

CITY OF PETALUMA

PERSONNEL

RULES AND REGULATIONS

TABLE OF CONTENTS

| <u>Article</u> | <u>Provision</u> | <u>Page</u> |
|----------------|--|-------------|
| I. | Definition of Terms..... | 1 |
| II. | General Provisions | 3 |
| | 1. Fair Employment..... | 3 |
| | 2. Violation of Rules..... | 3 |
| | 3. Amendment and Revision of Rules..... | 3 |
| | 4. Applicability of Rules..... | 3 |
| | 5. Public Hearings..... | 3 |
| III. | Personnel Board..... | 4 |
| | 1. Meetings..... | 4 |
| IV. | Classifications..... | 5 |
| | 1. Preparation of Classification Plan..... | 5 |
| | 2. Adoption, Amendment and Revision..... | 5 |
| | 3. Allocation of Positions..... | 5 |
| | 4. New Positions..... | 5 |
| | 5. Reclassifications..... | 5 |
| V. | Compensation Plan..... | 6 |
| | 1. Preparation of Plan..... | 6 |
| | 2. Adoption of Plan..... | 6 |
| | 3. Modification of Plan..... | 6 |
| | 4. Holidays, Establishment of..... | 6 |
| | 5. Holiday, Day of Mourning..... | 6 |
| | 6. Sick Leave, Part-Time Employee..... | 6 |
| VI. | Employment Procedures..... | 7 |
| | 1. Applications and Applicants..... | 7 |
| | 2. Examinations..... | 7 |
| | 3. Employment Lists..... | 8 |
| | 4. Methods of Filling Vacancies..... | 9 |
| | 5. Probationary Period..... | 10 |
| | 6. Transfer or Assignment to Another Department..... | 11 |
| | 7. Promotion..... | 11 |

TABLE OF CONTENTS

| <u>Article</u> | <u>Provision</u> | <u>Page</u> |
|-----------------|---|-------------|
| | 8. Demotion..... | 12 |
| | 9. Suspension..... | 12 |
| | 10. Relief from Duty..... | 12 |
| | 11. Separation from Service..... | 12 |
| | 12. Reinstatement..... | 13 |
| | 13. Pay Adjustments..... | 13 |
| | 14. Personnel Records..... | 13 |
| | 15. Change of Status..... | 14 |
| VII. "A" | Layoff Policy and Procedure | |
| | Unit 7, (Fire)..... | 15 |
| | 1. Statement of Intent..... | 15 |
| | 2. Notification..... | 15 |
| | 3. Vacancy and Demotion..... | 15 |
| | 4. Employee Rights..... | 15 |
| | 5. Seniority..... | 15 |
| | 6. Employee Status..... | 15 |
| | 7. Re-employment List..... | 16 |
| | 8. Duration of Re-employment List..... | 16 |
| VII."B" | Layoff Policy and Procedure | |
| | All Units Excepting Unit 7, (Fire) and Unit 2 (Maintenance)..... | 17 |
| | 1. Statement of Intent..... | 17 |
| | 2. Notification..... | 17 |
| | 3. Vacancy and Demotion..... | 17 |
| | 4. Employee Rights..... | 17 |
| | 5. Seniority..... | 17 |
| | 6. Employment Status..... | 18 |
| | 7. Re-employment List..... | 18 |
| | 8. Duration of Re-employment List..... | 18 |
| VIII. | Disciplinary and Appeals Procedures..... | 19 |
| | 1. Disciplinary Procedures..... | 19 |
| | 2. Rules of Appeal to the Personnel Board..... | 19 |

RULE I - DEFINITION OF TERMS

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

Advancement: a salary increase within the limits of a pay range established for a class.

Allocation: the assignment of a single regular position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

Appointing Power: the officers of the City who, in their individual capacities, have the final authority to make the appointment to the regular position to be filled.

Board: the Personnel Board established in pursuance of the ordinance creating a personnel system for the City.

Classification: all positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

Classification Plan: Regular positions in the competitive service defined by classification specification including title.

