

RULES FOR PERSONNEL ADMINISTRATION

CITY OF LODI, CALIFORNIA

RULE I

DEFINITION OF TERMS

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

Section 1. Appointing Authority: The City Council, the Library Board or the City Manager as stated in Section 4 of the Personnel Ordinance.

Section 2. Board: The Personnel Board of Review established in pursuance of Section 6 of the Personnel Ordinance.

Section 3. Class: All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.

Section 4. Examination: A test or a combination of tests to determine the qualifications for employment with the City. An examination may consist of oral and/or written and/or physical tests. An examination may be assembled or unassembled. If assembled, applicants will be notified to appear at a common location at a definite time. Unassembled examinations are given when it is inadvisable or impractical to apply testing procedures to qualified applicants at a common location at a specified time.

Section 5. Permanent Employee: An employee who has successfully completed his probationary period and has been retained according to the provision of these rules.

Section 6. Personnel Officer: The City Manager or any employee designated by him.

Section 7. Personnel Ordinance: Ordinance No. 474 which creates a personnel system for the City.

Section 8. Step Increase: A salary increase within the limits of the pay range established for a class.

RULE II

GENERAL PROVISIONS

Section 1. Legislative Intent: All rules and regulations herein contained shall be construed liberally to the end that the employee involved and the City be effectively and equitably served.

Section 2. Amendment and Revision of Rules: Amendments to and revisions of these rules shall be publicly posted on a City bulletin board for at least five consecutive days. Any City employee or official may request a hearing on proposed amendments or revisions according to the procedures outlined by Section 3, Rule XII, except that such request may be made during the time the notice of pending change is posted.

RULE III

ORGANIZATION AND PROCEDURES OF THE PERSONNEL BOARD

Section 1. Organization: The Personnel Board shall, as often as necessary, elect a chairman. An employee designated by the Personnel Officer shall serve as secretary to the Board and shall prepare the minutes of each meeting. The minutes shall be certified by a majority of the Board and shall be open for public inspection except for those portions, determined by unanimous vote of the Board, deemed detrimental to the interests of the employee, the public and/or the City.

Section 2. Meetings: The Board shall meet on call of the chairman, two members of the Board, or the appointing authority and all members of the Board shall be given notice in advance of the meeting by the appointing authority. Two members shall constitute a quorum for the transaction of business. All meetings of the Board shall be open to the public, unless the Board by unanimous vote shall determine that a private hearing is required or desirable. Whenever such a finding is made, the Board may limit attendance at the hearing to the employee requesting the hearing, the officer or officers from whose action the appeal was taken, and such witnesses and other persons as the Board may require to be present.

Section 3. Rules of Order: The Board may provide rules of order not otherwise provided by these rules or the Personnel Ordinance.

Section 4. Hearings and Investigations: Hearings that the Board is authorized to conduct shall be conducted by the Board as a body, but special investigations and detailed work may be delegated to a single member or to the appointing authority. The procedure of any hearing or investigation shall be informal and shall not be restricted so as to deny

the introduction of any evidence that the Board may deem pertinent, Unless incapacitated, a person pressing a claim or defending a privilege before the Board shall appear personally and shall not be excused from answering questions and supplying information except upon claim of constitutional privilege with respect to self-incrimination. All decisions, opinions, and recommendations arising from a hearing or investigation by the Board shall be written and subscribed to by the members concurring. Any member may submit a minority or supplemental report which shall be filed as a matter of record. A copy of any decision, opinion, and recommendation shall be filed with the appointing authority and one copy shall be filed as a permanent record. In the case of an employee appeal, one copy shall also be furnished the employee.

RULE IV

CLASSIFICATION OF POSITIONS

Section 1. Preparation of Plan: The City Manager shall ascertain or cause to be ascertained, and record the duties and responsibilities of all positions in the classified service and after consulting with the appropriate appointing authorities, shall submit a classification plan for such positions. The classification plan shall establish appropriate titles for each class of positions, describe the typical duties and responsibilities of the position in each class, and specify the training, experience, and other qualifications which are necessary and desirable for successful performance of the duties of positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty, and responsibility of work are included within the same class, that the same means of recruitment may be used for filling all positions within the class, and that the same schedule of compensation may be made to apply with equity under like working conditions to all positions in the same class.

Section 2. Adoption of Plan: The City Manager shall submit the proposed plan to the City Council for adoption.

