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Civil Service Commission Policy Statement

EQUAL EMPLOYMENT OPPORTUNITY

The Civil Service Commission hereby declares and reaffirms its policy of equal employment opportunity and nondiscrimination in all activities of the City and its agencies, including employment of individuals and firms which contract with the City. This Commission is committed to ensuring that all decisions regarding recruitment, hiring, promotions, special assignments, training, and other terms and conditions of employment will be made without discrimination on grounds of race, color, national origin, sex, sexual orientation, religion, creed, age, disability, marital status, or any other factor which cannot be lawfully used as the basis for an employment decision.

The Civil Service Commission recognizes the need to take positive action in these endeavors through the City's Equal Opportunity Program. This Program has had as its interim goal that the representation of qualified women and minorities in its work force mirror the representation of women and minorities with requisite skills, based on job-related criteria, in the labor force of the County of San Diego. The Civil Service Commission recognizes that significant progress has been made towards realizing this goal. The Commission therefore further extends its commitment to recognize as the City's goal that the representation of qualified women and minorities in the City's work force achieve parity with the ethnic and sex composition of the population of the City of San Diego. To achieve this end, the Commission encourages the City Council, Mayor, and all non-mayoral department and agency heads to assist in recruitment efforts and to continue to employ and retain qualified women and minorities in occupational categories where they appear to be under-represented. Further, the Commission supports the City's commitment to eliminate architectural barriers to the employment of the disabled and to provide equal opportunity in City employment to the disabled community. The Commission supports the City Council policy to provide equal commissions, boards, committees and panels.

This statement is further intended to assure that management and employees endeavor to meet the requirements of both the spirit and intent of federal, state, and City of San Diego legislation with respect to equal opportunity employment.

Civil Service Commission Policy Statement

LIFE THREATENING OR CONTAGIOUS MEDICAL CONDITIONS

The Civil Service Commission recognizes that applicants and employees with life threatening or contagious medical conditions including, but not limited to, cancer, heart disease, and Acquired Immune Deficiency Syndrome (AIDS) may want to continue their normal life activities, including work, as their medical conditions allow. The Commission also recognizes the need to ensure that an applicant's or an employee's medical condition would not present a health and/or safety threat to other employees or the public.

It is the Commission's policy to treat the above medical conditions like any other health problem, disability, or handicap for employment purposes. As a result, it is the Commission's policy that reasonable accommodation be made for applicants with such medical conditions providing they can satisfactorily perform their job duties without harm or danger to themselves, co-workers, or the public. Such accommodation might include altering the work environment, providing special equipment, altering work schedules, providing rest breaks, and restructuring some of the duties of the position.

An employee with life threatening or contagious medical conditions may be required to provide a written statement from the treating physician indicating the employee is able to perform the duties of his/her job and will not be a danger to himself/herself or others.

It is also the Commission's policy that reasonable accommodation consistent with the business needs of the City will be made for employees who develop such medical conditions, provided they are able to meet acceptable performance standards and their condition is not a threat to themselves, co-workers, or the public.

Of particular concern to the Commission is the medical condition of AIDS. According to materials provided by a number of authorities, including the Centers for Disease Control, the Public Health Service and the American Hospital Association, there is no evidence to support that the AIDS virus is transmitted by occupational, casual, or social contact even in family settings. Nor is there evidence of airborne and foodborne transmission of the illness. There is no evidence that the disease is transmitted through objects handled by individuals with AIDS or by contaminated environmental surfaces. Although the AIDS virus has been found in saliva and tears, there is no evidence that the disease is transmitted through these fluids.

The Civil Service Commission further recognizes that applicants' and employees' health conditions are personal and confidential. The Commission declares as its policy that reasonable precautions should be taken to protect information regarding health conditions consistent with the business needs of the City.

Employees with specific medical conditions, including AIDS, will be excluded only from those

Civil Service Commission Policy Statement

LIFE THREATENING OR CONTAGIOUS MEDICAL CONDITIONS

assignments which may expose them to excessive risk of infections or subject others to undue risk of exposure to the AIDS virus.

The Commission supports educational efforts and programs for City employees regarding the above medical conditions. The Commission also encourages employees with such conditions and disabilities to make use of the benefits and other resources available to them to maintain or improve their well being.

Civil Service Commission Policy Statement

IMPROPER USE OF CITY RESOURCES

The Civil Service Commission hereby declares its policy that City labor, equipment, materials, and supplies may not be used by any employee for private purposes, or for the personal benefit of other employees or other persons, unless specifically authorized by the City Council.

Employees violating this policy, or employees who direct other employees or other persons to take actions in violation of this policy, are subject to disciplinary action up to and including termination and/or criminal prosecution.

Any City employee who believes that he/she is directed to perform duties in violation of this policy may file a grievance in accordance with the appropriate grievance procedure. Any employee who feels that he/she has been retaliated against as a result of filing such a grievance may file a complaint in writing with the Personnel Director.

Upon receipt of such a complaint, the Personnel Director shall determine if there is reasonable evidence that supports the complaint. If the Personnel Director determines that the complaint appears to be valid, he/she shall promptly conduct an investigation. If, following the investigation, the Personnel Director finds sufficient evidence supporting the complaint of reprisal, he/she shall initiate corrective action with the Mayor, non-mayoral department head, and/or the Civil Service Commission.

Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS

I. AUTHORITY: Civil Service Rule XIV. REPORTS TO THE COMMISSION.

II. POLICY:

A. In order to assist the City Manager to analyze staffing changes requested in preliminary budget documents, and to allow the Personnel Director to anticipate future classification and recruitment problems, all City departments shall be required to include as part of their Annual Budget Request a preliminary organization chart. All preliminary charts shall accurately reflect the organization and staffing as requested in the proposed budget.

B. Functions and classifications shall be charted in sufficient detail to show clearly the actual supervisory responsibilities of each section and unit leader down to first-line supervisors who rate the performance of subordinates.

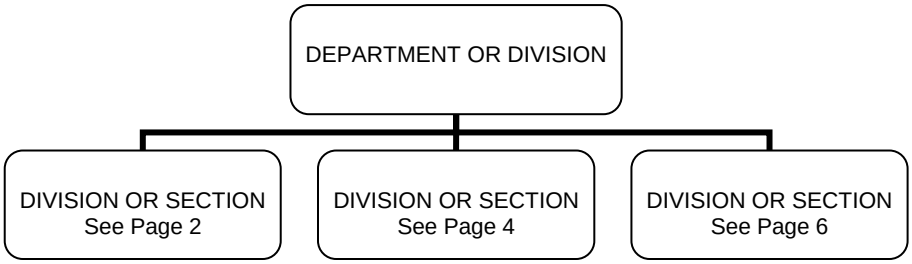
C. If a major reorganization is approved during the fiscal year, the department head may be requested to submit revised charts in accordance with these policies and procedures.

III. FORMAT:

A. Follow Sheets for Large Organizations:

1. In large departments, where a single 8-1/2 by 11 inch sheet will not provide sufficient space to include all the functions and supervisory patterns, follow sheet will be necessary to extend major divisions and sections on succeeding pages.

2. When follow sheets are used, page reference numbers shall be shown on the preceding chart, thus:



Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS

B. Page Format:

1. The standard title rectangle shall appear in the upper right had corner of the first title page for each department and major division.

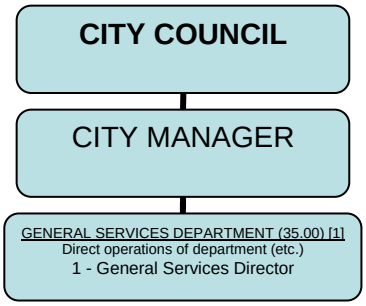
(2-1/2" wide)

City of San Diego
GENERAL SERVICES DEPARTMENT
Functional Organization Chart
Approved: _____ General Services Director _____ City Manager _____ Date: July 1, 19__

2. Departments shall show (above the highest ranking officer on each page) the source of authority, such as department head, City Manager, independent Commission, City Council, or electorate. The City Council will be shown in heavy letters with a heavy border.

Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS



3. Departmental and activity numbers shall be shown (as above) for each major function.

4. Each box with budgeted positions listed should be numbered in the upper right hand corner. (See the above example for correct placement.) As shown in the example, the number should be enclosed in brackets. Starting with the first page and the upper most left hand box, the numerical sequence goes from left to right and from top to bottom down through successive levels and continues in the same manner on succeeding pages. (See a recent Personnel Department organization chart for examples.) Boxes for commissions and other appointive functions should not be numbered. This bracketed number is part of the organization chart code number which should be included on all "Position Classification Questionnaire" - PC-1 and "Request for Certification" - CS-490 forms in order to expedite their processing. This organization chart code number is composed of three parts: the first part is the departmental number, the second is the last two digits of the year of issue for the referenced chart, and the last part is the bracketed box number. Thus a complete organization chart code number for the assistant Personnel Director, according to the July 1, 1975, organization charts, would be 13.00 - 75 - [4].

C. Page Numbering and Identifying

1. Page numbers shall appear in the lower right hand corner, and should show the particular page number and the total number of pages in the group, thus:

   page 1 of 1, page 1 of 6, page 2 of 6, page 2 of 10.

Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS

2. On pages following the title page, the name of the department and/or division and the date of approval or revision shall be shown in the upper right hand corner.

D. Format of Organization Boxes:

1. Functional title of the division, section, or unit.

2. Brief description of functions written in approved style. (See a recent Personnel Department organization chart for examples.)

3. Exact classification titles (no abbreviations) and number of budgeted positions ranked according to salary level. Do not use "working" or functional titles.

(1)
(2)
(3)

E. Legends:

1. The following symbols shall be used to achieve uniformity:

a. to indicate line authority _____

b. to indicate staff authority or advisory capacity ___ ___ ___ ___ ___ ___ __

c. to indicate functional authority ___.___.___.___.___.___. __

d. to indicate "Direct department or major division in the absence of nominal head"

Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS

F. Make-up of Draft Charts:

1. Use 8-1/2" x 11" typewriter paper for major revisions; minor revisions which can easily be followed may be made in pencil on the prior year's approved organization chart.

2. Leave a 3/4" space at the top (use 11" side) for three punch holes.

3. Position unit boxes and lines of supervision so as to achieve an artistic balance and avoid the need for extensive layout work by the City Print Shop.

IV. ADMINISTRATIVE REVIEW AND FINAL APPROVAL PROCEDURE:

A. Draft charts shall be submitted to the Financial Management Director with the Annual Budget Request. Draft charts shall be reviewed by the assigned Financial Management Analyst in cooperation with the Personnel Department. These charts shall be maintained by Financial Management Analysts who will make appropriate changes to the chart as adjustments to proposed budgets are made during the review process and in the July Appropriation Ordinance. After obtaining clearance for these modifications from the appropriate Department Head, the Financial Management Analyst shall forward the draft charts to the Personnel Department.

B. When draft charts have been approved by the Personnel Director, they will be returned to Financial Management. Minor changes, if any, shall be made by the Financial Management Analyst to reflect the August Appropriation Ordinance. If major changes are required, the revised chart shall again be reviewed by the Personnel Department and Department Head for approval. Thus, as the final appropriation ordinance is adopted, the preliminary chart shall reflect department organization and staffing as approved in the final budget.

C. The draft charts shall then be forwarded by Financial Management to the City Print Shop for making "camera ready" masters and a proof copy, in accordance with these instructions and the format established by the Personnel Director.

D. Completed chart masters and proof copy shall be delivered to the Financial Management Department for proofreading and obtaining the signatures of appropriate authorities.

Organization and Classification

FUNCTIONAL ORGANIZATION CHARTS

E. Upon return of signed masters, the City Print Shop will produce copies of each chart, punched with holes for a 3-ring binder, collated, assembled, and stapled; costs will be charged to a general appropriations printing fund.

V. DISTRIBUTION:

A. Duplicated charts, properly assembled, shall be delivered to the Personnel Department for distribution.

B. Deadline for distribution of final approved organization charts is October 1st of the each fiscal year.

Organization and Classification

CLASSIFICATION STUDIES

I. AUTHORITY:

A. City Charter Section 37. PERSONNEL DIRECTOR

B. City Charter Section 123. LIMITATIONS ON APPOINTMENTS AND TRANSFERS.

C. City Charter Section 126. CERTIFICATION OF PAYROLLS.

D. City Charter Section 128. INVESTIGATIONS

E. City Charter Section 130. COMPENSATION ESTABLISHED

F. Rule I, Section 1. CLASSIFICATION PLAN.

G. Rule VIII, Section 1. ADVANCEMENT THROUGH EXAMINATION***S***.

II. DEFINITIONS:

A. Classification Studies: Classification studies concern changes within the existing salary ordinance, and may be initiated at any time during the fiscal year. Classification studies typically concern:

1. allocation of new positions to existing classes (jobs),

2. re-allocation of existing positions to existing classes (jobs), or

3. changes in class (job) specifications.

B. Salary Studies: Salary studies may require changes in the salary ordinance and typically will be made during the salary-setting process each year, at which time procedural instructions and schedules will be announced. Salary studies typically concern:

1. changes in standard pay rates for existing classes (jobs),

2. modification of fringe benefit programs,

3. creation, modification, or deletion of special assignment pay or other types of additional compensation,

Organization and Classification

CLASSIFICATION STUDIES

4. creation or abolition of classes (jobs), or

5. changes in class (job) titles.

