for appointment, or failure to notify the Personnel Department of any change of address resulting in the return of letters by the United States Post Office, will be considered sufficient evidence. On submission of a request therefore, giving acceptable reasons as to why the notice was not returned or change of address not filed, the Personnel Director may restore the name of an eligible to the appropriate list.
- E. The eligible has been appointed to the position for which the list was established.
- F. Upon receipt of a written statement from the eligible requesting the removal of his/her name from a list.
- G. An offer of regular full-time employment in the class for which the list was established has been declined by the eligible. Eligibles for promotions may decline a maximum of three (3) offers.
- H. The eligible selected has been granted at least two weeks to report to work and fails to do so.
- I. The eligible has waived the hiring interview three times.

SECTION 9.11 RESTORATION TO ELIGIBLE LIST. Any person whose name has been removed from an eligible list shall receive consideration for restoration of his/her name to a list by submitting a request, in writing, to the Personnel Director specifying the reason(s) which he/she feels substantiates that re-eligibility or extension thereof. Granting of restoration is at the discretion of the Personnel Director.

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ARTICLE X APPOINTMENTS

SECTION 10.01 APPOINTMENTS AND PROMOTIONS. All appointments and promotions shall be made from eligible lists to be established in accordance with these Rules.

SECTION 10.02 METHOD OF FILLING VACANCIES. Vacancies shall be filled by appointment from lists as set forth in this Article. In the absence of persons eligible in such manner, provisional appointments may be made in accordance with Section 10.07 of these Rules.

SECTION 10.03 REQUEST TO FILL VACANCIES. Whenever a position is to be filled, the Department Head shall notify the Personnel Director and make a request for the certification of eligibles and provide such information as is required on the form(s) provided by the Personnel Department.

SECTION 10.04 CERTIFICATION OF ELIGIBLES. Except as provided in these Rules, when a position is to be filled from an eligible list, the Personnel Director shall certify to the Department Head the names of candidates on the eligible list.

SECTION 10.05 SELECTION OF EMPLOYEES. After an offer of employment no appointment shall be made until the background evaluation, medical/physical/psychological examination, drug and alcohol screenings, and any other pre-employment testing deemed to be necessary and appropriate are successfully completed and received by the Personnel Department.

SECTION 10.06 PRE-EMPLOYMENT MEDICAL, PHYSICAL AND/OR PSYCHOLOGICAL EXAMINATIONS

- A. An offer of employment shall be made contingent upon the successful completion of the required drug/alcohol screening, medical, physical and/or psychological examination.
- B. It is the responsibility of the prospective appointee to take and complete any and all examinations at the time and place set by the City. Failure to do so shall constitute a basis for denying appointment.
- C. Subsequent to any physical or psychological examination, the Personnel Director shall make a determination of eligibility for employment based on the physician's/psychiatrist's/psychologist's examination report, the employment history of the individual, and the physical and/or psychological requirements of the class to be filled.

SECTION 10.07 TEMPORARY APPOINTMENTS

- A. Whenever a position is required for the efficient and economical operation of a department, a temporary appointment may be authorized by the City Manager.
- B. A Department Head may request a temporary position by submitting justification and such other information to the City Manager.

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- C. A temporary appointment is the appointment of an individual, who may or may not be on an eligible list, to a temporary position.
- D. No special credit shall be awarded in any examination or the establishment of any employment list for services rendered under a temporary help appointment.
- E. Any person on an eligible list who accepts employment as a temporary help employee shall retain his/her place on such eligible list.
- F. A temporary help employee is not part of the classified service and, if eventually hired as a regular employee, shall receive no credit for any purpose for time employed as a temporary help employee unless otherwise specified in a memorandum of understanding.
- G. Unless otherwise approved by the City Manager, benefits, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation, sick leave, and holiday salary shall not be granted nor accrue to any employee serving in a temporary help appointment.
- H. A temporary help employee serves at-will and may be removed at any time without the right of appeal or hearing.
- I. A temporary help employee shall not be employed for more than 1664 hours in a regular position in any consecutive twelve (12) month period.

SECTION 10.08 TEMPORARY PROMOTION.