Section 3. Allocation of Positions: After the classification plan has been adopted by the City Council, the City Manager shall allocate every position in the classified service to one of the classes established by the plan. Any employee shall have the right to appeal to the Board concerning the allocation of his position, in accordance with Section 7 of the Personnel Ordinance.

Section 4. Maintenance of Plan: Whenever a new position is created by the City Council, or whenever a change in organization, functions, or duties of an individual position makes it necessary, the City Manager shall recommend to the City Council the creation, abolition, subdivision or consolidation of classes and shall prepare the new class specifications for the classes affected.

When a new position is created, the appointing authority shall not fill any such position until the position has been allocated to a class, or the classification plan shall have been amended to provide therefor.

Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

RULE V

COMPENSATION

Section 1. Preparation of Plan: The City Manager shall prepare or cause to be prepared a proposed salary and wage schedule showing for each class of position in the classified service minimum and maximum salary or wage rates, and such intermediate rates as he deems advisable. In arriving at such rates, he shall take into consideration prevailing rates for comparable positions in other public employment and private business, internal relationships, difficulty and responsibility of the work, the usual preparation required, work hazards, conditions of work, the current cost of living, and the financial condition of the City. The City Manager shall submit the proposed plan to the City Council for approval.

Section 2. Application of Plan: All requests for increase in salary range shall be made through the appropriate administrative channels in writing to the City Manager for transmission to the City Council. Step increases within the salary ranges established by the City Council may be authorized by the City Manager upon the recommendation of the appropriate department head, but such increases shall not be granted to the same employee in the classified service more often than once each year, except that each probationary employee shall be entitled to a one-step increase upon completion of six months' service and upon attainment of permanent status at a level below the top step of the appropriate range. Salary increases shall not be automatic, but shall depend upon increased service value of the employee as exemplified by length of service, performance record, special training undertaken, or other pertinent evidence.

RULE VI

APPLICATION AND EXAMINATION

Section 1. Announcement of Vacancies: All examinations shall be advertised in such places and by such means as to attract as many qualified applicants as possible. Announcements shall specify the title of the class, the nature of the work to be performed, the minimum qualifications required for admission to the examination, the final date upon which applicants will be accepted, the probable salary range, and other pertinent information consistent with the provisions of these rules.

Section 2. Applications: Application shall be made on forms prescribed by the Personnel Officer. Such forms shall require information covering training, experience, references, and other pertinent information, and may include certificates of one or more examining physicians. All applications must be made out and signed by the person applying.

Defective applications may be returned to the applicant with notice to amend same, providing the time limit for receiving applications has not expired.

Section 3. Disqualification of Applicants: The Personnel Officer shall refuse to accept or, after acceptance, shall reject any application or, after examination, shall disqualify a candidate whenever it is found, beyond any reasonable doubt, that the applicant or eligible is not a citizen of the United States, or does not possess minimum qualifications established for the class of position, or is physically unfit for the performance of required duties, or is addicted to the use of drugs or intoxicating liquors in excess, or has been guilty of any infamous or notoriously disgraceful conduct, or has been dismissed from public service for delinquency, or has made a false statement of material fact in his application or has practiced deception or fraud in securing eligibility, or has otherwise violated the provisions of the law or these rules. The cause for any such action shall be entered upon the record of the application filed in conformity with these rules and shall not be publicly revealed. The person affected shall be notified of the action taken and the reasons therefor.

Section 4. Scope of Examinations: Examinations may be assembled or unassembled, and may include investigations of training and experience, tests of aptitude, particular abilities, general and technical knowledge, manual skill, physical and mental fitness, and such other tests as are required to discover the capabilities of applicants relative to the duties of the position for which the examinations are conducted.

Section 5. Conduct of Examinations: The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examinations. He shall designate the person or agency to conduct and score the examination and may deputize any qualified person, persons, or agency for that purpose.

Section 6. Qualifying Grades and Rating Examinations: In all examinations the passing grade of each part and of the whole shall be determined and made available as a public record prior to the examination. Failure in the written, oral, or physical parts of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of the examination.

Section 7. Notification of Results: Each competitor shall be given written notice of the results of the examination and, if successful, of his earned rating and his relative order on the list of successful candidates. Any competitor shall have the right to inspect his own test papers except when standardized tests are used. An error in grading or rating, if called to the attention of the Personnel Officer within one week after announcement of examination results, shall be corrected.