III. POLICY:

A. Purpose of Classification Plan: The position classification plan, with its supplementary salary plan, is essentially a management tool. It assists administrators in clarifying issues and making decisions in the vital functions of planning, organizing, staffing, directing, coordinating, and budgeting.

B. Management Responsibility: All levels of management are responsible for daily maintenance of the classification plan, so that the program will continue to meet its basic objectives. Foremost of these is the objective of "uniform compensation for like service," as stated in City Charter Section 130. The following classification policies are designed to aid management in fulfilling this requirement, and in preventing improper expectations of promotion among employees not properly qualified through Civil Service procedures.

1. Classification advice shall be sought from the Personnel Department whenever changes affecting this classification plan are foreseen. Typically, these are changes such as:

   a. reassignment of functions or duties,

   b. acquisition of new, substantially different, equipment,

   c. reorganization of lines of authority,

   d. installation or deletion of programs.

2. Temporary assignments to higher positions for vacation and sick-leave relief should be made on a rotating basis among all employees qualified to compete for the higher-level position, in accordance with Personnel Manual Index Code H-3, Out-of-Class Assignments.

3. Opportunities to train on equipment or to gain new skills or experience should be offered under equal conditions to all qualified employees.

Organization and Classification

CLASSIFICATION STUDIES

C. Civil Service Responsibility: The Civil Service Commission and staff are responsible for providing a classification plan which helps in reaching organizational goals, reflects work assignments and methods, and is self-consistent. The Commission and staff are also responsible for providing authoritative advice and action, when the classification plan needs to be modified to reflect changes in organization and work assignment. The following policies are designed to maintain the integrity and usefulness of the classification plan:

1. Out-of-class assignments in excess of 30 days will be approved by the Personnel Director under the conditions outlined in Index Code H-3, Out-of-Class Assignments.

2. Provisional promotional appointments will not be approved by the Personnel Director.

3. Tenure and pay status will be granted only when the employee has successfully competed in the examination for the class (job) and is appointed, following his/her certification from the eligible list.

D. Communication of Classification Information: Each level of management has the right and responsibility to be informed of both pending and completed classification action. The procedures established in this Manual Section are designed to ensure that this information is properly routed.

E. Conditions for Restudy of Existing Positions: In 1961 the firm of Griffenhage-Kroeger, Inc. reviewed and allocated every position in the Classified Service. The Civil Service staff has analyzed and allocated positions added to the Service since that time. These classification actions have been subject to review and appeal by management and employees, and the final actions must be regarded as correct. Therefore, no further request for a classification study of existing positions will be recognized until a substantial change in the duties of the position have been authorized by the appointing authority. This policy was re-affirmed by the Civil Service Commission at its meeting of October 19, 1961. Once a position has been allocated to a classification in accordance with the procedure outlined in Section IV below**,** the allocation will be considered final and no further requests for classification studies will be approved until a substantial change in the duties of the position have been authorized by the appointing authority.

Organization and Classification

CLASSIFICATION STUDIES

F. Responsibility for Initiation of Classification Studies: The party first recognizing a need for classification plan revision is responsible for requesting or initiating the necessary study.

1. Management: Members of management will most frequently initiate classification studies, as they are responsible for the conditions which usually create a need for position reclassification, such as reassignment of functions, acquisition of new equipment, reorganization of lines of authority, or installation or deletion of programs. To avoid a sense of job ownership on the part of unqualified employees who have not been qualified through civil service procedures for the classified position, classification studies should be initiated and requested in time to be completed before incumbents are assigned to new or substantially changed positions.

2. Employees: Either an employee or a formally recognized employee organization on behalf of the employee may initiate classification studies. In accordance with Section 37 of the City Charter, the Personnel Director "shall be accessible to any employee who shall desire to complain of any matter incident to his employment." Therefore, direct requests for classification study may be made to the Personnel Director, if the request through channels has been rejected or unduly delayed at any point.

3. Civil Service Staff: Under authority of Section 128 of the City Charter, the Personnel Director may initiate classification studies.

IV. PROCEDURE:

A. Initiation:

1. Preparatory Action:

a. Parties planning to initiate a classification study should first discuss the feasibility of the study with their immediate superiors, and then contact the appropriate assigned Personnel Department Liaison Analyst. The assigned Liaison Analyst will assist by

(1) suggesting the information and materials needed for presentation of the study,

Organization and Classification

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(2) cooperating in giving advice on the preparation of the materials, and

(3) providing necessary forms such as the Position Classification Questionnaire, Form PC-1. (These are available on the City Intranet under "Forms".)

b. The following documents should be prepared as the basis for the study:

(1) Position Classification Questionnaire, Form CS-PC-1, for each position under study, and for as many related other affected positions, if any.

(2) An organization chart. (A rough draft functional organization chart, with staffing patterns showing the position to be studied and interrelated positions, must be prepared if official organization charts do not show the present functions and staff relationships.)

(3) A short memorandum describing the changes in duties and responsibilities which justify the restudy of the position. Also includes the dates on which the new duties became effective.

2. Submitting the Request:

a. The materials described in A-1-b should be forwarded to the Personnel Department as follows:

(1) Managerial requests for classification studies shall be routed through supervisory channels to the department head, who will then send the request directly to the Personnel Director.

(2) Employees initiating classification studies on their own behalf should send requests through supervisory channels as outlined above. However, requests may be made directly to the Personnel Director, if they have been rejected or unduly delayed at any point.

Organization and Classification

CLASSIFICATION STUDIES

(3) Employee representatives may send requests directly to the Personnel Director or may route them through the appropriate supervisory channels.

b. At each point of supervisory or managerial review, accuracy of the request for classification study shall be analyzed and commented upon in light of administrative, organizational, or budgetary plans, as well as evidence of unequal distribution of workload or underutilization of employee skills.

B. Appeal:

1. Allocation of a position to a class (job) may be appealed to the Personnel Director for review within 10 working days of the date of being notified of the results of the study.

2. If that appeal is denied, written appeal may be made to the Civil Service Commission within 10 working days of the Personnel Director's denial.

3. Written appeal to the Commission will be acknowledged, and the appellant and the department head will be notified as to the time and place of the hearing.

4. Following completion of the hearing, the appellant and the department head will be given notice of the final decision of the Commission.

C. Implementation: Report of Classification Study, Form CS-PC-3, will in each case carry instructions as to necessary implementation procedures.

Standards for Recruitment

AGE LIMITS

I. AUTHORITY:

A. Civil Service Rule II, Section 3. AGE REQUIREMENTS.

B. City Charter Section 141. CITY EMPLOYEES' RETIREMENT SYSTEM.

C. Municipal Code Section 24.0104. ...membership in the Retirement System shall be compulsory and a condition of employment for all members of the Classified Service; and Unclassified Service...

D. State of California Government Code.

Section 1031. MINIMUM STANDARDS FOR PEACE OFFICERS. Each class of public officers or employees declared by law to be peace officers shall meet at least the following minimum standards:...(b) Be at least 18 years of age....This section shall not be construed to preclude the adoption of additional or higher standards, including age.

II. POLICY:

A. General: Recognizing the problems of an aging population and the proper utilization of older persons, as well as the need to balance our career service with youthful entrants, it is the policy of the Commission to place no unnecessary entrance age barrier to Civil Service employment.

B. Maximum Age: There is no maximum age for applicants for examinations.

C. Minimum Age: Minimum age for applicants for most examinations is set at 18 except for high school graduates who are 17.

Standards for Recruitment

AGE LIMITS

D. Age Limit Exceptions:

1. A minimum age of 21 has been established for Police Officer positions.

2. Age limit exceptions for part-time or student related classifications is 15.

3. With the advice of the appointing authority and the approval of the Personnel Director, age limit modifications other than those listed may be made, based upon the requirements of the job, the available labor supply, and the career service concept, so long as they do not conflict with state or federal law.

Standards for Recruitment

CITIZENSHIP

I. AUTHORITY:

A. Civil Service Rule II, Section 1. GENERAL REQUIREMENTS.

B. California Government Code Section 1031. PUBLIC OFFICERS OR EMPLOYEES HAVING POWERS OF PEACE OFFICERS; MINIMUM STANDARDS:

Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

1. Be a citizen of the United States or permanent resident alien who is eligible for and has applied for citizenship.

California Government Code Section 1031.5

(a) Any person employed by a governmental agency on the effective date of this section as a peace officer or a peace officer trainee, or who, prior to ... [September 10, 1982] had applied to fill a position as a peace officer, ... is not subject to the requirement of subdivision (a) of Section 1031 ..., provided that any person qualifying for this exemption shall, as soon as legally possible, apply for and meet all of the requirements for United States citizenship specified in existing law, and shall be subject to subdivisions (c) and (d).

(b) Any permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application for employment, except that the one-year requirement shall not be applicable to any person who applies for employment prior to his or her 19th birthday.

(c) Any permanent resident alien who is employed as a peace officer shall diligently cooperate with the Immigration and Naturalization Service in the processing of his or her application for citizenship and shall be disqualified from holding that position if, three years after the filing of his or her application for employment, the person has not obtained citizenship due to his or her failure to cooperate in the processing of the application for citizenship.

Standards for Recruitment

CITIZENSHIP

(d) Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his or her application for citizenship is denied.

C. Immigration and Naturalization Act: According to the United States Department of Justice, Immigration and Naturalization Service, the following shall be considered to be citizens of the United States at birth:

1. a person born in the United States, and subject to the jurisdiction thereof;

2. a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

3. a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

4. a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

5. a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

6. a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

7. a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period

Standards for Recruitment

CITIZENSHIP

or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: Provided, that any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of Title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in section 288 of Title 22, may be included in order to satisfy the physical presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date.

II. POLICY:

A. Except as provided for in I.B. above, as stated in California Government Code Sections 1031 and 1031.5 regarding peace officers, it is the Commission's policy that all applicants for City employment must be

1. U.S. Citizens, or

2. Classified as resident aliens lawfully admitted into the U.S. for permanent residence in accordance with the Federal Immigration and Naturalization Act and must have in their possession an approved Alien Registration Receipt Card (all resident aliens have the legal right to work in the United States), or

3. Classified as Non-Immigrant Aliens who have the legal right to work in the U.S. under conditions authorized by the Immigration and Naturalization Service.

B. In the pre-employment process, applicants will be asked if they are U.S. citizens, resident aliens, or have the legal right to work in the United States.

C. If selected for hire, applicants may be required to show proof of U.S. citizenship status, resident alien status, or right to work.

PERSONNEL MANUAL

Standards for Recruitment

CRIMINAL CONVICTION

I. AUTHORITY:

A. Civil Service Rule II, Section 4. ACCEPTANCE AND REJECTION OF APPLICATIONS.

B. Civil Service Rule II, Section 6. CAUSES FOR DISQUALIFICATION.

C. Civil Service Rule III, Section 6. NOTICE OF RESULTS OF EXAMINATIONS.

II. POLICY:

The Civil Service Commission's policy is to evaluate an applicant's criminal conviction record on the basis of its relationship to potential job performance in terms of the recency, frequency, and the nature of the offense involved. The purpose of this policy is to exclude only those individuals whose criminal conviction record indicates that job performance in the position applied for or public safety could be adversely affected.

A. Anyone who is convicted of a misdemeanor or felony may be rejected at the discretion of the Personnel Director if it appears that job performance or public safety could be adversely affected because of the recency, frequency, and/or the nature of the offense involved.

B. In the case of a position for which the State of California has designated a legal minimum acceptable conviction record, the State standards will be sufficient cause for rejection.

C. Narcotics:

1. Anyone required by the State of California to register under the Health and Safety Code for narcotics offenses may be rejected at the discretion of the Personnel Director, based upon the same criteria defined for felonies and misdemeanors.

D. Sex Offenses: Anyone required by the State of California to register under the Penal Code for sex offenses may be rejected at the discretion of the Personnel Director, based upon the same criteria defined for felonies and misdemeanors.

E. Undesirable, Dishonorable, or Bad Conduct Military Discharges: Anyone who receives such a discharge may be rejected at the discretion of the Personnel Director based upon the same criteria defined for felonies and misdemeanors.

PERSONNEL MANUAL

Standards for Recruitment

CRIMINAL CONVICTION

III. PROCEDURE:

A. All new and reinstated candidates for City employment who have received conditional job offers will be required to complete and submit to the Personnel Department, a conviction record form, participate in a fingerprinting process for a Department of Justice and Federal Bureau of Investigation background check, and have a picture ID taken prior to starting work.

1. Exception: Candidates for Police Recruit, Police Officer, and Police Service Officer positions will provide conviction record information directly to the Police Department as a part of the appointing authority selection process.

2. Exception: City employees or applicants who have to undergo a Peace Officer background process in order to achieve Peace Officer status for assignment in the Boating Safety Unit with the Fire-Rescue Department will provide conviction record information to the Fire-Rescue Department as part of the appointing authority selection process.

B. The Personnel Director will review the candidate's conviction record in relation to the specific duties and requirements of the position sought. If the candidate's conviction record appears to be rejectable, further information may be sought as to extenuating circumstances surrounding convictions, character references, or any other information relative to the candidate's suitability for employment.

C. If the candidate's conviction record is rejectable, the candidate will be either disqualified for all City positions or disqualified only for certain positions and or departments. Candidates who are disqualified for employment because of conviction records will be advised of their appeal rights to the Commission.

