

AN ORDINANCE OF THE CITY OF SANTA ANA AMENDING THE SANTA ANA MUNICIPAL CODE BY ADDING SECTIONS 9-3.1, 9-45.1, 9-67.1, 9-118.7 AND AMENDING SECTIONS 9-5, 9-6, 9-7, 9-8, 9-32, 9-33, 9-34, 9-35, 9-35.1, 9-36, 9-39, 9-40, 9-42, 9-43, 9-44, 9-45, 9-62, 9-63, 9-64, 9-66, 9-67, 9-68, 9-91 RELATING TO PERSONNEL MATTERS

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

SECTION 1: That the Santa Ana Municipal Code is hereby amended by adding a section, to be numbered 9-3.1, which said section reads as follows:

Sec. 9-3.1. Policy against close relatives working together.

The city council finds and determines that close relatives working together as city officers or employees is likely to result in problems of employee morale, inappropriate supervision, conflict of interest and public criticism. It is the policy of the city to avoid such problems in the government of the city caused by close relative working together.

For purpose of this Chapter, a person shall be deemed a "close relative" of a city officer or employee if that person is related to such officer or employee by blood, adoption or marriage, exclusive of any such relationship which is collateral consanguinity more remote than the fourth degree.

SECTION 2: That Section 9-5 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-5. Disqualification of applicants.

The director of personnel may reject any application, refuse to examine an applicant, disqualify an applicant, remove his name from an eligible list, or refuse to certify any person on an eligible list if:

- (a) He is found to lack any of the requirements prescribed for the class or position;
- (b) He is so disabled as to be unable to perform all the duties of the position for which he is a candidate;
- (c) He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;
- (d) He has been convicted of an infamous crime or other crime involving moral turpitude;

- (e) He has previously been dismissed from any public or private employment for any cause other than abolition of position or reduction in force;
- (f) He has used, or attempted to use, political pressure or bribery to secure an advantage in connection with the application, examination, certification, or appointment;
- (g) He has directly, or indirectly, obtained information regarding the examination to which, as an applicant, he was not entitled;
- (h) He has failed to submit his application correctly, or within the prescribed time;
- (i) He has taken part in the compilation, administration or correction of the examination;
- (j) He has practiced, or attempted to practice, any deception or fraud in his application, or in securing his eligibility or appointment;
- (k) On evidence that he cannot be located by postal authorities;
- (l) On receipt of a written statement declining an appointment or stating that he wishes his name removed from the eligible list;
- (m) If an offer of an appointment from the eligible list has been extended but not accepted;
- (n) If he declines to reply to letters of inquiry or letters of appointment, or fails to respond to a notification of certification;
- (o) If he does not report for duty, after appointment by the appointing authority;
- (p) When he has been appointed to the position for which he has applied;
- (q) If he has not been selected for appointment after being certified from the eligible list four times;
- (r) If, after examination by a designated physician, he does not meet the medical standards prescribed for the class for which he has applied;
- (s) If he is a close relative of the city manager or his assistants, if any.

The personnel board may, upon written request of applicant, review any action taken pursuant to the provisions of this section. The applicant shall have ten calendar days following notification of such action to file his written request for review in the offices of the personnel board. Such review shall normally occur at the next regularly scheduled meeting of the personnel board, unless the board determines that the matter requires earlier consideration. The decision of the personnel board in the review of such matters shall represent final appeal action.

SECTION 3: That section 9-6 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-6. Rejection.

Whenever an applicant is rejected, or his/her name removed from an eligible list per the provisions of § 9-5 and § 9-5.1, he/she will be notified by letter, stating the reason(s) therefor.

SECTION 4: That section 9-7 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-7. Considering appeals from decision and ratings of qualification appraisal boards.

The director of personnel shall consider appeals from decisions and ratings of qualification appraisal boards* in the same manner and within the same periods of time as established for appeals of results of written examinations.** Appeals of decisions and ratings of the qualification appraisal boards shall be considered solely for alleged irregularity or fraud in the conduct of the investigation or interview, or for alleged erroneous interpretation and application of the minimum qualifications prescribed for the classification.