- A. A temporary promotion is the appointment of a regular City employee to a vacant regular position for a limited period of time.
- B. No change in benefits being provided, including but not limited to retirement, health/medical insurance, life insurance, disability insurance, vision care, dental care, vacation and sick leave shall be granted or accrue to any probationary or regular employee under a temporary promotion.
- C. An employee who is in a temporary promotion may be removed from such appointment and replaced in his/her original probationary or regular position at any time without the right of appeal or hearing.
- D. An employee must be certified by the Personnel Department as meeting all the qualifications for the position prior to promotion.

SECTION 10.09 EMPLOYEE OATH OF OFFICE.

- A. Every employee, before entering upon the duties of employment, shall take and subscribe to the Oath of Office required by the provisions of Article 20, Section 3, of the California Constitution (Government Code Section 3100).

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- B. The Oath of Office, shall be administered and witnessed by, and in the presence of the City Clerk, Deputy City Clerk, or the appropriate person deputized by the City Clerk.

SECTION 10.10 PROOF OF CITIZENSHIP OR LEGAL RESIDENCY. In accordance with the Immigration Reform and Control Act of 1986 and Title 8, United States Code, Section 1324A, all employees shall be required to submit a proof of citizenship or legal residency and/or permit to work to the Personnel Department. Such documents shall be returned to the employee.

ARTICLE XI
PROBATIONARY PERIOD

SECTION 11.01 PURPOSE OF PROBATIONARY PERIOD. The probationary period is part of the testing and selection process and shall be used for observing the employee's work, for facilitating the effective adjustment of the employee to his/her position, and for rejecting any probationary employee. A probationary employee serves at-will and is subject to release without cause at any time during the probationary period. A probationary employee does not have any right of appeal if released during the probationary period.

SECTION 11.02 LENGTH OF PROBATIONARY PERIOD.

- A. All appointments are subject to a probationary period of not less than one year.
- B. Any person appointed or promoted to a position shall serve a probationary period for one year or a time period specified in the appropriate memorandum of understanding.
- C. The probationary period shall not include the time served under any provisional, temporary help, emergency or acting appointment, and shall begin on the effective date of appointment to a regular position except as otherwise specified in a memorandum of understanding.
- D. Leaves of absence shall not be counted toward completion of the probationary period and the probationary period shall be extended by the number of days of such leaves or assignments that are in excess of one pay period.

SECTION 11.03 EXTENSION OF PROBATIONARY PERIOD. As an alternative to the release of a probationary employee, a probationary period may be extended for a period or periods not to exceed one (1) year or, in accordance with the appropriate memorandum of understanding. Extension of probationary periods shall be approved by the City Manager.

SECTION 11.04 REJECTION DURING PROBATIONARY PERIOD.

- A. With approval of the City Manager, a probationary employee may be released at any time during the probationary period. Such action shall not be subject to appeal. The effective date of release shall be no later than the last day of the probationary period.
- B. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, unless he/she is dismissed from the service of the City for cause.

ARTICLE XII
CHANGES IN EMPLOYMENT STATUS

SECTION 12.01 ATTAINMENT OF STATUS AS A REGULAR EMPLOYEE. An employee appointed to a position in the classified service shall earn status as a regular employee in a class if the employee successfully completes the designated probationary period.

SECTION 12.02 PROMOTION OF AN EMPLOYEE. Promotion to a position in the classified service shall be made from an eligible list established for the class.

SECTION 12.03 STATUS OF EMPLOYEE FOLLOWING PROMOTION. An employee who has been promoted, and successfully completes the designated probationary period in that classification (subject to Section 11.02 of these Rules), gains status as a regular employee.

SECTION 12.04 TRANSFER OF AN EMPLOYEE.

- A. Regular transfers shall not be made unless the employee being transferred shall have been in the position at least six (6) months prior thereto. A transfer is not a right, but is made at the discretion of the Department Head.
- B. Regular transfers for employees with less than six (6) months service must have the approval of both Department Heads involved.

SECTION 12.05 DEMOTION OF AN EMPLOYEE.