PERSONNEL MANUAL

Standards for Recruitment

MEDICAL EXAMINATIONS

I. AUTHORITY:

A. Civil Service Rule II, Section 6. CAUSES FOR DISQUALIFICATION.

B. Civil Service Rule XI, Section 3. CAUSE FOR REMOVAL.

II. POLICY:

A. It is the policy of the Commission to provide a medical examination program which will:

1. Select candidates who are physically fit for the duties of their positions.

2. Provide up-to-date medical information on City employees necessary for effective personnel administration.

3. Adequately protect the health and safety of all employees as required by the California Occupational Safety and Health Act.

4. Maintain a medical examining program which is in accordance with all applicable state and federal laws governing employee selection.

5. Facilitate the placement of qualified disabled individuals in appropriate positions.

B. Medical examinations are required of:

1. New applicants.

2. Repeating applicants who have not had a City medical examination within the past 12 months.

3. Former employees seeking reinstatement to open eligible lists.

4. Employees having any medical condition which in the opinion of the appointing authority limits their ability to safely perform the full duties of their positions (see Index Code I-6 - Compulsory Leave).

5. Employees returning to duty following a prolonged absence due to serious illness or a major surgical operation.

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Standards for Recruitment

MEDICAL EXAMINATIONS

6. Employees returning to duty following prolonged military or other leave of absence.

C. An applicant or employee's ability to physically perform the duties of a particular position will be determined by the Personnel Director based on medical limitations established by the Examining Physician as a part of the City's physical examination. This determination will be made solely on job related factors.

III. GENERAL INSTRUCTIONS:

A. Examining Physician:

1. The attached medical guidelines shall be considered, in a job related context, only as a guide to the type of medical conditions which should be noted for consideration by the Personnel Director. Any medical condition not included in the guidelines which the Examining Physician feels may interfere with the individual's ability to perform the duties of his/her position should also be noted.

2. No expense to the City will be ordered by the examining physician for laboratory or other studies except as directed by the Personnel Director.

3. The Personnel Department, only, will notify examinees of medical qualification or disqualification. No certificate or report of fitness or disqualification shall be issued to the examinee by the examining physician. Notice of all medical determinations shall be sent to the Personnel Department on their forms and in accordance with their procedures.

4. Care must be taken that medical reports are not accessible to unauthorized persons.

PERSONNEL MANUAL

Standards for Recruitment

MEDICAL EXAMINATIONS

B. Personnel Director:

1. No person disqualified by medical examination may be hired for or retained in a classified position without the approval of the Personnel Director.

2. For the purpose of positive identification, the Social Security number or City Identification number of the examinee will be shown on all medical examination forms sent to the examining physician.

3. Information contained on medical reports is confidential and shall not be made available to unauthorized persons.

4. Medical information received from the examining physician will be evaluated by the Personnel Director on a case-by-case basis relating the nature of the individual's medical condition to the specific duties of the position for which the individual is being considered.

   a. Individuals will be given an opportunity to provide additional information prior to a final decision being made.

   b. The Personnel Director may obtain additional information from other medical specialists, the appointing authority, the City's worker's compensation and safety offices, and other relevant sources in order to assist in making a job related decision.

   c. Individuals who are disqualified for one position will remain on the eligible list for consideration for other positions in the same class (job).

5. Appeal Procedure:

   a. Within 5 days of notice of medical disqualification, the appellant may appeal in writing to the Personnel Director citing the reasons for the appeal.

   b. Any additional medical record or other information the appellant wishes to have considered must be provided to the Examining Physician and the Personnel Director within a reasonable period of time.

PERSONNEL MANUAL

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c. All medical information to be used as part of the appeal, including the Examining Physician's findings, will be a public record and presented to the Civil Service Commission for information and technical guidance at their next regularly scheduled public meeting.

d. The appellant will be given an opportunity to be heard and to present medical evidence in support of the appeal.

C. Appointing Authorities:

1. In an emergency, the appointing authority may request permission from the Personnel Director to make appointments pending medical examinations. Any person so appointed who fails the medical examination must be discharged at once.

2. When necessary, medical information on City employees may be provided as guidance for the appointing authority. The appointing authority is responsible for taking appropriate action in those cases where an employee has been medically disqualified or limited.

   a. When possible, the appointing authority should see to it that the employee takes indicated immediate corrective action to eliminate the medical disqualification.

   b. In cases where the employee is unable to take immediate corrective action, the appointing authority should confer with the Personnel Department staff or the Risk Management Department Rehabilitation Counselor as to possible solutions for the problem.

MEDICAL GUIDELINES

ATTACHMENT TO PERSONNEL MANUAL INDEX CODE C-4

MEDICAL GUIDELINES FOR THE CITY'S EXAMINING PHYSICIANS: Listed in this attachment are the maximum medical standards, each to be considered in a job related context, required for employment with the City. Individuals who meet these guidelines are medically fit for any City position. Those who do not will be further evaluated, on a case-by-case basis, taking into consideration requirements of the position being filled and the nature of the individual's medical condition.

A. Miscellaneous: Questionable

1. Presence or history of malignant disease of any organ or part of the body within the past two years. Small uncomplicated skin lesions which are under adequate treatment may be noted as such at the discretion of the examining physician.

2. Active tuberculosis of any degree or at any site.

3. Syphilis, as revealed by history, finding, or positive serology. If applicant submits proof of adequate treatment, evaluation will be made by the Venereal Disease Control Service of the Department of Public Health.

4. Acute rheumatic fever or verified history of rheumatic fever within the previous two years.

5. Osteomyelitis, active or chronic, of any bone within the past ten years, unless applicant furnishes recent X-ray and medical evidence that the bone and soft tissues are well healed.

6. Hodgkin's disease, leukemia, or pernicious anemia.

B. Eyes:

1. Distance Vision:

   a. UNIFORMED POLICE OFFICER CLASSES (JOBS): Without correction, vision not less than 20/70 both eyes together, corrected to not less than 20/20 both eyes together.

   b. FIREFIGHTER CLASSES (JOBS):
   Visual acuity must be 20/20 corrected or uncorrected, both eyes together.

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c. LIFEGUARD CLASSES (JOBS): Without correction, vision not less than 20/40, both eyes together, corrected to not less than 20/20 both eyes together.

d. OTHERS; With or without correction, vision not less than 20/40, both eyes together.

2. Color Vision: For those positions requiring color vision, a medium or strong deficiency will be disqualifying. The determination will be based on The American Optical Company H-R-R Pseudoisochromatic Plates.

3. Other Questionable Eye Conditions:

a. Impaired eyelids which interfere with vision or do not protect the eye from exposure.

b. Acute or chronic conjunctivitis.

c. Pterygium interfering with vision or encroaching on the pupil.

d. Corneal scars, opacities, or ulcers which interfere with vision.

e. Opacities of the lens.

f. Nystagmus.

g. Organic diseases of the eye such as glaucoma, tumor, exophthalmos, abnormal conditions of visual fields.

h. Chronic keratitis.

i. Diplopia.

MEDICAL GUIDELINES

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C. **Ears:** Questionable

1. Deafness or impaired hearing.

2. Any abnormality of the middle or inner ear or of the associated nervous system which would interfere with work performance or would constitute a hazard to self or others.

3. Acute or chronic suppurative otitis media.

4. Acute or chronic mastoiditis.

5. Perforation of ear drum, if large and symptomatic.

D. **Nose, Mouth, Throat, Larynx:** Questionable

1. Deformities of nose, mouth, or throat which interfere with speech or breathing.

2. Chronic sinusitis, presenting symptoms of chronic purulent nasal discharge, post nasal drip, polypi, or other diagnostic signs.

3. Neoplasm of any part of the nasopharynx or mouth.

4. Allergies, if severe and disabling.

5. Perforation of palate or nasal septum, if due to inadequately treated syphilis or other disease, or is predisposing to infection.

E. **Lungs and Chest:**

1. The examination of the lungs and chest will include a history of present and past respiratory diseases and an X-ray.

2. Questionable:

   a. Recent fracture of rib or ribs.

   b. Acute bronchitis.

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c. Acute or subacute pleurisy proved nontuberculous in origin.

d. Pneumonia or pneumonitis.

e. Pulmonary tuberculosis, active or quiescent. Inactive pulmonary tuberculosis as defined by Diagnostic Standards and Classification of Tuberculosis, 1961 (negative bacteriologic tests and stable, noncavitary roentgenographic findings for at least six months) may be acceptable.

f. Pleurisy with effusion, etiology undetermined, will be considered tuberculous in origin, until six months after recovery and after medical records and chest X-rays, intervening history, and current medical status of patient have been reviewed and evaluated by a specialist in Diseases of the Chest.

g. History of recurrent spontaneous pneumothorax, However, a single attack is not disqualifying after three months, for nonsafety members. Evaluation by a physician specializing in Diseases of the Chest may be required to demonstrate that conditions conducive to recurrent attacks do not exist.

h. Empyema, active, within the last six months.

i. Chronic bronchitis, if severe and disabling.

j. Bronchiectasis, if severe and disabling.

k. Bronchial asthma, severe. Medical history of severe bronchial asthma, i.e., recurrent attacks that required hospitalization, or extensive medical care, or cause significant lost time. However, if attacks are infrequent and controlled by medication and there is no significant change in the vital capacity of the lungs, this condition will be acceptable for nonsafety members.

l. Emphysema, severe and disabling or progressive.

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m. Pneumoconiosis, progressive. Acceptable for nonsafety members, if pulmonary ventilation studies and history show the disease is static and not disabling.

n. Malignant tumors, primary carcinoma of the lung. Acceptable if free from all evidence of recurrence and not disabling two years after treatment and observation.

o. History of pulmonary resection for nonmalignant conditions will be acceptable after three months for nonsafety members if an evaluation by a physician specializing in Diseases of the Chest indicates no disability.

G. <u>Heart and Blood Vessels:</u>

1. The examination of the heart and blood vessels will include a past history, particularly for rheumatic fever, chorea, coronary disease, and reaction to effort or exertion. The examination will not ordinarily include special X-ray or EKG procedures. Blood pressure will always be recorded. Exercise tolerance test will be given to safety members.

2. Acceptable:

   a. Heart murmurs considered functional. (Pulmonary systolic murmurs; also faint systolic murmur at apex varying in intensity with respiration and with change of position.)

   b. Rapid pulse rate (over 100) not persistent and not true paroxysmal tachycardia.

   c. Slow pulse rate, not slower than 50 per minute.

   d. Blood pressure less than 100/60 which is not considered symptomatic.

3. Questionable:

   a. Heart murmur from disease or anomalies of valves or vessels.

   b. Rapid heart rate, persistently over 100 on repeated examinations.

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c. Angina pectoris.

d. Heart block.

e. Presence or history of coronary thrombosis, infarction , or any cardiac failure (decompensation).

f. Any serious disturbance of force or rhythm, as auricular flutter or fibrillation.

g. Blood pressure, without medication for 10 days, systolic over 150 - diastolic over 90, on repeated examinations.

h. Thrombophlebitis, if severe with evidence of circulatory obstruction in the involved vein.

i. Abnormalities of peripheral vessels such as varicose veins, advanced arteriosclerosis, aneurysm, thromboangiitis obliterans, or Raynaud's disease.

H. Abdominal Organs and Wall:

1. The examination of the abdominal wall and organs will include a history directed toward revealing past or present peptic ulcer, operations, and other disorders not readily identified by vision and palpation.

2. Acceptable:

a. Abdominal scars, surgical or accidental, which show no hernial symptoms, or which do not cause pain or other disability.

b. Relaxed inguinal rings, without hernial sac.

c. Small benign tumor of abdominal wall.

d. Internal and external hemorrhoids, if mild in degree.

e. Hernia (inguinal, ventral, umbilical, or other) if successfully repaired.

MEDICAL GUIDELINES

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f. Pregnancy. (After delivery, miscarriage, or abortion, an employee's return to work or an applicant's employment shall be determined by the Personnel Department, based upon the written recommendation of the individual's physician and the report of the City's examining physician.)

3. Questionable:

a. History of continuing female pelvic disorders, such as severe dysmenorrhea.

b. Hernia.

c. Acute or chronic cholecystitis, with or without cholelithiasis, unless symptom-free for past five years or successfully corrected by operative procedure with subsequent freedom from symptoms for at least twelve months.

d. Cirrhosis of the liver.

e. Gastric, peptic, or duodenal ulcer, unless one year symptom-free, which must be substantiated.

f. Authentic history of intestinal obstruction of any kind, unless symptom-free for last two years.

g. Rectal conditions such as stricture, prolapse, fistula, severe hemorrhoids.

h. Colostomy or ileostomy.

i. Appendectomy within two weeks, for sedentary work; three weeks, for heavy work.

I. <u>Genitourinary Organs:</u>

1. The genitourinary examination will include history and, when indicated, an examination of the urine. Male genitourinary organs will be examined. Women will not be given pelvic examinations.

MEDICAL GUIDELINES

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2. Acceptable:

   a. Mild albuminuria without casts which, on repeated examinations, improved to be temporary.

   b. Mild glycosuria which, without diet restriction and on repeated examinations, is proved to be temporary.

   c. Absence of one testicle, unless removed for tuberculosis or malignant disease.

   d. Varicocele or hydrocele of moderate size, free of symptoms.

   e. History of unilateral renal calculus with freedom from symptoms for last two years.