Competitive Service: All regular positions of employment in the service of the City except those specifically excluded by ordinance.

Demotion: the movement of an employee from one classification to another classification having a lower maximum rate of pay.

Employment List:

- a. Open employment list: a list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
- b. Promotional employment list: a list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

Examination:

- a. Open-competitive examination: an examination for a particular classification which is open to all persons meeting the qualifications for the classification.
- b. Promotional examination: an examination for a particular classification, admission to the examination being limited to permanent and probationary employees in the competitive service who meet qualifications for the classification.
- c. Continuous examination: an open-competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.

Lay-Off: the separation of employees from the active workforce due to the lack of work or funds, or to the abolition of positions due to organizational changes.

Personnel Officer: the City Manager or a duly authorized representative.

Position: a group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.

Personnel Ordinance: Ordinance No. 837 N.C.S., which creates a personnel system for the City.

Probationary Employee: an employee assigned to a regular position for a probationary period.

Probationary Period: A working test period during which an employee is required to demonstrate fitness for the duties in which appointed by actual performance of the duties in a regular position.

Promotion: the movement of an employee from one classification to another classification having a higher maximum rate of pay.

Provisional Appointment: an appointment of a person who possesses the minimum qualifications established for a particular classification and who has been appointed to a position in that

classification in the absence of available eligibles.

Reclassification: a change of an employee from one position to another position in a different classification.

Regular Employee: an employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

Regular Position: a position created by the City Council and assigned to an existing classification within the classification plan.

Regular Part-Time Employee: an employee filling a regular position who works less than 2080 hours per year on a regular basis.

Reinstatement: the reemployment without examination of a former permanent or probationary employee.

Relief of Duty: the temporary assignment of an employee to a status of leave with pay.

Suspension: the temporary separation from the service of an employee without pay, for disciplinary purposes.

Transfer: a change of an employee from one position to another position in the same classification or in a comparable classification.

RULE II - GENERAL PROVISIONS

Sec. 1 Fair Employment

The City of Petaluma is committed to treating each employee and job applicant in a fair and nondiscriminatory manner. Any appointment to or removal from a regular position in the competitive service or any term or condition of employment shall not be affected or influenced in any manner by any consideration of race, religious creed, color, national origin, ancestry, handicap, medical condition, marital status, sex, age or veteran status, as defined under applicable State or Federal Law.

Sec. 2 Violation of Rules

Violation of the provisions of these Rules shall be grounds for rejection, suspension, demotion or dismissal.

Sec. 3 Amendment and Revision of Rules

Amendments and revisions may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer or Personnel Board at the option of the proponent. Proposed amendments or revisions to these Rules shall be publicly posted for at least five (5) consecutive days prior to consideration by the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council.

Sec. 4 Applicability of the Rules and Regulations

The provisions of these Rules and Regulations shall apply to all classifications within the competitive service. Classifications exempt from these Rules include: City Manager, Department Heads; and principal appointed officials of the City as set forth in Section 25 of the Charter, and Section 3.04.030 of the Petaluma Municipal Code.

Sec. 5 Public Hearings

Any hearing conducted pursuant to these rules and regulations shall be held in accordance with the "Brown Act". Government Code Sections 54950 et seq. Thus, closed sessions may be held relating to such matters as the appointment, employment, evaluation of performance, or dismissal of an officer or employee, or to hear complains or charges brought against such officer or employee by another person or employee unless such officer or employee requests a public hearing. During the examination of a witness in such meetings, whether open or closed, any or all other witnesses in the matter being investigated may be excluded.

RULE III - PERSONNEL BOARD

Sec. 1 Meeting

The Personnel Board shall hold regular meetings at such time and place within the City as shall be designated by the Chair of the Board. Any regular meeting may be adjourned to a time certain and to a place designated by the Chair. In addition, the Board may hold special meetings upon the call of the Chair or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Personnel Board.