Section 8. Eligible Lists: After each examination has been scored, rated and corrected, the names of successful candidates shall be recorded in the order of their standing in the examination. In the event of identical ratings, names shall be arranged in the order of application date, and if the same, then arranged alphabetically. This list shall be certified by the Personnel Officer and shall continue in effect for two years unless the City Manager approves abolishing it sooner for reasons consistent with the principles of merit and competence. Names of eligibles may be removed from the list in the event that they refuse appointment under conditions which they had previously stated were acceptable, or in the event that they are certified to three different vacancies and are not appointed, or in the event that the eligible requests in writing that his name be removed, or for reasons contained in Section 3 of Rule VI. The names of persons on promotional eligible lists who resign from the service shall automatically be dropped from such lists.

RULE VII

CERTIFICATION AND APPOINTMENT

Section 1. Types of Appointment: Vacancies in the classified service shall normally be filled by re-employment, original appointment, transfer or promotion. In the absence of available persons for appointment through these means, a temporary appointment may be made.

Section 2. Method of Appointment: In the event of a vacancy, persons eligible for re-employment shall be given a preference. If no persons are available for re-employment in accordance with Section 4 of this rule, the appointing authority shall determine the method of appointment to be used.

Section 3. Re-employment: The name of each employee who is laid off in accordance with these rules shall be placed at the head of an eligible list for the class of positions which he held, which eligible list shall be given priority over any eligible list created under the provisions of Section 8, Rule VI.

Section 4. Original Appointment: In the event an appointing authority shall desire to fill a vacancy by original appointment, the Personnel Officer shall furnish the appropriate administrative head with the appropriate eligible list or lists and any appointments shall be made from such lists or list.

If insufficient qualified and eligible persons are available on any eligible list, the appropriate department head may request additional certifications, whereupon the Personnel Officer shall schedule and conduct an examination or examinations to provide the additional eligibles.

Section 5. Transfer: An employee may be transferred from a class in one department or organization unit provided that the City Manager shall determine in his discretion that such transferee is competent to do the work and perform the duties of a position, class, department, or organization unit to which he is so transferred; and said City Manager may make such decision regardless of any rules, standards, qualifications or requirements which have heretofore or hereafter may be adopted or provided for, except that any such transfer must be to a class involving related duties and at the same salary range. If such transfer involves a change from the jurisdiction of one appointing authority to another, both such authorities and the said employee must consent thereto before such transfers become effective. Permanent transfers shall not be made unless the employee transferred shall have been in the City's employment at least six months prior thereto.

Section 6. Promotion: In the event an appointing authority desires to fill a vacancy by promotion, the Personnel Officer shall prepare and administer an examination to those permanent employees who meet the qualifications established. Promotional examinations shall be employed insofar as is practicable and consistent with the best interests of the service. The preparation of the examination and the certification of eligibles shall follow the procedure outlined in these rules for original appointment.

Section 7. Demotion: In the event of a necessary reduction in personnel due to lack of work or funds, an employee may, if offered, accept demotion in preference to being laid off.

Section 8. Regular Appointment: After interview and investigation, the appropriate department head shall recommend appointments from among those certified and shall immediately notify the Personnel Officer who shall notify the person to be appointed and the appointing authority. It is the express policy of the City Council that all considerations and qualifications being equal, residents of the 4th Supervisorial District shall be given preference in all appointments. If the appointee does not report for duty within the time prescribed by the appointing authority, he shall be deemed to have refused appointment under the meaning of Section 8, Rule VI.

Section 9. Temporary Appointment: Any person meeting the minimum qualifications for the class may be appointed temporarily, upon approval of the appointing authority, pending the qualification of applicants by other means. No temporary appointment shall continue longer than ninety days in any fiscal year or exceed a total of ninety days in any fiscal year, except as provided in Rule VII, Section 10. No time spent in temporary appointment under this section shall be given credit in evaluating experience in any examination, or credited to a probationary period, or used for computing any privileges accruing under the Personnel Ordinance and these rules.

Section 10. Duration Appointment for Leave of Absence: In the event an employee is granted a leave of absence, an appointment may be made for the duration of the permanent employee's leave of absence. The permanent employee, upon his return from leave, shall be entitled to replace such appointee.

RULE VIII

PROBATIONARY PERIOD

Section 1. Objective of Probationary Period: All original, transfer, or promotional appointments shall be subject to a probationary period of six months. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any probationary employee whose performance does not meet required work standards.

Section 2. Permanent Appointment: The Personnel Officer shall notify the appropriate department head two weeks prior to the termination of any probationary period. At the end of the probationary period, if the department head desires to make a permanent appointment of the employee on probation, he shall file with the Personnel Officer a written statement to the effect that the employee's services are satisfactory. Failure on the part of the department head to file such a statement at the end of the probationary period shall constitute a rejection of the probationer as defined in these rules.