- A. An employee may be demoted at his/her request, or as a result of reduction in force, or for disciplinary reasons.
- B. A regular employee may request a demotion by submitting such a request in writing to the Personnel Director. Any demotion resulting from an employee's request shall be known as a voluntary demotion. Voluntary demotions may be made to a vacant position upon approval of the Department Head. No employee may voluntarily demote to a position for which he/she does not meet the minimum qualifications and no employee has a right to voluntarily demote.
- C. A demotion resulting from a disciplinary action shall be known as an involuntary demotion.

SECTION 12.06 VOLUNTARY RETURN TO FORMER POSITION AFTER PROMOTION, DEMOTION, OR TRANSFER.

- A. An employee separated from a class due to a promotion, demotion or transfer, does not have the right to return to the former position except in accordance with Article XI, Section 11.04(B) of these Rules. An employee recently separated from a class due to a promotion, demotion or transfer may be returned to the formerly held classification provided:

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1. A vacancy in the formerly held classification exists; and
 2. Such return is subject to approval by the appropriate Department Head(s).
- B. Such employee is exempt from the examination process for the formerly held position providing the employee meets the current minimum qualifications for the classification.

ARTICLE XIII
DISCIPLINARY PROCEEDINGS

SECTION 13.01 POLICY FOR DISCIPLINARY PROCEEDINGS. In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this section outlines those circumstances under which disciplinary action may be required.

SECTION 13.02 CAUSES FOR DISCIPLINARY ACTION. The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or discharge of any employee. The purpose of specifying these causes is to alert employees to the more common types of disciplinary issues. However, this list is not all inclusive and there may arise instances of unacceptable behavior not included in this list.

- A. Improper or unauthorized use or abuse of sick leave.
- B. Excessive absenteeism that prevents reasonable availability for assigned duties.
- C. Absence without authorized leave; repeated tardiness to assigned work station; leaving assigned work without authorization; failure to report to work after a leave of absence has expired, or after a leave has been disapproved or revoked.
- D. Misconduct; willful or negligent violation of the personnel rules, resolutions, and other related ordinances including written departmental rules, regulations, and policies.
- E. Insubordination.
- F. Acceptance of gifts or gratuities in connection with or relating to the employee's duties.
- G. Conviction of a felony or a misdemeanor involving moral turpitude. A plea or a verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction.
- H. Fraud or the submission of false information related to employment application, payroll, or any work-related record or report.
- I. Soliciting outside work for personal gain during the conduct of City business; engaging in outside employment for any business under contract with the City; or participating in any outside employment that adversely affects the employee's City work performance; or conducting personal business on City time.
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business including fighting, or using profanity, intimidation, abusive or threatening language.

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- K. Conduct that interferes with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate with superiors or fellow employees.
- L. Engaging in political activities while on duty, in uniform or using the authority associated with City employment.
- M. Violation or neglect of safety rules or practices.
- N. Behavior, either during or outside the duty hours, which is of such a nature that it causes discredit to the City or one of its operating services.
- O. Discrimination, including harassment, against other employees or members of the public on the basis of race, color, national origin, religious creed, ancestry, sex, marital status, age or physical handicap.
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform or complete assigned tasks or training, in a prompt, competent, and reasonable manner.
- Q. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- R. Refusal to accept and carry out reasonable and proper assignment from an authorized supervisor.
- S. Possession or use of controlled substances or alcohol on City property and/or at the worksite.
- T. Intoxication, intemperance, or incapacity due to the use of controlled substances or alcohol while on duty.
- U. Failure to obtain or maintain possession of the minimum qualifications for the position.
- V. Careless, negligent, or improper use of City property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
- W. Unauthorized release or use of confidential information or official records.
- X. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City.
- Y. Inability to perform the duties of his/her job.
- AA. Dishonesty.

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- BB. Possession of firearms on the job.
- CC. Sleeping on the job.
- DD. Theft.
- EE. Retaliation for actions protected by law.
- FF. Failure to report loss of or damage caused to city equipment and/or facilities for which the employee was responsible.
- GG. Threats of violence against City employees and/or City property.

SECTION 13.03 PERSONS WHO MAY TAKE DISCIPLINARY ACTION. The City Manager or any Department Head or designee may take disciplinary action against an employee.