RULE IV – CLASSIFICATION

Sec. 1 Preparation of Plan

The Personnel Office, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all regular positions in the competitive service, and after consulting with appointing authorities and heads of departments affected, shall recommend a classification plan for such positions. The classification plan shall consist of classifications of positions in the competitive service defined by classification specifications including title.

A good faith effort shall be made to develop and maintain all regular positions with substantially similar skill, effort and responsibility within the same classification with the same schedules of compensation; it being understood that distinctions may be made based on such factors as seniority, merit, quantity or quality of production and any other non-discriminatory factor.

Sec. 2 Adoption, Amendment and Revision of Plan

The classification plan shall be adopted and may be amended from time to time by resolution of the City Council. At the time of consideration any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council through the Personnel Office or Personnel Board at the option of the proponent. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted at least five days prior to City council action.

Sec. 3 Allocation of Positions

Following the adoption of the classification plan, the Personnel Officer shall allocate every regular position in the competitive service to one of the classifications established by the plan.

Sec. 4 New Positions

When a regular position is created, before the same may be filled, the appointing authority shall notify the Personnel Officer, and, except as otherwise provided by Ordinance or these Rules, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore and an appropriate employment list established for such position.

Sec. 5 Reclassification

Regular positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate classification, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

RULE V - COMPENSATION

Sec. 1 Preparation of Plan

The Personnel Officer or the person or agency employed for that service shall prepare a compensation plan covering all classifications in the competitive service. A compensation plan may consist of wages, hours and other terms and conditions of employment. In arriving at salary rates or ranges, consideration may be given to various factors including prevailing rates of pay and working conditions for other employment in both the public and private sectors, current cost of living, recommendations of department heads, the City's financial condition and other relevant factors. Any compensation plan submitted to the City Council for action shall be accompanied by the recommendation of the City Manager.

Sec. 2 Adoption of Plan

The compensation plan shall be adopted and may be amended from time to time by action of the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer. Notice of City Council consideration of the proposed compensation plan, amendments or revisions shall be publicly posted at least five days prior to City Council action. Thereafter, no regular position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the classification is amended in the same manner as herein provided for its adoption.

Sec. 3 Modification of Plan

The Personnel Officer or the person or agency employed for that purpose shall thereafter make such further studies of the compensation plan as may be requested by the City Council.

Sec. 4 Holidays, Establishment of

For the transaction of municipal business for the City, designated fixed-date holidays for all employees shall be determined by resolution of the City Council and passed annually to establish the holidays for the fiscal year.

Sec. 5 Holiday, Day of Mourning

The City shall observe as a holiday those days the Governor officially declares Days of Mourning or Special Observance.

Sec. 6 Sick Leave, Part-Time Employees

The City Council may by resolution direct that regular part-time officers and employees filling regular positions who work less than 2080 hours on a regular basis shall be entitled to a pro rata sick leave benefits.

RULE VI - EMPLOYMENT PROCEDURES

Sec. 1 Applications and Applicants

a. Announcement

All examinations for classifications in the competitive service shall be publicized by posting announcements in the City Hall on official bulletin boards, and by such other methods as the Personnel Office deems advisable. The announcement shall specify the title and pay of the classification for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the classification; the manner of making applications; and other pertinent information.

b. Application Forms

Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprinting. All applications must be signed by the person applying.

c. Disqualification

The Personnel Officer shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or is not a citizen of the United States, except when citizenship is not required by State law. Applications shall be rejected if the applicant is physically or mentally unfit for the performance of duties of the regular position to which the applicant seeks appointment; has been convicted of a crime involving moral turpitude; has made any false statement of any material fact, or practiced any deception or fraud in the application. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

Sec. 2 Examinations

a. Nature and Types of Examinations

The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the classification to which they seek to be appointed. Examinations shall consist of selection techniques, which will, test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, or any combination of these or other tests.

b. Promotional Examinations

Promotional examinations may be conducted whenever, in the opinion of the Personnel Office, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in Section 1. of this Rule, or

any combination of them. Only regular or probationary employees who meet the requirements set forth in the promotional examination announcements may complete in promotional examinations.

c. Continuous Examination

Open-competitive examinations may be administered periodically for a single classification as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VIII.

d. Conduct of Examination

The City Council may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examination.

e. Scoring Examinations and Qualifying Scores

A candidate's score in a given examination shall be the average of the scores on each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such application as failing in the entire examination or as disqualified for subsequent parts of an examination.