3. Questionable:

   a. Acute or chronic nephritis.

   b. Stricture of the urethra.

   c. Absence of one kidney, unless the remaining kidney is adequately compensating.

   d. Presence of renal calculus, by history or X-ray evidence.

   e. Chronic pyelitis.

   f. Tumor of kidney, bladder, or testicle.

   g. Hypertrophy of prostate gland with urinary retention.

   h. Large varicocele or hydrocele.

MEDICAL GUIDELINES

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J. <u>Metabolic, Endocrine, or Blood Disorders:</u>

1. Acceptable:

   a. Simple colloid goiter.

   b. Obesity of mild degree.

   c. Secondary anemia, mild.

2. Questionable:

   a. Toxic goiter.

   b. Simple goiter with symptoms of pressure on trachea and neck structures.

   c. Myxedema, cretinism, acromegalic gigantism.

   d. Blood sugar exceeding 180 mg. percent, or persistent glycosuria.

   e. Diabetes or history of diabetes.

   f. Gout.

   g. Pituitary disorders, severe.

   h. Pernicious anemia.

   i. Hodgkin's disease.

   j. Leukemia of any type.

   k. Hemophilia.

MEDICAL GUIDELINES

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K. <u>Neurological Disorders:</u>

1. The examination will include past and present history designed to reveal conditions such as epilepsy, hysteria, multiple sclerosis, severe head injuries, etc.

2. Acceptable:

   a. Minor paralysis which will not interfere with duties.

3. Questionable:

   a. Bell's palsy.

   b. Neurosyphilis in any form.

   c. Degenerative disorders (multiple sclerosis, paralysis agitans, chorea, muscular atrophies, etc.).

   d. Residuals of nerve trauma, if it interferes with work performance.

   e. Epilepsy.

   f. Migraine, if frequent and severe.

L. <u>Personality Disorders and Substance Abuse:</u>

1. The examination will consist of an interview directed to establish that the examinee has been able and is now able to adapt to working with others without visible or concealed conflict. It may also include a review of the examinee's prior and current history of substance abuse and conduct of appropriate laboratory tests.

2. Questionable:

   a. Emotional instability or immaturity, at home and/or work.

   b. Psychosis or history of psychosis.

MEDICAL GUIDELINES

ATTACHMENT TO PERSONNEL MANUAL INDEX CODE C-4

c. Prior alcoholism, drug or substance abuse or addiction.

d. History of psychoneurosis or war neurosis.

3. Not Acceptable:

a. Recent usage of illegal drugs or substances.

b. Recent abuse of legal or prescription drugs or substances.

M. <u>Muscles, Bones, Joints, Extremities:</u>

1. Acceptable:

a. Deviations of the spine of small degree, if mobility of spine and weight-bearing power are good.

b. Healed fractures of bones, vertebrae, pelvis, bones in extremities, etc., which have healed without marked deformity and which do not interfere with usual work.

c. Healed dislocations which have not recurred and which do not now interfere with usual work.

d. Loss of fingers or toes, or portions thereof, which have healed and which do not interfere with usual work.

e. Scars and deformities of extremities which do not interfere with usual work.

f. Flat feet which have minimal eversion of foot and no symptoms of weak foot.

g. Healed injury, or disease, of wrist or elbow with resulting mild limitation of motion, if able to do usual work for at least one year.

MEDICAL GUIDELINES

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2. Questionable:

   a. Tuberculosis of any bone.

   b. Chronic arthritis, osteoarthritis or rheumatoid arthritis from any cause.

   c. Osteomyelitis, active or chronic, of any bone within the last ten years, unless applicant furnishes recent X-ray and medical evidence that the bone and soft tissues are well healed.

   d. Healed fractures, united or ununited, of any bone which interfere with usual work.

   e. Curvature of the spine of more than moderate degree.

   f. Chronic and recurring disorder of sacroiliac or lumbosacral joints.

   g. Herniated disc or history of operation for this condition. Exception: History of satisfactory surgical correction of herniated, "slipped," or "ruptured" intervertebral disc, with subsequent freedom from symptoms and history of ability to perform usual work for at least two years following operation, may be acceptable for non-safety members.

   h. Recurring dislocations of major joints.

   i. Muscle paralysis, spasticity, contractures, or atrophy which interfere with usual work.

   j. Extensive scars that restrict movements, tend to break down, etc.

   k. Varicose veins, varicose ulcers, or varicose ulcer scars.

   l. Flat foot with marked eversion or symptoms of weak foot. Flat foot with any eversion not acceptable for Fire Fighter.

   m. History of dislocated, fractured, or torn semilunar cartilage.

MEDICAL GUIDELINES

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n. Absence or major amputations of limbs unless applicant is able to perform work.

o. Fixation of major joints.

N. <u>Skin:</u> Questionable

1. Chronic skin disease which interferes with performance of assigned duties. (Rigid interpretation for food handling jobs.)

2. Extensive deep scars which interfere with movements or show tendency to break down and ulcerate.

3. Allergic dermatitis, if severe.

4. Cysts and tumors of the skin which interfere with work.

5. Pilonidal cyst, recurring or infected.

6. Plantar warts, if disabling.

Standards for Recruitment

RESIDENCE

I. AUTHORITY: Civil Service Rule II.

II. POLICY:

A. It is the policy of the Civil Service Commission to waive the requirement that an applicant have been a resident of the County of San Diego for one year; however, this section allows the Commission to:

1. Restrict applicants to one-year residents of the County whenever economic or employment conditions make such restriction feasible and desirable.

2. Accept applications from all qualified applicants during periods of full employment and recruitment difficulty, with the understanding that they must fulfill the requirements of Rule II, Section 2, immediately after appointment and in every case not later than the end of the probationary period, and

3. To prohibit residence in Mexico.

B. Nonresident eligibles are expected to fulfill the residence requirement immediately after appointment, and to maintain County residence as a condition of employment.

1. An employee appointed to a permanent, full-time position who fails to establish proper residence before the end of his probationary period (one year for all newly hired employees) shall be discharged, unless transfer to a budgeted part-time or limited position is approved by the department head and the Civil Service Commission.

2. A permanent full-time employee who violates the residence requirement shall forfeit his employment and shall not within three years be eligible for other City employment. (Charter Sections 131 and 136.)

Standards for Recruitment

RESIDENCE

3. For the maintenance of proper records, employees must report any change in residence and telephone number**.** The options utilized to comply with this are as follows:

   a. The employee enters the change via the Employee Self Service feature in SAP.

   b. The employee shall complete, sign, and submit a Personal Data Form (CS-1502) to the Personnel Department.

C. The Commission liberalized residence requirements not only for the purpose of improving recruitment, but also to remove an unnecessary restraint on the lives of City employees, and thus improve morale. It is assumed that employees will use good judgment in the location of their residences, realizing that distance from work cannot be accepted as an excuse for absenteeism, tardiness, or failure to respond to calls for emergency work.

D. Any residence restrictions required by Federally funded programs will be adhered to by the employees of those programs.

III. PROCEDURE:

A. In all examination announcements, County residence has been waived by the Commission.

B. Examination announcements shall state as a general requirement, “County residence immediately after appointment.”

C. Personnel Analysts shall reject applicants who do not meet the residence requirement published on the appropriate examination announcement.

Standards for Recruitment

VETERANS' PREFERENCE

I. AUTHORITY:

A. City Charter Section 120, LIMITATIONS AND CREDITS.

B. Civil Service Rule II, Section 5, VETERANS' PROVISIONS.

C. Civil Service Rule III, Section 7, EXAMINATION RANKING SYSTEM.

II. POLICY:

A. In open competitive examinations only, an additional credit of five per cent (5%) or ten per cent (10%) of the total credits specified for the examination shall be given to any veteran or spouse of a veteran who meets all qualifications and makes passing grades in the examination. This credit shall not be granted in any promotional examination.

B. The term "veteran" is defined as any person who

1. served in any branch of the United States Armed Forces during any war, major military action or peacekeeping mission.

2. has been honorably (Honorable or General under honorable conditions) discharged from active service.

3. Exceptions: The following are not included in the definition of veteran for purposes of this manual section:

a. anyone who has retired from the service on a full pension,

b. anyone who has been employed with the City of San Diego since discharge from the service.

C. The term "spouse" is defined as any person who

a. is currently married to a veteran (as defined above), who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, or

Standards for Recruitment

VETERANS' PREFERENCE

b. is the surviving spouse of any veteran (as defined above) killed or who died while in such service, provided such person has not remarried.

III. PROCEDURE:

A. To receive the veterans' preference credit, veterans must present copies of separation and/or discharge papers showing dates of active duty entry and release, and honorable service.

B. A spouse claiming veterans' preference credit must show proof of:

1. marriage to a veteran eligible for preference,

2. the veteran's honorable service, and

3. the veteran's service related disability or death while in active service.

C. Veterans' Preference Credit Eligibility:

1. <u>Five per cent (5%) Veterans' Preference Credit (must meet a through e)</u>:

a. Applicant has served in the United States Armed Forces during any war, major military action or peacekeeping mission.

b. Applicant was honorably discharged.

c. Applicant did not retire from the service on a full pension.

d. Applicant has not been employed by the City of San Diego since leaving the service.

e. Applicant is applying for an open competitive examination.

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VETERANS' PREFERENCE

2. Ten per cent (10%) Veterans' Preference Credit (must meet a and b):

    a. Applicant meets all requirements for five per cent (5%) veterans' preference credit above.

    b. Applicant has a service related disability of at least fifteen per cent (15%).

3. Five per cent (5%) Veterans' Preference Credit Eligibility for Spouses/Widows (must meet a through c):

    a. Applicant is the spouse or widow of a veteran who meets the requirements of five per cent (5%) veterans' preference credit above.

    b. Applicant's spouse is a veteran, who was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, killed, died or received a service related disability of at least fifteen per cent (15%) while serving during any war, major military action or peacekeeping mission.

    c. Applicant has not remarried.

4. Ten per cent (10%) Veterans' Preference Credit Eligibility for Spouses/Widows (must meet a through c):

    a. Applicant is a veteran who meets all requirements for five per cent (5%) veterans' preference credit above for personal military service.

    b. Applicant's spouse is a veteran, who was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, killed, died or received a service related disability of at least fifteen per cent (15%) while serving during any war, major military action or peacekeeping mission.

    c. Applicant has not remarried.

Standards for Recruitment

VETERANS' PREFERENCE

D. Veterans' preference credit need not be allowed if the veteran or eligible spouse fails to produce required documents later than the time of application or other appropriate deadline.

E. Veterans' preference credit~~s~~ will be recorded on the application form by the person who has seen and accepted the required documents.

Examinations

EXAMINATION ADMINISTRATION

I. AUTHORITY: Civil Service Rule III.

II. POLICY:

A. Examination Publicity:

1. Public notice of all promotional examinations shall be given at least 10 calendar days in advance of the last date for filing applications.

2. Public notice of the closing date for all open examinations shall be given at least 5 calendar days in advance of the last date for filing applications.

3. In order to adequately publicize exam opportunities to City employees, the Personnel Director shall distribute examination announcements to all City departments.

4. Each department head shall inform all personnel in the department of exam opportunities, by posting examination announcements.

5. The Personnel Director shall give examinations such other publicity considered necessary to attract the optimum number of qualified candidates.

B. Late Application Procedures: Late applications MAY be accepted at the discretion of the Personnel Director, in cases where there is evidence that:

1. An action by staff, Neighborhood Service Center personnel, or other official City representative has caused the application to be filed late.

2. A serious personal or family illness or injury resulted in the application being filed late.

3. The applicant was involved in jury duty, military leave, or vacation for the entire filing period (as verified by appropriate documents) which resulted in the applicant being unable to file an application in a timely manner.

4. Other extenuating circumstances of an extraordinary or unforeseen nature occurred, which were beyond the control of the applicant and prevented timely filing of the application.

Examinations

EXAMINATION ADMINISTRATION

When evaluating the appropriateness of accepting an application after the final filing date, consideration of various factors may include but not be limited to:

a. A testing process has already occurred or would be unduly delayed.

b. The final examination promulgation has occurred.

c. Other circumstances exist that would make acceptance of the late application impractical.

C. Recruitment And Examination Procedures: The procedures described below may be used, under specified conditions, to reopen examination filing periods, or to increase or limit the size of an applicant pool or to implement alternative examination processes when determined to be in the best interests of the City, in order to: a) ensure the cost effective and efficient administration of an examination and/or b) provide candidates with realistic employment expectations based on the results of recruiting efforts and resource availability.

1. Reopening an examination filing period after the closing date. When the Personnel Director determines that the announced examination filing period is no longer appropriate, effective or administratively practical, the application period may be reopened to accept additional applications.

a. In determining whether or not to reopen the application period, the Personnel Director may consider the number of qualified applicants to adequately fill anticipated vacancies, the recruitment program and strategy, the likelihood of attracting additional qualified applicants, the hardship resulting to City operations if recruitment opportunities have not been maximized, the impact and hardship to City operations resulting from additional time delays, and any other relevant test administration factors.

2. Reducing an excessive number of applicants on open or open series examinations. When the Personnel Director determines that processing large numbers of applicants would not be administratively practical, or in the best interests of the City because of the amount of time or expense required to administer the examination, or other relevant test administration factors,

Examinations

EXAMINATION ADMINISTRATION

random screening may be used as an applicant reduction technique with the prior approval of the Civil Service Commission.

a. Random screening will only be used on open or open series examinations which meet all of the following criteria:

(1) The examination is for classifications for which there are minimal employment qualifications.