SECTION 13.04 CONSIDERATIONS IN THE DETERMINATION OF TYPE OF DISCIPLINARY ACTION. The considerations used in determining the type of disciplinary action shall be considered on a case-by-case basis. Such considerations shall include, but not be limited to: the employee's work history and performance record; the nature and severity of the infraction; degree of orientation; and any extenuating factors.

SECTION 13.05 TYPES OF DISCIPLINARY ACTION. The types of disciplinary action that may be taken shall include but not be limited to oral reprimand, written reprimand, demotion, suspension, reduction in pay and dismissal.

SECTION 13.06 NOTICE OF DISCIPLINARY ACTION. A written notice shall be given to the employee of the following:

- A. The reasons for the disciplinary action including what rules, regulations or policies have been violated.
- B. The effective date(s) of the disciplinary action.
- C. Any rights of appeal.

SECTION 13.07 PROCESS OF DISCIPLINARY ACTION. The City of Lodi practices a progressive disciplinary process. The process is subject, but not limited to, the considerations in Section 13.04 of these Rules, and shall be implemented on a case-by-case basis. As a general guideline, the process of disciplinary action shall be in the following order:

- A. Verbal counseling or oral reprimand to determine the cause(s) or origin(s) for lacking performance, and to encourage the employee to raise/maintain performance at an acceptable level.
- B. Written reprimand, which if applicable, will include the performance level the employee is expected to achieve/maintain.

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- C. Demotion, suspension, reduction in pay, and dismissal may be used separately, concurrently or in succession to other disciplinary actions.

SECTION 13.08 APPEAL OF DISCIPLINARY ACTION. An employee shall have the right to appeal any disciplinary action. The appeal process shall pursue the appropriate chain of command. The appeal process shall be composed of the following steps:

- A. An appeal shall be submitted in writing to employee's immediate supervisor within fifteen (15) work days of the date of notification for disciplinary action.
- B. The supervisor shall respond in writing within fifteen (15) work days of the date of receipt of the employee's appeal.
- C. If resolution is not achieved with the supervisor, the employee may submit an appeal in writing to the Department Head within fifteen (15) work days of the date of the supervisor's response.
- D. The Department Head shall respond in writing within fifteen (15) work days of the date of receipt of the appeal.
- E. If resolution is not achieved with the Department Head, the employee may submit an appeal in writing to the City Manager within fifteen (15) work days of the date of the Department Head's response.
- F. The City Manager shall respond in writing within fifteen (15) work days of the date of receipt of the appeal.
- G. If resolution is not achieved with the City Manager, the employee may submit an appeal in writing to the City Clerk for the appeal to be heard by the Personnel Board of Review as constituted in Ordinance Nos. 474 and 1477, within fifteen (15) work days of the date of the City Manager's response.
- H. A hearing by the Personnel Board of Review shall be scheduled within ten (10) work days of the date of receipt of the appeal by the City Clerk. The hearing by the Board shall be a public hearing, unless the employee desires a closed hearing.
- I. The Personnel Board of Review shall submit a statement of findings to the employee, City Manager, and the employee's Department Head in writing within fifteen (15) work days of the hearing. The decision of the Board shall be final and binding.

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ARTICLE XIV
APPEAL TO THE RULES FOR PERSONNEL ADMINISTRATION

SECTION 14.01 RIGHT OF APPEAL. An employee shall have the right to appeal the interpretation and application of these Rules and the City's Administrative Policies and Procedures. The following procedure shall be used to process and resolve disputes:

- A. Employee(s) shall submit in writing on the appropriate form to the Personnel Department within fifteen (15) work days from the date of alleged infraction of these Rules, or the date the employee became aware of the incident which is the basis for filing the appeal.
- B. The Personnel Department shall respond in writing within fifteen (15) work days from the date of receipt of the appeal.
- C. If resolution is not achieved with the Personnel Department, the employee may submit an appeal in writing to the City Manager within fifteen (15) work days of the date of the Personnel Department's response.
- D. The City Manager shall respond in writing within fifteen (15) work days of the date of receipt of the appeal. The decision of the City Manager shall be final and binding.

END