The Personnel Officer may include tests as a part of the examination which are qualifying only.

f. Notification of Examination Results and Review of Papers

Each candidate in an examination shall be given written notice of the results thereof and, if successful, of the final earned score.

Sec. 3 Employment Lists

a. Employment Lists

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score.

b. Duration of Lists

Employment lists other than those resulting from a continuous examination shall remain in effect for one year, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Personnel Officer for additional periods, but in no event shall an employment list remain in effect for more than two years.

Open-competitive lists created as the result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted. Names placed on such lists shall be

merged with any others already on the list in order of final scores and shall remain on the list for not more than one year.

c. Re-employment Lists

The names of probationary and regular employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and regular status. Such names shall remain there on for a period of one year unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the appointing power shall appoint such persons to fill the vacancies.

d. Removal of Names from List

The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible requests in writing that the name be removed, if the eligible fails to respond to a notice of certification mailed to the last known address within five (5) days after date of mailing, or for any of the reasons specified in Rule VI, Section 3, of these rules. The person affected shall be notified of the removal of his/her name by Notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

Sec. 4 Method of Filling Vacancies

a. Types of Appointment

All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement, or from eligibles certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in three ways, provisional appointments may be made in accordance with the Personnel Ordinance and these rules.

b. Notice to Personnel Officer

Whenever a vacancy in the competitive service is to be filled, the appointing power shall notify the Personnel Officer in the manner prescribed. If there is no re-employment list available for the classification, the appointing power shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

c. Certification of Eligibles

If the appointing power does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate

employment list, provided eligibles are available.

When the appointing power requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Personnel Officer shall certify from the specified list the name of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the appointing power may make an appointment from among such eligibles or may request the Personnel Officer to establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.

d. Appointment

After interview and investigation, the appointing power shall make appointments from among those certified, and shall immediately notify the Personnel Officer of the persons appointed. The person accepting appointment shall present himself/herself to the Personnel Officer, or the designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and arrives for duty within such period of time as the appointment authority shall prescribe, the individual shall be deemed to be appointed; otherwise, that person shall be deemed to have declined the appointment.

e. Provisional Appointment

In the absence of there being names of three individuals willing to accept appointment on appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any regular position filled by provisional appointment. The City Manager may extend the period for any provisional appointment as deemed appropriate.

No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any open-competitive promotional lists, for service rendered under a provisional appointment.

Sec. 5 Probationary Period

- a. All original and promotional appointments shall be tentative and subject to a probationary period of not less than six months actual service. The City Manager may establish a longer probationary period for specified classifications. Additionally, the City Manager also may extend the probationary period of an employee rather than terminating the employment, but such extension shall be at the sole discretion of the City Manager. The Personnel Officer shall notify the appointing authority and the probationer concerned two weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the employee's department head and the appointing authority, then the department head and the appointing authority shall file with the Personnel Officer a statement in writing to such effect and stating

that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed to be unsatisfactory and employment terminated at the expiration of the probationary period.

b. Objective of Probationary Period

The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to a regular position.

c. Rejection of Probationary Period

During the probationary period, an employee may be rejected or the probationary period extended at any time by the appointing power without cause and without the right of appeal. Notification of rejection in writing shall be served on the probationer and a copy filed with the Personnel Officer.

d. Rejection following Promotion

Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reason of failure of the appointing power to file a statement that his services have been satisfactory, shall be reinstated to the position from which he was promoted unless charges are filed and the employee is discharged in the manner provided in the Personnel Ordinance and these rules for regular positions in the competitive service.