(2) The number of qualified applicants will greatly exceed the number required to fill the vacancies anticipated during the life of the eligible list.

(3) a competitive examination process for the purpose of reducing the number of applicants could not be justified by job-related reasons.

(4) The time and expense of administering a complete application and examination process to every applicant clearly outweighs any benefit to the City.

b. When random screening is to be used, the Personnel Director shall determine the number of qualified applicants necessary to effectively meet City needs. This determination will be based on the number of anticipated vacancies and consideration of typical certification procedures and hiring history for the classification. The number of participants to be accepted into the applicant pool will be included on the employment announcement for the position or will be provided by written notice to all participants.

c. The method of random screening to be used will be determined by the Personnel Director and may include such methods as a table of random numbers, lottery, computerized random selection or other appropriate random screening method. The specific method to be used will be announced when the number of applicants to be accepted is noticed, as specified above. Regardless of the method used, no random screening will be final if it results in adverse impact on any race, sex, or ethnic group. Adverse impact will be determined by using the “Four-Fifths

Examinations

EXAMINATION ADMINISTRATION

Rule" as described in the Federal Uniform Guidelines On Employee Selection. If such adverse impact occurs, the results of the random screening will be thrown out and the random screening process repeated until no adverse impact is obtained.

d. For examinations where random screening is to be used. the following categories of individuals who file an application within the filing period and meet the employment standards shall be exempt from the random screening process and will have their names added to the applicant pool after the maximum number determined by the Personnel Director have been randomly selected.

(1) All current City employees in the Classified Service.

(2) All individuals on any City reemployment list.

(3) All additional eligibles (including reinstatements) on an eligible list for the classification.

(4) Other categories of individuals may be exempted as determined by the Personnel Director, with prior approval from the Civil Service Commission.

e. Upon completion of the random screening process, all participants will be notified in writing regarding their status. Qualified applicants accepted after random screening will additionally be provided information regarding any subsequent examination components or their status on the eligible list.

3. Revising an announced examination. When the Personnel Director determines that the announced examination should be modified, an alternative process may be used.

a. An announced examination may be modified if it meets one of the following criteria:

(1) The number of qualified applicants is so small that the announced examination process would be ineffective in screening or ranking candidates and would be an ineffective

Examinations

EXAMINATION ADMINISTRATION

use of time and resources for both the City and the applicants.

(2) The number of qualified applicants is so large that the announced examination process would result in significant delays in processing and/or would be excessively costly to administer.

(3) The announced process is determined by the Personnel Director to be no longer appropriate, effective or administratively practical.

b. Public notice shall be given of all modifications to an announced examination. Additionally, all individuals submitting applications prior to an examination modification shall be provided written notice of any changes.

c. In determining whether to modify an examination of use an alternative process, the Personnel Director may consider the minimum requirements for the job, the number of current and anticipated vacancies, the number and complexity of tests in the original announced examination process, the ability to effectively and efficiently administer such tests to the applicant pool, the time and expense to administer the examination process, the availability of test materials and facilities, and other relevant test administration factors.

D. Examination Content: The examination subject content, test methods to be used, and specific test weights shall be determined by the Personnel Director and indicated in the examination announcement or in writing to applicants. When deemed appropriate by the Personnel Director, measures of on-the-job performance may be included in the examination for a classification. The performance criteria, methods of evaluation, and conduct of the evaluation shall be developed and coordinated by the Personnel Department staff in consultation with the individual departments.

E. Examining Boards and Raters: It is the policy of the Commission to encourage the use of examining boards and subject matter experts whenever they can reasonably be expected to increase the validity and reliability of the selection process.

Examinations

EXAMINATION ADMINISTRATION

1. Every effort shall be made to obtain examiners from a cross-section of the community, providing varied social, ethnic, sex, economic and geographic representation.

2. With the approval of the Personnel Director and Civil Service Commission, City employees may participate on examining boards for classifications involving highly technical job duties, for examinations using an assessment center approach, or whenever their technical or professional experience would contribute substantially in evaluating requisite job skills.

3. If, during the preparation or conduct of the examination, any member of an examining board is determined to be unqualified by the Personnel Director, that examiner may

   a. be removed from the examining board, or

   b. refrain from rating any candidate with whom the rater is related or closely acquainted.

F. Examination Admittance: The Personnel Director may refuse to admit an applicant to an examination if testing has started.

G. Candidate Conduct: During an examination, candidate behavior which interferes with other candidates or is dishonest shall be cause for removal and disqualification from the examination.

H. Reexamination Eligibility: No applicant who has taken any test for a series examination shall be permitted to reapply for the same series examination for the same classification within six months from the date of a previous application for that examination. The Personnel Director may reduce or extend this six-month reapplication limit on an examination-by-examination basis.

I. Examination Disqualification: All candidates must meet the minimum employment standards as stated on the examination announcement. If, at any time during the examination process, it is determined that a candidate does not meet these minimum qualifications, he or she will be disqualified from further competition in the examination.

Examinations

EXAMINATION REVIEW

I. AUTHORITY: Civil Service Rule III. EXAMINATIONS.

II. POLICY:

A. Examination Key Review Period:

1. Key review periods may be established by the Personnel Director on an examination-by-examination basis.

2. Key review periods shall not be less than 2 workdays, unless all candidates who have taken the test agree to a shorter key review period.

3. The date(s) and length of the key review period, materials available for review, and location of the key review shall be specified at the time of the test.

4. Copyrighted or standardized test materials are not available for key review.

5. Only those candidates who have taken the test may review the key for the test.

6. During the examination key review period, candidates may file comments or objections on items contained in the examination. Comments or objections must be made in writing and should be accompanied by substantiating evidence.

7. Before scoring begins, all comments and objections shall be reviewed by the Personnel Department staff and adjustments will be made to the test and key when appropriate. Any examination adjustments will be indicated in examination keys.

B. Examination Results Review Period:

1. Within thirty days of receipt of final examination results, candidates may review their written test papers, test keys (excluding copyrighted or standardized test materials) and examination scores.

2. This review allows candidates the opportunity to identify their individual areas of high and low performance and to assure themselves of the accuracy of scoring and computations. Any scoring or computation errors should promptly be brought to the attention of Personnel Department staff.

Examinations

EXAMINATION REVIEW

3. Candidates who wish to discuss their written test, performance test or interview results may do so by arranging an appointment with the assigned analyst.

4. As an opportunity to file comments or objections on exam items is provided during the key review period, no objections to exam material will be accepted at this time.

Examinations

CAREER ADVANCEMENT

I. AUTHORITY:

A. City Charter Section 124. PROMOTIONS.

B. Civil Service Rule VIII. PROMOTIONS.

II. POLICY:

A. As noted in the above Charter Section, the City has historically been committed to promoting a career service which provides for the advancement and retention of capable employees. An integral part of such a service is a system to provide for those lacking career experience to enter the service and to provide for their advancement in conjunction with a well defined training program. It shall be the policy of the Civil Service Commission to provide for appropriate classifications to implement "career advancement" training programs.

B. A career advancement position is one which has been classified by the Personnel Department at or below the journey level in a classification series and may be underfilled at any of the lower level classes (jobs) in that same series. Incumbents receive training and are assigned progressively more responsible and complex duties. Upon gaining the experience and skills required for advancement, they are eligible for promotions to the higher levels in the series until they reach the classified level of the position. For example; a position classified as a journey level Associate Management Analyst could be filled at the Management Trainee level. The incumbent, upon gaining experience; developing more advanced knowledge, skills and abilities; and performing satisfactorily in his/her present class (job) could be promoted to Assistant Management Analyst and finally to Associate Management Analyst in the same position. This system rewards employees with promotions which reflect the increasing value of their training and experience to the City.

C. Positions properly classified by the Personnel Department above the journey level are not part of the career advancement program. They must be filled at the level at which the position is classified. For example, a position classified as a Supervising Management Analyst could not be underfilled by an Assistant or Associate Management Analyst; it must be filled by a Supervising Management Analyst.

Examinations

CAREER ADVANCEMENT

D. Appointments to Career Advancement Positions

1. When an employee underfills a career advancement position, no vacancy exists for the higher level class(es) (jobs) in that series for that specific position.

2. When an employee underfills a career advancement position, advancement to higher levels in the career series (up to the position's classified level) shall be based on his/her development of knowledge, skills, and abilities required for the higher class (job) and job performance in the current class (job).

3. Vacant positions in a career advancement series will be filled through the competitive examination process or other means.

E. The Personnel Director shall establish and maintain a list of recognized career advancement classes (jobs) for the guidance and direction of departments and employees.

F. Appointing authorities, in filling vacancies where a career advancement system exists, are encouraged to fill the positions at the entry level.

G. Appointments made in accordance with career advancement provisions, as outlined above, are not out-of-class assignments and employees are not eligible for extra compensation.

III. PROCEDURES FOR PROMOTION IN CAREER ADVANCEMENT POSITIONS:

A. Eligibility for Career Advancement Promotion

An employee underfilling a career advancement position may be eligible for promotion to a higher level class (job) in the same series upon meeting the following conditions:

1. Present employment in a position which is properly classified at a higher level in the career advancement series and in a class (job) of that series.

2. At least six months of continuous City service immediately preceding the application date.

Examinations

CAREER ADVANCEMENT

3. Completion of the minimum qualifications for the class (job), as indicated in the job announcement

4. Satisfactory (or higher) performance in the currently held classification.

5. Recommendation by the appropriate Department Head indicating the incumbent's job performance reflects the development of the knowledge, skills, and abilities needed for advancement to the more difficult and complex duties of the higher class (job).

B. Career Advancement Examinations

1. Career advancement examinations will be conducted on a promotional series basis to allow departments to consider incumbents for advancement as soon as they meet the requirements for the higher class.

2. Career advancement examinations will be open only to those employees working in properly classified career advancement positions.

3. Eligible lists established by career advancement examinations will only be used to promote incumbents within a career advancement series. No positions which are vacant will be filled from a career advancement eligible list.

C. Application Procedure

1. The employee shall complete a Career Advancement Application (form CS-4). Copies of licenses, certificates, etc. required for the higher class should be attached.
2. The completed application must be submitted directly to the employee's Department Head, or designated alternate.

3. The Department Head, or designated alternate, shall review the incumbent's job performance, development, and readiness for promotion to the higher class.

   a. The Department Head, or designated alternate, then makes a recommendation on the "Appointing Authority's Review and Recommendation" section of the Career Advancement Application form.

Examinations

CAREER ADVANCEMENT

b. If the incumbent is not recommended for promotion, specific job related reasons for the recommendation must be noted on the form before it is forwarded to the Personnel Department.

c. If the department recommends that the incumbent be eligible for career advancement promotion, the "Request For Certification" section of the Career Advancement Application form should be completed.

4. The incumbent's application shall then be forwarded to the Personnel Department regardless of whether the department recommendation is for or against career advancement.

5. Personnel Department staff will review the application to verify that the incumbent has met all of the career advancement eligibility requirements for the higher class.

6. If the incumbent meets all career advancement eligibility requirements, he or she shall be placed on the eligible list and immediately certified to the appropriate department. The effective date of the career advancement will be within ten (10) working days of the date on which the employee signs and dates the application and has met all of the eligibility requirements.

7. Employees will be notified of their career advancement eligibility by the Personnel Department.

8. An incumbent not meeting the eligibility requirements shall have the rights of appeal to the Civil Service Commission pursuant to Rule II, Section 6(2); provided, however, that any appeal on the basis of failure to gain the recommendation of the Department Head shall be limited to whether or not the Department Head follows the procedure provided for in this Manual Section in making a recommendation.

IV. CAREER ADVANCEMENT OCCUPATIONAL SERIES

The promotional procedure described above will apply only to recognized career advancement classifications listed in the Addendum to this Personnel Manual Section.

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
*Public Service Career Trainee	Occupational Target Class
Building Inspection	
Combination Inspector I	Combination Inspector II
Electrical Inspector I	Electrical Inspector II
Housing Inspector I	Housing Inspector II
Mechanical Inspector I	Mechanical Inspector II
Structural Inspector I	Structural Inspector II
Chemists	
Assistant Laboratory Technician	Laboratory Technician
Biologist I	Biologist II
Hazardous Materials/Pretreatment Trainee	Hazardous Materials Inspector I Hazardous Materials Inspector II
Hazardous Materials/Pretreatment Trainee	Wastewater Pretreatment Inspector I Wastewater Pretreatment Inspector II
Junior Chemist	Assistant Chemist
Marine Biologist I	Marine Biologist II
Clerical	
Account Clerk	Account Audit Clerk Payroll Audit Specialist I Payroll Audit Specialist II
Auto Messenger I	Auto Messenger II
Clerical Assistant I	Clerical Assistant II Account Clerk Account Audit Clerk Payroll Specialist II
Clerical Assistant I	Clerical Assistant II Account Clerk Benefits Representative II Retirement Assistant
Clerical Assistant I	Clerical Assistant II Account Clerk Payroll Specialist I Payroll Specialist II

The class of Public Service Career Trainee may be used in any occupational group and advanced to the appropriate target class under the Career Advancement Program.