*Cross reference - See § 9-39.

**Cross reference - See § 9-42.

SECTION 5: That section 9-8 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-8. Medical examinations.

Before appointment, individuals receiving job offers will be required to successfully pass a physical examination before a licensed physician. The standards for the physical examination shall be established prior to publication of the written announcement of the examination. The licensed physician mentioned in this section shall be one selected by the director of personnel, or a city physician if one is designated, and available, and the examination fee shall be paid by the city.

SECTION 9. That section 9-35 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-35. Types.

Examinations shall be assembled or unassembled and, further, they may be written or oral, or in the form of a practical demonstration of skills or any combination of these. Any investigation of education, experience, character, or identity, and any test of knowledge, skill, ability, or physical or mental fitness which in the judgment of the city manager fairly tests the relative capacities of the applicants to perform the duties of the position to which they seek appointment, may be employed.

SECTION 10. That section 9-35.1 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-35.1. Promotions.

Vacancies in position of the higher classifications in the civil service of the city shall, as far as practicable, be filled by promotion of employees occupying positions of lower classifications having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher classification; provided that the city manager may hold examinations for positions of such higher classifications on the basis of open competitive examinations or both open and promotional competitive examinations in the manner provided in the civil service rules and regulations. Eligibility for promotional examinations shall be subject to civil service rules and regulations.

SECTION 11. That section 9-36 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-36. Promotional.

Promotions shall be based on competitive examination. The examinations shall be open, promotional, or both open and promotional. In each case of an examination for a higher classification, the city manager shall determine which positions in a lower classification are appropriate for advancement to the higher classification. If the number of employees considered eligible for promotion is less than three (3), the city manager may determine that an open or a combination of open and promotional examinations be held to create an eligible list. In the event that a combined open and promotional examination is to be held as provided herein, employees holding permanent status in any one of the classifications considered appropriate for advancement, and actually in the employment of the city at the time of the

may be grounds for declaring the applicant as having failed in the entire examination and as disqualifying for subsequent parts of an examination as shall be determined by the director of personnel. All applicants in the same examination shall be accorded uniform and equal treatment in all phases of the examination procedure.

SECTION 14. That section 9-42 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-42. Error appeal.

During the five (5) working days commencing with the first working day after a written test has been completed, a candidate may file with the director of personnel an appeal against any item of the test or any part of the test, citing the items or the parts against which the appeal is directed and the reasons for such an appeal.* An eligible list resulting from such test shall not thereafter be established until all the disputed items have been reviewed by the director of personnel and corrected if found to be wrong, or the appeal denied. Decisions of the director of personnel shall be subject to review by the city manager upon written request by the candidate filed with the director of personnel within five (5) working days of the decision.

*Cross reference - See § 9-7

SECTION 15. That section 9-43 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-43. Grading appeal.

During the five (5) working days beginning with the day after notice of placement on the eligible list has been mailed, a candidate may file with the director of personnel a request to review the score assigned to each component of the examination. If the candidate believes an error has been made in any computation of his/her scores, including computation of score assigned to each examination component, determination of weighted scores, or in the summing of weighted scores, he/she may make application, in writing, to the director of personnel for an adjustment of his/her score. However, in such application the candidate must state specifically and particularly wherein he/she believes error has been made. Any error that may appear shall be corrected and any change in the standing of candidates as a result thereof shall be made by the director of personnel within five (5) working days after the appeal period. All conclusions in connection with appeals shall be approved or disapproved by the city manager, and shall be subject to review by the personnel board upon written request by the candidate filed with the board within five (5) working days after the candidate has been notified of the decision of the city manager.

SECTION 18. That the Santa Ana Municipal Code is hereby amended by adding a section, to be numbered 9-45.1, which said section reads as follows:

Sec. 9-45.1. Same--Duration.