Sec. 6 Transfer or Assignment to another Department

No person shall be transferred to a regular position for which the employee does not possess the minimum qualifications. Upon notice to the Personnel Officer, an employee may be transferred by the appointing power at any time from one position to another position within the same classification.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance pay plan or these rules.

If an employee is assigned to a position out of the employee's classification or department or both, the City Manager shall either reclassify the employee or temporarily appoint the employee to the proper classification as deemed appropriate. No promotion or transfer to another classification shall serve to reduce the monthly salary of any employee.

Sec. 7 Promotion

Insofar as consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and promotional list established.

If, in the opinion of the Personnel Officer, a vacancy in the position could be filled better by an open-competitive examination, then the Personnel Officer shall arrange for an

open-competitive examination and for the preparation and certification of an open-competitive employment list

Sec. 8 Demotion

Upon request of the employee and with the consent of the appointing power, demotion may be made to a vacant position. The appointing power may demote an employee whose ability to perform the required duties falls below standard, voluntarily requests a reclassification to a vacant position, or for disciplinary purposes except where such demotion would be contrary to the best interests of the City. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Written notice of the demotion shall be given the employee before or within three (3) days after the effective date of the demotion, and a copy filed with the Personnel Office.

Sec. 9 Suspension

The appointing power may suspend an employee from that employee's position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than thirty (30) calendar days in a fiscal year. Department heads may suspend a subordinate employee for not more than five (5) working days at any one time, and not more than once in a thirty (30) calendar day period. Suspensions shall be reported immediately to the Personnel Officer.

Sec. 10 Relief of Duty

Notwithstanding the provisions of this Rule, upon the recommendation of the Personnel Officer, the City Manager may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigation or opportunity to respond as may be required to determine if disciplinary action is to be taken.

Sec. 11 Separation from the Service

a. Discharge

An employee in the competitive service may be discharged at any time by the City Manager. Employees terminated as a result of poor performance and/or unacceptable behavior will normally receive some counseling or warning of their performance deficiencies prior to termination (Rule VIII). However, circumstances may arise requiring the immediate termination of an employee without notice where such termination is in the best interest of the service. This may arise based on various factors such as the determination that an employee has engaged in a serious performance deficiency, has committed a serious infraction of generally accepted rules of behavior, or is otherwise deemed to be performing in a clearly unacceptable manner.

Whenever it is the intention of the City Manager to discharge an employee in the competitive service, the personnel office shall be notified.

b. Resignation

An employee wishing to leave the competitive service in good standing shall file with the appointing power, a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by such official. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule may be cause for denying future employment by the City.

Sec. 12 Reinstatement

With the approval of the appointing power and the Personnel Office, a regular or probationary employee who has resigned with a good record may be reinstated within two (2) years of effective date of resignation, to a vacant position in the same classification. However, an applicant for reinstatement has no right of appeal concerning a refusal by the appointing authority to reinstate such applicant. Upon reinstatement the employee for all purposes, shall be considered as though an original appointment had been received and such employee will be required to satisfy the probationary period described in Section 5 of Rule VI.

Sec. 13 Pay Adjustments

a. Application of Rates

Employees occupying a regular position in the competitive service shall be paid a salary or wage established for that position's classification under the compensation plan as provided by Rule V. The minimum rate, if provided, for the classification generally shall apply to employees upon original appointment. However, the City Manager may, when circumstances warrant it, authorize original appointment or reinstatement at other than the minimum rate.

b. Advancement

No salary advancement shall be made so as to exceed any maximum rate established in the compensation plan for the classification to which the advanced employee's position is allocated. Advancements shall not be automatic but shall depend upon increased service value of an employee to the City as exemplified by such factors as recommendations of the supervising official, length of service, performance, record, special training undertaken, or other pertinent evidence, within the advancement policy established by the pay plan. City Manager may advance any employee at any time without regard to length of service.

Sec. 14 Personnel Records

The Personnel Office shall maintain a service or personnel record for each employee in the 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 by the Personnel Officer. Employees may review their personnel records during normal working hours of the Personnel Office.