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Clerical Assistant I	Clerical Assistant II Benefits Representative I Benefits Representative II
Clerical Assistant I	Clerical Assistant II Benefits Representative I Benefits Representative II Retirement Assistant
Clerical Assistant I	Clerical Assistant II Cashier
Clerical Assistant I	Clerical Assistant II Claims Clerk
Clerical Assistant I	Clerical Assistant II Word Processing Operator Contracts Processing Clerk
Clerical Assistant I	Clerical Assistant II Court Support Clerk I Legal Secretary I Legal Secretary II
Clerical Assistant I	Clerical Assistant II Public Information Clerk Customer Services Representative
Clerical Assistant I	Clerical Assistant II Deputy City Clerk I
Clerical Assistant I	Clerical Assistant II Public Information Clerk Retirement Assistant
Clerical Assistant I	Clerical Assistant II Public Information Clerk Test Administration Specialist
Clerical Assistant I	Clerical Assistant II Word Processing Operator Test Administration Specialist
Clerical Assistant I	Clerical Assistant II Word Processing Operator Legal Secretary I Legal Secretary II
Clerical Assistant I	Micrographics Clerk

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Clerical Assistant I	Clerical Assistant II Account Clerk Payroll Specialist I Payroll Specialist II Payroll Audit Specialist I Payroll Audit Specialist II
Clerical Assistant I	Clerical Assistant II Payroll Specialist I Payroll Specialist II
Clerical Assistant I	Clerical Assistant II Police Records Clerk
Clerical Assistant I	Clerical Assistant II Public Information Clerk Public Information Specialist
Clerical Assistant I	Clerical Assistant II Vehicle and Fuel Clerk
Clerical Assistant I	Clerical Assistant II Word Processing Operator
Clerical Assistant I	Test Monitor II
Legislative Recorder I	Legislative Recorder II
Library Aide	Clerical Assistant I Clerical Assistant II Library Clerk
Test Monitor I	Test Monitor II
Word Processing Operator	Legal Secretary I Legal Secretary II
Communications	
Dispatcher I	Dispatcher II
Dispatcher I	Dispatcher II Fire Dispatcher
Dispatcher I	Public Works Dispatcher
Dispatcher II	Police Dispatcher

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Construction And Maintenance	
Laborer	Stable Attendant
Laborer	Utility Worker I
Laborer	Water Systems Technician I Water Systems Technician II Water Systems Technician III
Water Systems Technician I	Water Systems Technician II Water Systems Technician III
Water Utility Worker	Water Systems Technician II Water Systems Technician III
Utility Worker I	Water Systems Technician II Water Systems Technician III
Utility Worker I	Building Service Technician
Custodial	
Custodian I	Custodian II
Data Processing	
Clerical Assistant I	Clerical Assistant II Police Records Data Specialist
Programmer Analyst I	Programmer Analyst II Programmer Analyst III
Engineering	
Engineering Trainee	Drafting Aide Senior Drafting Aide
Engineering Trainee	Junior Engineering Aide Senior Engineering Aide
Engineering Trainee	Junior Engineering Aide Hydrography Aide
Engineering Trainee	Junior Engineering Aide Plan Review Specialist I Plan Review Specialist II Plan Review Specialist III
Engineering Trainee	Junior Engineering Aide Senior Backflow and Cross Connection Specialist

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Engineering Trainee	Junior Engineering Aide Senior Survey Aide
Junior Engineer - Civil	Assistant Engineer – Civil
Junior Engineer - Civil	Assistant Engineer – Traffic
Junior Engineer - Civil	Structural Engineering Assistant Structural Engineering Associate
Junior Engineer - Electrical	Assistant Engineer - Corrosion
Junior Engineer - Electrical	Assistant Engineer – Electrical
Junior Engineer - Mechanical	Assistant Engineer – Mechanical Associate Engineer - Mechanical
Zoning Investigator I	Plan Review Specialist II Plan Review Specialist III
Zoning Investigator II	Plan Review Specialist III
Equipment Maintenance	
Motive Service Trainee	Motive Service Technician
Equipment Technician I	Parking Meter Technician
Equipment Technician I	Plant Technician I
Equipment Technician I	Aquatics Technician I
Pump Station Operator Trainee	Pump Station Operator
Water Distribution Operator Trainee	Assistant Water Distribution Operator Water Distribution Operator
Equipment Operation	
Sanitation Driver Trainee	Sanitation Driver I Sanitation Driver II
Field Contact	
Claims Aide	Claims Representative I Claims Representative II
Code Compliance Officer	Police Code Compliance Officer
Collections Investigator Trainee	Collections Investigator I
Safety Representative I	Safety Representative II
Workers' Compensation Claims Aide	Workers' Compensation Claims Representative I Workers' Compensation Claims Representative II
Fire	
Fire Prevention Inspector I	Fire Prevention Inspector II
Fire Recruit	Fire Fighter I Fire Fighter II
Paramedic I	Paramedic II

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Library	
Librarian I	Librarian II
Management, Fiscal & Staff	
Accountant Trainee	Accountant I Accountant II
Administrative Aide I	Administrative Aide II
Administrative Aide II	Assistant Budget Development Analyst Associate Budget Development Analyst
Administrative Aide II	Assistant Management Analyst Associate Management Analyst
Administrative Aide II	Assistant Department Human Resources Analyst Associate Department Human Resources Analyst
Administrative Aide II	Assistant Dispute Resolution Officer Dispute Resolution Officer
Administrative Aide II	Assistant Trainer Trainer
Administrative Aide II	Organization Effectiveness Specialist I Organization Effectiveness Specialist II
Administrative Aide II	Recycling Specialist I Recycling Specialist II
Administrative Aide II	Employee Assistance Counselor
Administrative Aide II	Employee Benefits Specialist I Employee Benefits Specialist II
Buyer's Aide I	Buyer's Aide II Procurement Specialist (Terminal)
Business Systems Aide	Business Systems Analyst I Business Systems Analyst II
Information Systems Analyst I	Business Systems Analyst I Business Systems Analyst II
Information Systems Analyst II	Business Systems Analyst II
Information Systems Technician	Information Systems Analyst I Information Systems Analyst II
Junior Property Agent	Assistant Property Agent Associate Property Agent

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Management Trainee	Assistant Management Analyst Associate Management Analyst
Management Trainee	Assistant Budget Development Analyst Associate Budget Development Analyst
Management Trainee	Assistant Economist Associate Economist
Management Trainee	Assistant Personnel Analyst Associate Personnel Analyst
Management Trainee	Assistant Department Human Resources Analyst Associate Department Human Resources Analyst
Management Trainee	Assistant Dispute Resolution Officer Dispute Resolution Officer
Management Trainee	Assistant Trainer Trainer
Management Trainee	Community Development Specialist I Community Development Specialist II
Management Trainee	Information Systems Analyst I Information Systems Analyst II
Management Trainee	Business Systems Analyst I Business Systems Analyst II
Management Trainee	Employee Assistance Counselor
Management Trainee	Employee Benefits Specialist I Employee Benefits Specialist II
Management Trainee	Organization Effectiveness Specialist I Organization Effectiveness Specialist II
Management Trainee	Assistant Property Agent Associate Property Agent
Management Trainee	Recycling Specialist I Recycling Specialist II
Management Trainee	Public Information Officer
Personnel Assistant I	Personnel Assistant II
Personnel Assistant II	Assistant Personnel Analyst Associate Personnel Analyst
Procurement Trainee (Terminal)	Procurement Specialist (Terminal)
Procurement Contracting Trainee	Assistant Procurement Contracting Officer Associate Procurement Contracting Officer

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Marine Safety	
Lifeguard II	Lifeguard III
Park Maintenance	
Grounds Maintenance Worker II	Nursery Gardener
Planning	
Junior Planner	Assistant Planner Associate Planner
Planning Technician I	Planning Technician II Planning Technician III
Zoning Investigator I	Zoning Investigator II
Plant Operation	
Plant Operator Trainee	Assistant Wastewater Plant Operator Wastewater Plant Operator
Plant Operator Trainee	Assistant Water Plant Operator Water Plant Operator
Police	
Latent Print Examiner I	Latent Print Examiner II
Clerical Assistant I	Clerical Assistant II Police Records Clerk Cal I.D. Technician
Document Examiner I	Document Examiner II Document Examiner III
Interview and Interrogation Specialist I	Interview and Interrogation Specialist II Interview and Interrogation Specialist III
Junior Chemist	Criminalist I Criminalist II
Police Investigative Service Officer I	Police Investigative Service Officer II
Police Recruit	Police Officer I
Police Officer I	Police Officer II
Police Service Officer I	Police Service Officer II
Printing	
Publishing Specialist I	Publishing Specialist II
Recreation	
Pool Guard I	Pool Guard II
Recreation Center Director II	Recreation Center Director III

Examinations

ADDENDUM TO PERSONNEL MANUAL INDEX CODE D-3

CAREER ADVANCEMENT

ENTRY LEVEL CLASSIFICATION	PROMOTIONAL OPPORTUNITY
Park Ranger Aide	Park Ranger
Skilled Trades	
Electrician	Plant Process Control Electrician
Electronics Technician	Instrumentation and Control Technician
Traffic Signal Technician I	Traffic Signal Technician II
Storekeeping	
Stock Clerk	Police Property and Evidence Clerk

Examinations

PROMOTIONAL EXAMINATIONS

I. AUTHORITY:

A. Civil Service Rule VIII. PROMOTIONS.

B. Civil Service Rule VI, Section 3. CERTIFICATION.

C. Civil Service Rule III, Section 1. EXAMINATION ANNOUNCEMENTS.

D. Civil Service Rule III, Section 2. KINDS OF EXAMINATIONS.

II. POLICY:

A. Promotional Examinations:

1. Prior to announcing any examination, a determination will be made, following the guidelines of Civil Service Rule VIII, Section 1, as to whether a promotional or original entrance (open) examination shall be held.

2. In the interest of efficiency, this determination has been delegated by the Civil Service Commission to the Personnel Director.

B. Eligibility for Promotional Examinations:

1. Classified Employees: In order to be eligible for a promotional examination, an applicant must meet the minimum qualifications for the class, as indicated in the job announcement, and meet the following conditions:

a. Current City employment or currently on a re-employment list.

b. At least 6 months continuous City service immediately preceding either the examination closing date (for an exam with a specific application period) or the date of filing an application (for a series exam with an indefinite application period). Six months continuous City service does not apply to those who have returned to City employment from a re-employment list, or those currently on a re-employment list.

c. The most recent performance evaluation in the current classification must be other than “Unsatisfactory.”

NOTE: An employee on leave of absence, who meets the above

Examinations

PROMOTIONAL EXAMINATIONS

requirements, is eligible to apply for promotional examinations.

2. Unclassified Employees: In order to be eligible for a promotional examination for which they are otherwise qualified, Unclassified employees must have previously completed at least six months in the Classified Service with a City performance rating of other than "Unsatisfactory," and have continuity of City service from the time of the six months of qualifying classified service.

C. Qualifying Experience:

1. Out-of-class assignments may be considered in determining qualification for promotion. However, verification of assigned duties and time spent in the out-of-class assignment must be provided by the applicant.

D. Certification from Promotional Eligible Lists: Only current City employees who have continuity of service from the time of applying for the examination, or those currently on a re-employment list, or recently returned to work from a re-employment list are eligible for certification from a promotional eligible list.

Examinations

SUSPENDED COMPETITION

I. AUTHORITY: Civil Service Rule XIII. SUSPENDED COMPETITION.

II. POLICY:

A. In order to maintain its emphasis on employment and promotion through competition based on merit, it is the Commission's intent that suspended competition be used in a narrow range of situations.

B. Requests for the use of suspended competition, when a reclassification has upgraded a position where there is an incumbent or where a new classification has been created, may be evaluated by the criteria of unique job-related qualifications of the incumbent, the incumbent's years of service in the class (job) and the position, the availability of competitors, circumstances under which the position was reclassified and the extent of hardship resulting to the incumbent and the department.

III. PROCEDURE:

A. When it is the opinion of the Personnel Director, Mayor or non-mayoral department head that the filling of a position by suspended competition is in the best interest of the City, he/she shall:

1. Submit a memorandum to the Civil Service Commission listing the unique qualifications required of the position, recognized attainments of the designated person, and any other information pertinent to the situation.

2. Forward to the Commission, along with the memorandum, a Standard Employment Application completed by the designated person. Write "Suspended Competition" on the Application.

B. Upon receipt of a request for suspended competition, the Personnel Director shall:

1. Arrange for medical examination of the designated person, if the person is not a current City employee.

2. Schedule a public hearing at which the request will be considered. This public hearing may be an item of business at a regularly scheduled Civil Service Commission meeting.

Examinations

SUSPENDED COMPETITION

3. If there is a current eligible list and/or an examination in process for the class (job) affected, all the eligibles on the list and all approved applicants for the examination shall be notified by the Personnel Department of the date, time, and place of the public hearing at which the request will be considered.

4. Report the Civil Service Commission decision, together with the reasons therefore, in the official minutes of the Commission.

C. If the Commission decision is to suspend competition, the Certification Officer shall:

1. Place the name of the designated person on the eligible list for the position.

2. Upon receipt of an approved Request for Certification (Form CS-490) for the position, certify only the designated person, indicating on the form the Civil Service Commission action and date approved.