Section 3. Rejection of Probationer: At any time during the probationary period an employee may be rejected by the appropriate department head. Any employee rejected during the probationary period following promotion shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged in accordance with the provisions of the Personnel Ordinance and these rules.

RULE IX

HOURS AND LEAVES

Section 1. Hours of Work:

a. All Employees Except Police Personnel and Uniformed Firemen: Office and field employees shall work a minimum of forty hours a week. The regular work week for these employees shall be five days and the regular hours of employment shall begin at 8:00 a.m. each day and shall end at 5:00 p.m., provided these provisions shall not in any case interfere with essential services to be rendered by any department.

b. Police Personnel and Uniformed Firemen: (As amended by Resolution No. 2010) All police personnel shall work a minimum of forty hours a week. All uniformed firemen shall work a minimum of 137, twenty-four-hour shifts per year, averaging 63 hours per week. The tours of duty for the members of the Fire Department shall start at eight o'clock a.m.

c. Alternative schedules of work may be prepared by the department head and approved by the appointing authority.

Section 2. Overtime:

- a. Overtime shall either be paid for at one and one-half the hourly rate equivalents established in the Salary Schedule, or by compensatory time off as agreed upon by the appointing authority and the employee.
- b. Any employee reporting for prearranged work wholly outside of his regular hours on a regular work day shall be compensated at the overtime rate for actual time worked, but in no event shall he be paid for less than two (2) hours, except that if the employee continues to work into or beyond his regular work hours he shall be paid overtime compensation only for actual work hours.
- c. Hours worked on a holiday as part of an employee's regular work schedule shall be compensated at the rate of time and one-half compensatory time off.
- d. Police Officers required to make court appearances during off-duty hours shall be compensated for such duty at the rate of time and one-half pay for actual hours involved in such appearances, but in no event shall they be paid for less than two (2) hours. Such appearances which represent an extension of a regular work day shall be compensated at the time and one-half rate only for actual hours worked.

Section 3. Leave Without Pay: The appointing authority may grant an employee leave of absence, other than for extended active military duty, for a period not to exceed one year whenever such leave is considered to be in the best interests of the service. Such leave shall be requested in writing by the employee and shall require written approval by the department head and the appointing authority. Inability to return to work after an employee's sick leave has been exhausted will be considered an urgent and substantial reason for the granting of such leave. The conditions under which an employee will be restored to employment on the termination of a leave of absence shall be stated as clearly as possible at the time said leave is granted.

Section 4. Military Leave: An employee who is a member of the National Guard or Naval Militia, or a member of the reserve corps of the federal military, naval, or marine service and is ordered to duty shall be granted a maximum of thirty days' leave a year with pay while engaged therein, in conformity with applicable state law.

Section 5. Leave Without Pay for Extended Active Military Duty: Any employee who volunteers for active duty with the armed forces of the United States during a period of declared national emergency or who is ordered to active duty in the organized reserve, National Guard or selective service system at any time shall be granted a leave of absence without pay for the period of military service required of him. On completion of his tour of duty he shall be entitled to return to his former position or to one in the same class.

In the case of this type of leave, application to return to work must be made within sixty days after release or discharge from the armed forces or from a Veterans Administration hospital. The veteran shall furnish his separation papers as proof of eligibility and shall be given such medical examination by a physician designated by the appointing authority as may be necessary to determine his fitness for the job he is to perform.

Sick leave and vacation shall not accrue during this type of military leave, but a veteran who returns to work shall be entitled to any sick leave and vacation he may have earned and not used before entering the military service, as well as all benefits and privileges, including pay adjustments, granted to other employees during the military leave, but shall receive no seniority or merit benefits for the period of absence.

Section 6. Holidays: The following shall be observed as holidays during which City offices, except those providing emergency and essential services, shall be closed: January 1, February 22, May 30, July 4, Labor Day, September 9, November 11, Thanksgiving Day, and December 25. Holidays which fall on Sunday will be observed on the Monday following. When a holiday falls on a Saturday, all employees will be granted that holiday time off to be taken at a later date and at such time, within one year, as is mutually agreed to by the individual employee and his department head.