Sec. 15 Change-of-Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, or any other change in status employees shall be reported to the Personnel Officer in such manner as may be prescribed.

RULE VII - " A" LAYOFF POLICY AND PROCEDURE - UNIT 7, (FIRE))

Sec. 1 Statement of Intent

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position of, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

Sec. 2 Notification

Employees to be laid off shall be given, whenever possible, at least 14 calendar days prior notice.

Sec. 3 Vacancy and Demotion

Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower classification for which the employee who is the latest to be laid off in accordance with Section 6 is qualified. All persons so demoted shall have their names placed on the re-employment list.

Sec. 4 Employee Rights

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower classification in the same classification series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where the layoff is to occur.

Sec. 5 Seniority

In order to retreat to a former or lower classification, an employee must have more seniority than at least one of the incumbents in the retreat classification, and request displacement action in writing to the Personnel Officer within five (5) working days of receipt of notice of layoff.

Employees retreating to a lower or similar classification shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the classification from which the employee was laid off

Employees retreating to a lower or similar classification shall serve a probationary period in the new classification unless they have previously successfully completed a probationary period in the classification or a classification in the series.

Sec. 6 Employment Status

In each classification of position within the competitive service, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority. In cases where there are two or more regular employees in the classification from which the layoff is to be made,

such employees shall be laid off on the basis of the last evaluation rating in the classification, providing such rating has been on file at least 30 days and no more than 12 months prior to layoff.

First, all employees having ratings similar to "improvement needed," second, all employees having ratings similar to "competent," third, all employees having ratings similar to "outstanding." Employees within each category shall be laid off in reverse order of seniority.

Sec. 7 Re-Employment List

The names of persons laid off or demoted in accordance with these rules shall be entered upon a re-employment list. Lists from different departments or at different times for the same classification of position shall be combined into a single list. Such list shall be used by every appointing authority when a vacancy arises in the same or lower classification of position before certification is made from an eligible list.

Sec. 8 Duration of Re-Employment List

Names of persons laid off shall be carried on a re-employment list for one year, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuses re-employment shall be dropped from the list. Persons re-employed in a lower classification, or on a temporary basis, shall be continued on the list for the higher position for one year.

**RULE VII."B" LAYOFF POLICY AND PROCEDURE
ALL UNITS EXCEPTING UNIT 7, (FIRE) AND UNIT 2 (MAINTENANCE)**

Sec. 1 Statement of Intent

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position of employment due to a reorganization or to separate employees due to lack of work or funds, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

Sec. 2 Notification

Employees to be laid off shall be given, whenever possible, at least 14 calendar days prior notice.

Sec. 3 Vacancy and Demotion

Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower classification for which the employee who is the latest to be laid off in accordance with Section 6 is qualified. All persons so demoted shall have their names placed on the re-employment list.

Sec. 4 Employee Rights

An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in 1) a lower classification in the same classification series or in 2) a lower classification in which the affected employee once had regular status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where the layoff is to occur.

Sec. 5 Seniority

In order to retreat to a former or lower classification, an employee must have more seniority than at least one of the incumbents in the retreat classification, be qualified to hold the retreat classification or have served in the retreat classification prior to the layoff and request displacement action in writing to the Personnel Officer within (5) working days of receipt of notice of layoff.

Employees within each category shall be laid off in reverse order of seniority within the classification series. Seniority for the retreat classification would be the combination of time served at or above the layoff classification and any prior time served in the retreat classification. Ties will be broken based seniority of total City service.

Employees retreating to a lower or similar classification shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the classification from which the employee was laid off.

Employees retreating to a lower or similar classification shall serve a probationary period in the new classification unless they have previously successfully completed a probationary period in the retreat classification or a higher classification in the series.

Sec. 6 Employment Status:

In each classification of position within the competitive service, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority.

Sec. 7 Re-employment List

The names of persons laid off or demoted in accordance with these rules shall be entered upon a re-employment list. Lists from different departments or at different times for the same classification of position shall be combined into a single list. Such list shall be used by every appointing authority when a vacancy arises in the same or lower classification of position before certification is made from an eligible list.