Eligible Lists and Certification

DURATION AND EXTENSION OF ELIGIBLE LISTS

I. AUTHORITY:

A. Charter Section 121. ELIGIBLE LISTS.

B. Civil Service Rule IV. ELIGIBLE LISTS.

II. POLICY:

A. DURATION:

1. Eligible list duration information will be included on each examination announcement.

2. The duration of an eligible list is established from the date of promulgation, and expires at midnight on the expiration date. In the case of an examination promulgated at the end of a month, where the "expiration" month does not have a corresponding date, the expiration date will be the first day of the following month.

B. EXTENSION:

1. Requests to extend eligible lists shall originate with the Personnel Director, Mayor or non-mayoral department head. The originator shall submit a written request to the Commission outlining the reasons for the request and the length of the extension being requested, not to exceed one year. Requests should be submitted at least ten days prior to the Commission meeting that precedes the scheduled expiration date.

2. The Personnel Director will review requests submitted by the Mayor and non-mayoral department heads, add a recommendation, and place the item on the next Civil Service Commission meeting agenda.

3. When extension requests are initiated by the Personnel Director, the affected department heads shall be notified of the pending action and may submit recommendations, if they so desire.

4. The final decision shall be made by the Civil Service Commission after reviewing the facts in each case.

Eligible Lists and Certification

DURATION AND EXTENSION OF ELIGIBLE LISTS

C. NOTIFICATION: Notice of possible list extension shall be made public on the official Job Announcement and Notice of Eligibility to candidates. Notice of all eligible list extensions shall be posted on the official Civil Service Commission Bulletin Board and included on the Personnel Department's website.

Eligible Lists and Certification

RE-EMPLOYMENT

I. AUTHORITY:

A. Civil Service Rule V, Section 6. RE-EMPLOYMENT LISTS FOR REGULAR WORK.

B. Civil Service Rule V, Section 5. PROBATIONARY EMPLOYEES.

C. Civil Service Rule VI, Section 2. PRIORITY OF ELIGIBLE LISTS.

D. Civil Service Rule VI, Section 3. CERTIFICATION.

II. PROCEDURE:

A. Placement on Re-employment list(s). The Personnel Director, upon receiving a copy of a layoff termination or demotion notice sent by the appointing authority to the affected permanent employee as required by Personnel Manual Index Code L-5, shall:

1. Establish the beginning date of the two year re-employment rights of the employee, as the day following layoff.

2. Place the employee's name on the eligible list for the class (job) or subdivision to which the employee has re-employment rights.

a. Order on the re-employment eligible list is the reverse of the order of layoff.

b. The Personnel Department will notify affected employees as to the re-employment lists on which their names have been placed and inform them of their reinstatement rights and their right to take promotional examinations.

B. Certification:

1. Upon receiving an approved request for certification (Form CS-490) to fill a vacancy for a class (job) or subdivision of a class (job) for which a re-employment list exists, the Certification Officer shall certify the highest ranking eligible who at any previous time worked with permanent status in the class (job) or the subdivision of the class (job).

2. See Personnel Manual Index Code H-9 for starting salary upon appointment.

Eligible Lists and Certification

REINSTATEMENT

I. AUTHORITY: Civil Services Rule IV, Section 5. REINSTATEMENT REQUESTS

II. POLICY:

A. The Civil Service Commission, recognizing the value of City acquired training and experience, generally will approve all proper requests for reinstatement to eligible lists which are endorsed by the requestor's appointing authority.

B. The names of all persons approved for reinstatement will be placed on the eligible list(s) and certified according to Civil Service Rule VI.

C. See Personnel Manual Index Code H-9 for the salary step to be received by a reinstatement eligible upon appointment.

III. ELIGIBILITY FOR REINSTATEMENT

A. Former incumbents of a class (job) may request reinstatement to the list for that class (job), and/or to a comparable or lower class (job) in which satisfactory service was rendered or to any comparable or lower class (job) in the same occupational group. Applicants must meet all of the following requirements in order to have their request considered by the Civil Service Commission:

1. Termination or demotion not caused by fault or delinquency of the employee and satisfactory performance rating at the time of termination or demotion.

2. At least six months of continuous service in a class (job) prior to the request for reinstatement. Under special circumstances, an Appointing Authority with the concurrence of the Personnel Director can request a waiver of the six month requirement.

3. Satisfactory service with the City in the class (job) to which reinstatement is requested, or a comparable or higher class (job) in the same occupational group.

4. Request for reinstatement received within one year of the date of demotion or termination.

Eligible Lists and Certification

REINSTATEMENT

5. Possession of the current minimum requirements for the class (job). NOTE: A new typing certificate is not required if the person requesting reinstatement had previously occupied a City class (job) which requires the same or higher typing ability.

6. The class (job) to which reinstatement is requested must be at a comparable or lower level than the class (job) vacated at the time of termination or demotion.

B. Any permanent or probationary employee who has served satisfactorily and is demoted, reduced in status, or terminated as a result of an official layoff may request reinstatement to the eligible list for any comparable or lower class (job) for which the person meets the minimum requirements at the time of layoff. The request for reinstatement must be received within 60 calendar days from the date of the official layoff. Whenever possible, prior to the official layoff, Personnel Department staff will meet with employees affected by the layoff to explain their reinstatement rights and assist them in requesting reinstatement.

IV. PROCEDURE;

A. The person requesting reinstatement shall submit a Request for Reinstatement Application, to the Personnel Department Employment Information Center.

B. The Personnel Director or his/her alternate will review the request to determine eligibility for reinstatement.

1. If the person is not eligible, a letter of explanation will be sent to the requestor.

2. For individuals determined to be eligible for reinstatement who are not permanent or probationary employees affected by a layoff, the Personnel Director or his/her alternate will contact the former appointing authority for a recommendation as to the appropriate action on the request. The appointing authority may recommend:

a. Approval of the request. Written justification must be submitted to support this recommendation if re-hire was not recommended at time of termination, demotion, or reduction in status.

Eligible Lists and Certification

REINSTATEMENT

b. Denial of the request. Written justification must be submitted to support this recommendation if rehire was recommended at time of termination, demotion, or reduction in status.

C. For those persons eligible for reinstatement, the Personnel Director reviews the information gathered in the above-described steps.

1. If the appointing authority has recommended immediate approval of the reinstatement request, and if the other evidence supports this recommendation, the Personnel Director may approve the request under authority delegated by the Civil Service Commission. Approval by the Personnel Director may also be granted to permanent and probationary employees who are demoted, reduced in status, or terminated as a result of an official layoff.

2. If the Personnel Director denies the request, the requestor may within 5 calendar days of notice of such denial, appeal to the Civil Service Commission. The decision of the Commission is final.

D. All Persons approved for reinstatement to an open eligible list will be required to appear for a medical evaluation prior to appointment.

E. Length of eligibility by reinstatement shall not exceed one year from the date of approval with the exception of permanent or probationary employees who have been demoted, reduced in status or terminated as a result of an official layoff, in which case their eligibility shall be two years from the date of official layoff.

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

I. AUTHORITY:

A. Charter Section 122. APPOINTMENTS.

B. Civil Service Rule III, Section 7. EXAMINATION RANKING SYSTEM.

C. Civil Service Rule IV, Section 4. REMOVAL OF ELIGIBLES FROM LIST.

D. Civil Service Rule VI. REQUISITION AND CERTIFICATION.

E. Civil Service Rule VII, Section 1. SELECTION OF APPOINTEES.

II. PROCEDURE:

A. Appointing Authority Authorization:

Each department head will provide the Personnel Director with a list of all persons who have been delegated Appointing Authority responsibility in accordance with the standard found in Personnel Manual Section F-1, Appointing Authority Interviews and Selection.

B. Request for Certification of Eligibles:

1. All requests for certification of eligibles will be made by submitting a Request for Certification form (CS-490) to the requesting department's assigned Liaison Analyst.

2. Upon receiving a request for certification of eligibles, the Liaison Analyst will review and approve the Request for Certification. A copy of the form will be sent to the Appointing Authority.

3. Prior to making a request, the Appointing Authority shall obtain any departmental or managerial concurrence required. The requestor should be prepared to answer detailed questions about positions to be filled.

C. Classification Review: Each request for certification of eligibles will be reviewed to determine the appropriate classification (job).

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

D. Original Certification:

1. Following approval of the request for certification, the Certification Officer will certify eligibles in accordance with the Civil Service Rules by completing a Personnel Certification List. The listing of eligibles may be either alphabetized or in random order, at the discretion of the Personnel Director. Factors considered in determining the listing order include the number of eligibles to be certified, the type of list (i.e. open, promotional series), whether all candidates are to be given an interview opportunity, and the anticipated frequency of vacancies for the classification (job).

2. When more than one request for certification for a class (job) or option is pending, each will be certified as if it were the only request pending.

3. A copy of the Personnel Certification List will be returned to the appointing authority.

E. Notice of Certification to Eligibles:

1. Promotional Eligible Lists: All eligibles certified from promotional eligible lists shall be notified of certification by the Personnel Department and shall be granted an interview, within a reasonable period of time by the appropriate appointing authority.

2. Open Eligible Lists: Appointing authorities may contact and interview any number of eligibles certified from open eligible lists as may be necessary to satisfactorily fill each vacancy. Appointing authorities are encouraged to make their selections from as large a sample as practical. The contact of eligibles certified from open eligible lists shall be conducted by the appropriate appointing authority, unless the Personnel Department is requested to send notices to all persons certified from the Open list. In order that additional names or categories may be certified to departments from the Open eligible list in accordance with certification rules, Appointing Authorities are encouraged to use the Notice of Certification Form, to officially notify eligibles of vacancies. For employees represented by the Municipal Employees Association, the

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

Appointing Authorities shall use the Notice of Certification Form to officially give notice of vacancies to those eligibles that they have determined to contact, unless an exception to this requirement is granted by the Labor Relations Manager.

3. Additional Eligibles:

   a. Except as noted in Paragraph (b) below, eligibles on an eligible list as the result of an approved leave of absence, transfer request, or reinstatement request, shall be certified in addition to or in the absence of eligibles certified from the appropriate eligible list. The Appointing Authority may contact and interview any number of additional eligibles as may be necessary to satisfactorily fill each vacancy. The contact of additional eligibles who are certified shall be conducted by the Appointing Authority, unless the Personnel Department is requested to send notices to all persons certified as a result of an approved leave of absence, or transfer request, or reinstatement request, or any combination thereof.

   b. Eligibles who have been laid off from City employment or who have been demoted or have been reduced in status as a result of a layoff shall be notified of certification by the Personnel Department and shall be granted an interview by the Appointing Authority within a reasonable period of time if requested by the eligible.

4. Prior to certification, the Appointing Authority may request name(s) from the transfer list in accordance with Personnel Manual Index Code E-7. If a person on the transfer list is to be selected, the Appointing Authority shall first check with the Certification Officer to determine eligibility for transfer and then may request that person's name to be certified in lieu of certification from the Promotional or Open eligible list or list of additional eligibles.

5. A notice of Certification shall be completed and mailed to all eligibles to be contacted by the Personnel Department. For Career Advancement eligibles, a copy of Form CS-4 (Career Advancement Application) will be mailed after approval, as the notice of certification.

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

6. When notified of certification by mail, eligibles must contact the designated department within three work days following the date the notification was mailed to insure consideration for appointment.

F. Waivers and Failure to Respond to Notice of Certification:

1. An eligible may waive certification from a specific eligible list, but after six waivers, an eligible may be removed from the eligible list in accordance with Civil Service Rule IV.

   a. The application of the six waiver limit will be determined by the Personnel Director on an examination-by-examination basis. All eligibles on a list shall be notified if the six waiver limit will be in effect for the list.

   b. Eligibles removed from lists as the result of their excessive use of certification waivers shall be notified of the action by the Personnel Director.

2. Eligibles who wish to waive a certification should immediately notify the appropriate appointing authority and, if notified by mail, complete the waiver form on the back of the Certification Notice and return it promptly to the Personnel Department.

3. Appointing authorities shall record waiver information (e.g., reason for waiving, date waived) as accurately and completely as possible in the "Results" section of the Personnel Certification List.

4. An eligible who fails to respond to a Written Notice of Certification within the specified time limit may be placed on the inactive eligible list until such time as the eligible notifies the Personnel Director to return his/her name to the active eligible list.

G. Supplemental Certification:

1. When the number of eligibles certified from the promotional or open eligible list that is available for consideration falls below the three to one certification ratio, replacement eligibles will be certified upon the request of the appointing authority. Replacement eligibles shall be certified a category at a time, not on a one-for-one basis.

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

2. When requesting replacement eligibles, the appointing authority shall indicate the names of certified eligibles no longer available for consideration and specify the reasons such eligibles are no longer available.

H. Selective Certification: Upon receipt of a requisition for which selective certification has been approved, the Certification Officer shall identify the eligibles qualified for selective certification and certify such eligibles following normal certification procedures.

I. Selection of Appointee(s):

1. The appointing authority shall promptly select appointees from the eligibles certified and notify the Certification Officer as soon as a selection decision has been made.

2. Prospective selections from a promotional or transfer eligible list must first be referred to the Certification Officer to verify current City employment and continued eligibility for selection from the eligible list prior to making any offer of employment.