Such eligible lists shall remain in effect for the time period listed below, unless within such period the City Manager, or such person under the City Manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this chapter:

- (a) Eligible lists for classifications designated as management by action of the City Council shall be in effect for six months.
- (b) Eligible lists for classifications designated as "local police/fire safety" members of the Public Employees Retirement System shall be in effect for two years. Eligible lists for classifications which are designated as both management and safety members shall be in effect for two years.
- (c) Eligible lists for all classifications which are not included in (a) or (b) above shall normally be in effect for one year, but may be extended for a period of six (6) full months with the approval of the City Manager. The City Manager may also grant a maximum of one additional six (6) month extension.

SECTION 19. That section 9-62 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-62. Same--Consolidation.

Two (2) eligible lists of the same type (open or promotional) for the same classification may be consolidated by the director of personnel by placing eligibles from an old list on a new list in accordance with the procedures outlines in § 9-45. The names on the resulting (consolidated) list shall be certified in accordance with the procedures outlined in § 9-66.

SECTION 20. That section 9-63 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-63. Method of filling.

Vacancies in the competitive service shall be filled by re-employment, transfer, demotion, reinstatement, from an eligible list if available, or by a temporary appointment for not longer than one hundred eighty (180) calendar days as specified in the charter.

SECTION 23. That section 9-67 of the Santa Ana Municipal Code is hereby amended to read as follows:

Sec. 9-67. Appointments.

In the case of a promotional only appointment, the appointing authority may appoint, of the candidates certified, whichever one in his/her opinion is best qualified for such position.

In the case of an open appointment, the appointing authority may appoint from the band or bands certified, whichever candidate in his/her opinion is best qualified for such position.

No candidate may be certified more than four (4) times from any eligible list resulting from any one examination.

If no eligible list for the classification exists, or if an existing list for the classification contains less than the required number of candidates who are eligible and available for appointment, the city manager, or such person under the city manager having charge of personnel administration, shall so notify the appointing authority who may select from the existing candidates, or after requesting a new recruitment, may make a temporary appointment to the vacancy.

After making the selection, the appointing authority shall inform the director of personnel of the candidate appointed, the date that person will assume the duties of the position and the applicable rate of pay. After verification that the candidate has passed the required medical examination per § 9-8, and after verification of the execution of the oath of office, the director of personnel shall confirm the appointment. After confirmation of the appointment, the appointing authority shall enter the name of the employee on the employment rolls.

SECTION 24: That the Santa Ana Municipal Code is hereby amended by adding a section, to be numbered 9-67.1, which said section reads as follows:

Sec. 9-67.1. Exclusion of close relatives.

If, in the opinion of an appointing authority, the appointment of a candidate to a position of employment under the jurisdiction of such appointing authority would result in a violation of the policy set forth in section 9-3.1, the appointing authority shall so notify the director of personnel, who shall exclude such candidate from the list of names certified to such appointing authority for such position. Any close relative of an appointing authority shall likewise be excluded from any list certified to such appointing authority. In the event a candidate is excluded pursuant to this section, the director of personnel shall certify to the appointing authority a list containing the names of all

SECTION 27. That the Santa Ana Municipal Code is hereby amended by adding a section, to be numbered 9-118.7, which said section reads as follows:

Sec. 9-118.7. Reasonable and Sufficient Cause.

For purposes of section 1000 of the Charter of the City of Santa Ana, the term "reasonable and sufficient cause" for suspension, demotion or dismissal shall include, but not be limited by, each of the following causes:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Drunkenness on duty.
- (h) Intemperance.
- (i) Addiction to the use of controlled substances.
- (j) Unauthorized absence from duty.
- (k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea 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 within the meaning of this subsection.
- (l) Immorality.
- (m) Discourteous treatment of the public or other employees.
- (n) Improper political activity.
- (o) Willful disobedience.
- (p) Misuse of City property.
- (q) Violation of any City departmental or Agency rule.
- (r) Violation of section 9-16 of the Santa Ana Municipal Code relating to outside employment.