Sec. 8 Duration of Re-Employment List

Names of persons laid off shall be carried on a re-employment list two years, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuses re-employment shall be dropped from the list. Persons re-employed in a lower classification, or on a temporary basis, shall be continued on the list for the higher position for two years.

Employees in Public Safety classification shall be subject to all regular medical and psychological testing in order to determine fitness for duty.

RULE VIII - DISCIPLINARY AND APPEAL PROCEDURES

Sec. 1 Disciplinary Procedures

a. Other than Termination

Except for probationary employees unless otherwise required by law, any regular employee subject to disciplinary action is entitled to a written statement of the reasons for such action, a copy of the charges and material upon which such action is based, where applicable, and the right to respond, either orally or in writing, concerning the disciplinary action. Upon request, the employee is entitled to a hearing in accordance with the applicable personnel ordinance, these Rules and other applicable rules or regulations.

b. Termination

Except for probationary employees unless otherwise required by law, a regular employee subject to termination is entitled to written notice of the proposed action, a written statement of the reasons for such action, a copy of the charges and material upon which such action is based, where applicable, and the right to respond, either orally or in writing, concerning the proposed termination action. Upon request, the employee is entitled to a hearing in accordance with the applicable personnel ordinance, these Rules and other applicable rules and regulations.

c. Police Officer Bill of Rights

With respect to all police officers, the City also shall apply the Public Safety Officers' Section 3300 et seq., concerning any "punitive action" involving such police officers. Pursuant to the Act, it is understood that "punitive action" includes any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

Sec. 2 Rules of Appeal to Personnel Board

a. Right of Appeal

Any regular employee in the competitive service shall have the right to appeal to the Personnel Board any disciplinary action, interpretation or alleged violation of the Personnel Ordinance or these Rules except in instances where the right of appeal is specifically prohibited by the Personnel Ordinance or these Rules.

b. Method of Appeal

Appeals shall be in writing, subscribed by the appellant, and filed with the Personnel Officer within seven (7) calendar days after the effective date of any disciplinary action, who shall, within five days after receipt of the appeal, inform each member of the Personnel Board, the City Manager and such other persons or Officers named or affected by the appeal or the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Board, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant, with the reasons therefore. The formality of a legal pleading is not required.

- c. Notice
Upon the filing of an appeal, the Personnel Officer shall set a date for a hearing on the appeal not less than ten (10) days, nor more than thirty (30) days from the date of filing. The Personnel Officer shall notify all interested parties of the date, time and place of the hearing at such places as the Personnel Board shall prescribe.
- d. Investigation
Upon the filing of an appeal, the Personnel Board may make such independent investigation of the matter, as it may deem necessary. The result of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to have a reasonable time within which to answer or to present evidence in opposition to the findings of this independent investigation.
- e. Hearings
The appellant shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the hearings. The appellant may be represented by any person or attorney as may be selected and may at the hearing produce relevant oral or documentary evidence. The appellant shall proceed first and, at the conclusion, opposition matters may then be presented. Rebuttal matter not repetitive may be allowed in the discretion of the Personnel Board. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under-the control of the Personnel Board by its Chair, with due regard to the rights and privileges of the parties appearing before it. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Hearings shall be open unless the appellant, in writing, requests a closed hearing.
- f. Findings and Recommendations
The Personnel Board shall, within ten (10) days after the conclusion of the hearing, certify its findings and decision in writing to the appellant and to the City Manager and to the person, officer or body appropriate from whose action the appellant was taken. The City Manager or appointing power, as appropriate, shall review the findings and recommendations of the Personnel Board and, subject to the provisions of the City Charter, may then affirm, revoke or modify the action taken as, in the reviewing party's judgment, seems warranted, and the action taken shall be final. Any member of the Personnel Board may submit a minority or supplemental finding and recommendation. In case of suspension, discharge or demotion, the Personnel Board shall reinstate any employee to the employee's former status if proof is made that the action was for discriminatory reasons.