RULE X

TRAINING OF EMPLOYEES

Section 1. Responsibility for Training: Responsibility for developing training programs for employees shall be assumed jointly by the appointing authority and department heads. Such training programs may include lectures, courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

Section 2. Credit for Training: The work of employees who enroll in and successfully complete extension, correspondence, or other special training courses shall be noted on employees' record cards and shall be considered in making salary increases and promotions.

RULE XI

DISCIPLINARY ACTIONS AND SEPARATIONS

Section 1. Demotion or Reduction in Pay: By filing a written statement of reasons with the appointing authority and the employee concerned, an appropriate department head may reduce the pay of or demote a subordinate employee whose ability to perform the duties of his position falls below standard, for disciplinary purposes or for other good cause. Such actions with a limitation of thirty days or less are not subject to review or appeal. Appeals from such actions exceeding thirty days may be made in accordance with provisions of Rule XII.

Section 2. Suspension: By filing a written statement of reasons with the appointing authority and the employee concerned an appropriate department head may suspend a subordinate employee without pay at any time for the good of the service, for a disciplinary purpose, or for any other just cause, for a period not to exceed five working days. Suspension for an additional fifteen working days may be imposed under the same conditions upon approval by the appointing authority. Permanent employees who are suspended for more than five working days may file appeals in the manner provided by Rule XII. Suspensions of employees pending investigations and hearings of charges against an employee shall not be subject to the time limitations herein provided.

Section 3. Dismissal: By filing immediately a written statement of reasons, a department head may at any time recommend dismissal of a subordinate permanent employee to the appropriate appointing authority for the good of the service or for good causes. A copy of any such statement of reasons must be furnished the employee involved. The appointing authority shall rule on any such recommendation and if the ruling is in accord with the recommendation of the department head, the employee shall be dismissed as of a date fixed by the appointing authority, subject only to the appeal procedure provided by Rule XII.

Section 4. Resignation: An employee wishing to leave the classified service of the City in good standing shall file with his department head and the Personnel Officer at least two weeks before leaving, a written resignation, stating the date it shall become effective and the reason for leaving. Failure to comply with this rule shall be entered on the service record of the employee. Absence from duty, without approval in accordance with these rules, for a period of more than three working days shall be considered as a resignation and any such employee shall not be eligible for re-employment for a period of one year thereafter.

Section 5: Lay-Off: Any employee may be laid off on recommendation of his department head in the event of the abolition of his position or if a shortage of work or funds requires a reduction in personnel. Permanent employees shall be notified at least one pay period before the effective date of the lay-off. No notice of lay-off is required for probationary employees. Lay-off in all cases due to lack of work or funds will be determined by an employee's length of service. An employee whose job is being eliminated may elect to displace an employee in a lower classification, if he is deemed by the City to be qualified to perform the duties of the lower classification, and if his length of service is greater than that of the employee in the lower classification.

RULE XII

APPEALS

Section 1. Complaints: Any employee having any grievance arising out of his employment shall first seek an adjustment of it by his immediate superior. If the immediate superior is unable or unwilling to make satisfactory adjustment or should be a party to the grievance, the employee may seek adjustment through his department head. If the department head is unable or unwilling to make adjustment, or is a party to the grievance, the employee may seek adjustment through the appropriate appointing authority.

Section 2. Appeal Procedure: Any permanent employee may file an appeal with the Personnel Officer for referral to the Board within three days of notification of any action taken by an appointing authority, except for those actions not subject to review or appeal. All appeals must be in writing.

Section 3. Hearings: When the Board deems it advisable to hold a hearing, it shall hold such hearing within ten days after the appeal is filed. Within seven days after the hearing, the Board shall submit a statement of findings and such recommendations as it considers appropriate to the appointing authority and the employees concerned. Final decision shall, however, rest with the appointing authority.

RULE XIII

REPORTS AND RECORDS

Section 1. Roster Card: The Personnel Officer shall maintain a service record or roster card for each employee in the classified service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

Section 2. Reports to the Personnel Officer: Every appointment, transfer, promotion, demotion, change in salary, and any temporary or permanent change in status of employees in the classified service shall be reported to the Personnel Officer at such time and in such manner as he may prescribe.

Section 3. Access to Administrative Records: The Board, the appointing authority and the Personnel Officer shall have access to all departmental records, documents and papers of the City, the examination of which will aid in the discharge of their duties.

Section 4. Destruction of Records: Employee roster cards shall be kept for five years after permanent separation from City employment. All other records pertaining to personnel, including correspondence, applications, examinations and reports, may be destroyed after five years' retention.

Resolution No. 1718 sets the effective date of the above rules and regulations as February 20, 1953.