3. In no case shall an individual begin to work prior to passing the medical examination, unless approved by the Personnel Director. Appointing authorities should make only tentative selections until the required medical is successfully completed.

   a. The appointing authority shall contact the Certification Office with the name of the person tentatively selected to determine if a medical examination is required. If so, the appointing authority should ask the person to call the Medical Clerk for an appointment.

   b. The Medical Clerk shall notify the department as soon as the medical examination results are received.

4. If requested by the Appointing Authority, the Certification Officer will supplementally certify the names of any eligibles who have subsequently been placed on the list of additional eligibles.

Eligible Lists and Certification

REQUISITION AND CERTIFICATION

5. Eligibles interviewed and not selected shall be notified by the appointing authority as soon as the decision is made.

J. Starting Salary:

1. The Certification Officer will note the salary range for the requested classification (job) on the Personnel Certification List.

2. Starting salaries shall be determined in accordance with the provisions of Personnel Manual Index Code H-9.

K. Reporting Results:

1. The appointing authority shall complete the "Results" section of the Personnel Certification form. Each action taken, such as appointed, waived, not contacted, not selected, etc., shall be recorded in accordance with the instructions provided by the Personnel Department.

2. The appointing authority shall sign the "Results" section of the form, and return the original promptly to the Personnel Department, retaining a copy for the department's record.

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

I. AUTHORITY:

A. City Charter Section 28. DUTIES OF THE MANAGER.

B. City Charter Section 123. LIMITATIONS ON APPOINTMENTS AND TRANSFERS.

C. Civil Service Rule VII, Section 4. IMPROVEMENT OF STATUS.

D. Civil Service Rule IX. TRANSFERS.

E. Civil Service Rule XI, Section 10. DEMOTIONS.

II. DEFINITIONS:

A. Interdepartmental Transfer: The term "interdepartmental transfer" shall mean the transfer of an employee to a position in the same class or subdivision of a class in another department.

B. Class Transfer: A transfer to a different class or subdivision of a class for which the top pay step is the same as the top pay step of the employee's current class shall be called a "class transfer."

C. Status Change: Employment status refers to the number of hours an employee is scheduled to work and/or to the degree of permanency of the position. The number of hours may be described as hourly, half- time, three quarter-time, or full-time; the degree of permanency, as limited, provisional, seasonal, or permanent. A change in any of these factors shall be called a "status change."

D. Demotion: The reduction in class of an employee to a different class or subdivision of a class for which the top pay step is less than the top pay step of the employee's current class shall be called a "demotion." The voluntary or involuntary return of a probationary employee to a previous class which the employee held with permanent status, including the failure to meet the performance standards of the new probationary position, is not a demotion but rather a portion of the testing process and is governed by Rule VII and Index Code G-2.

III. POLICY:

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

A. It is the policy of the Civil Service Commission to provide a transfer procedure which allows both management and employees reasonable flexibility in work assignments.

1. The transfer procedure shall not be used to evade supervisory responsibility for disciplining an unsatisfactory worker. (See Index Code L-2.)

2. The maintenance of merit system principles and the City's classification plan are important to management, employees, and the taxpayers. Improper assignment or transfer of personnel in violation of these principles cannot be tolerated.

3. No interdepartmental transfer, class transfer, demotion, or status change shall become effective without the approval of the Personnel Director or the Civil Service Commission and, if necessary for budgetary control, the City Manager or non- managerial department head.

B. General Requirements:

1. Requests for a class transfer will be approved only if the top pay step for the requested class is the same as the top pay step of the employee's current class. The salary range for the employee's class as listed in the current Salary Ordinance shall be used for this comparison exclusive of any additional compensation (such as bilingual pay, shift differential, standby, educational incentive, etc.). The employee's current salary step does not determine eligibility for a class transfer. Any movement of an employee to a class whose top pay step is higher than the top pay step of the employee's current class constitutes a promotion and therefore is not governed by the transfer policy.

2. Requests for class transfer and demotion will be approved only if the employee meets the current minimum employment requirements of the class or subdivision of the class to which a transfer or demotion is desired. Out-of-class assignments may be considered in determining qualification for transfer. However, verification of assigned duties and time spent in the out-of-class assignment must be provided by the applicant.

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

3. Transfers of employees who have been designated as Rehabilitation Program candidates are subject to the same personnel procedures and eligibility requirements that govern regular transfers except as noted in a. below. For additional information, refer to Administrative Regulation 70.50.

    a. Employees who demote to a position as part of the Rehabilitation Program may have their names placed on transfer eligible lists for all classes for which they are eligible and qualified at the time of demotion. Such eligibility will expire two years from the date of the demotion. In addition, if they are selected for a position, their names will be removed from lower ranking transfer lists provided the position is at the same or better employment status as the position held at time of demotion.

4. To be eligible for a class transfer or to request a status change which would increase an employee's rights or benefits, employees must have been either employed with the City in his/her present class for at least six months, <u>or</u> would be one of the persons certified from the current or most recent eligible list to fill a single vacancy according to certification procedures.

5. Except for class transfers or a change in status which increases an employee's rights or benefits, no minimum employment time is required for an employee to be eligible for the above personnel actions. However, requests received from employees with less than six months service in their present class will be closely reviewed to avoid circumvention of normal certification procedures.

6. To ensure that the integrity of the Classified Service is maintained, requests for transfer from the Unclassified Service to the Classified Service will be considered <u>only</u> if: the employee is on leave of absence from the Classified Service and is qualified for the requested class or subdivision of the class and the top pay step of the requested class or subdivision of the class is the same or lower than the top pay step of the class or subdivision of the class from which the employee is on leave of absence.

7. Only current City employees who have continuous City service between the time of the approval of their Personnel Action Request and the time of their proposed selection as a transfer candidate will be eligible for appointment from the transfer list.

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

C. Rights and Responsibilities of Appointing Authorities and Employees:

1. When the Personnel Director certifies that a permanent employee must be transferred to a vacancy in the employee's permanent class or subdivision thereof to avoid a layoff, the appointing authority with the vacancy must appoint the employee.

2. For a period not to exceed 30 calendar days, an appointing authority may transfer an employee to any position in the same class of employment to perform emergency work without a Personnel Action Request.

3. Involuntary demotion of an employee (even if acceptable to the employee) shall not be used by appointing authorities unless it is clearly evident that the employee is able and willing to perform the duties of the lower position in a thoroughly satisfactory manner. Demotions which do not have the consent of the employee are almost invariably unsatisfactory and, for this reason, termination is usually the best solution. (See Index Code L-2.)

   a. An employee who is involuntarily demoted from a class in which he/she has attained permanent status may appeal to the Civil Service Commission. (See Rule XI.)

   b. An employee who is to be demoted or transferred for medical reasons or due to a temporary loss of a required license or certificate, may, in accordance with Civil Service Rule X, Section 8, request a leave of absence from the present class for the time to be served in the new class, but not to exceed one year without pay. (See Index Code I-7, Special Leave Without Pay.)

   Before and during a period of leave and demotion for medical reasons, the appointing authority and the Personnel Director will cooperate in attempting to transfer the employee to the best available position for which the employee is eligible and qualified.

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

c. It is the responsibility of the Appointing Authority to verify an employee's performance rating through the employee's current department or by reviewing the employee's personnel file prior to making a selection.

IV. PROCEDURE:

A. Processing of Personnel Action Request:

1. Employee Action:

a. The employee may discuss the desire to transfer with the immediate supervisor to discover if an agreeable solution can be found within the present class, employment status, and department; if so, no Personnel Action Request is necessary.

b. If the employee desires a transfer to another class or department, Personnel Action Request forms (CS-3) may be obtained from payroll clerks or the Personnel Department Certification Section. When completed, the form must be submitted to the Personnel Department.

c. Employees who wish to transfer or demote to other positions are encouraged to personally seek out appropriate vacancies.

2. Personnel Department and Appointing Authority Action:

a. Upon determining the eligibility of the requestor for each request, the Personnel Department will return a copy to the employee indicating approval or denial of the request.

(1) If the request receives the approval of the Personnel Department, the employee's name is placed on the appropriate transfer eligible list(s) for one year.

(2) The employee's name shall be removed from the transfer list(s) when he/she changes any employment status as requested on his/her transfer request or any action occurs which makes the employee ineligible for the transfer.

Eligible Lists and Certification

TRANSFERS, DEMOTIONS, AND STATUS CHANGES

b. With the exception of a pending layoff, when an appropriate vacancy occurs, the appointing authority will receive the transfer list for that class. It is important that both employee and appointing authority realize that; except when a layoff is pending: authority prior to certification from a Promotional or Open list does not constitute a certification of eligibles.

(2) The Appointing Authority will establish an initial screening

(1) Providing the list of transfer eligibles to the appointing process which may include:

(a) request that employee submit a resume

(b) over the phone inquiry of the employee's experience

(c) review of the employee's personnel file, driving record, etc.

(3) The appointing authority <u>may</u> interview any employees requesting transfer to the class or position, may select one of them, or may request certification from the regular eligible list in which case all transfer eligibles shall be certified along with other additional eligibles.

(4) If the appointing authority decides to select a particular transferee, the Personnel Department Certification Officer shall be notified to certify the specified transferee to fill the position.

In all cases, the employee certified shall be fully informed by the appointing authority of the conditions of employment, including whether the position is permanent or limited, full or part-time, and the salary rate and step and length of any trial or probationary period. See Personnel Manual Index Code H-9 for starting salary upon appointment and Personnel Manual Index Code G-2, Permanent Appointment Probationary Periods.

Selection

APPOINTING AUTHORITY INTERVIEWS AND SELECTIONS

I. AUTHORITY:

A. Charter Section 120. LIMITATIONS AND CREDITS.

B. Charter Section 122. APPOINTMENTS.

C. Civil Service Rule II, Section 3. NONDISCRIMINATION.

D. Civil Service Rule VII, Section 1. SELECTION OF APPOINTEES.

II. POLICY:

A. It is the policy of the Civil Service Commission to ensure that all interviews and selections are conducted in a fair, practical, and professional manner that allows equal opportunity to all applicants.

B. In addition to the objectives of the Commission, there are laws regulating fair employment which must be considered during all phases of dealing with prospective and current employees. For example, the Federal Equal Opportunity Act of 1972 prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The Federal Age Discrimination in Employment Act prohibits age discrimination against applicants over forty years old. The Federal Americans with Disabilities Act prohibits discrimination on the basis of disability, including AIDS/HIV. The California Fair Employment and Housing Act prohibits discrimination on the basis of race, color, ancestry, religious creed, national origin, sex, pregnancy, age, physical handicap, medical condition (history of cancer), sexual orientation , or marital status. The penalties for violating these State and Federal laws are severe, including back pay awards, wage adjustments, withdrawal of Federal funds from City programs, and other financial penalties. In addition, many of these prohibitions are also contained in City ordinances, such as the Human Dignity ordinance.

C. Each Appointing Authority is responsible for conducting job-related interviews and making selections in a nondiscriminatory manner, and may be held personally responsible for any violations of equal employment laws. The practices that constitute employment discrimination are broadly defined and discrimination does not have to be intentional or blatant for charges to be upheld. In fact, the employer will most often bear the burden of proving that hiring practices used are not discriminatory.

Selection

APPOINTING AUTHORITY INTERVIEWS AND SELECTIONS

D. In addition to the responsibility for conducting interviews and making selections in a non-discriminatory manner, each appointing authority is responsible for ensuring that the selection process is done in a manner which reflects the City's commitment to the Norms and Values developed through the Diversity Program and the prohibition of favoritism required by the City Charter.

Methods to accomplish this include, but are not limited to :

1. Ensure that the selection criteria are based on the specific requirements of the position to be filled.

2. Create an interview board which is itself diverse.

3. Announce and post openings within the Department.

4. Provide selection criteria and standards to all interviewees when interviews are scheduled.

5. Provide opportunity for constructive feedback to candidates regarding interview performance which includes how the candidate's experience and training compares to the announced criteria.

E. In order to document fair employment procedures, complete records of all facts surrounding selection decisions must be made and retained for three years.

F. The City requires that all Appointing Authorities as defined below must complete the Personnel Department's Interview Training Class, or a refresher class, within the last five years. This class must also be completed by anyone an Appointing Authority delegates to chair an interview board. Training in the proper techniques of conducting job-related interviews and making selections in a nondiscriminatory manner may be scheduled by contacting the Personnel Department.

G. Appointing Authorities are expected to use all of the methods available to them to meet the City's goals. The Personnel Department staff will be available for assistance, if requested.

Selection

APPOINTING AUTHORITY INTERVIEWS AND SELECTIONS

H. Appointing Authorities must personally:

1. Determine which eligible list or lists to use to fill a vacancy when there is an option.

2. Review and approve the screening criteria to be used at each stage of the process.

3. Review and approve the job analysis, interview package, and make up of the interview panel.

4. Make the final selection.

III. Designation of Appointing Authorities:

A. For purposes of this manual section; an Appointing Authority is defined as a Deputy Director, Assistant Deputy Director, Program Manager, or higher manager who has been designated as an Appointing Authority by their Department Director.

B. The Personnel Director will ask Department Directors to review and confirm their Appointing Authorities on an annual basis. Only currently designated Appointing Authorities will have the authority to request certification of eligibles or authorize the hiring, promotion, or transfer of an employee. The criteria for selection of a manager as an Appointing Authority are:

1. An understanding of the importance of employee selection.

2. Understanding and avoidance of artificial barriers to employment.

3. A willingness to commit the resources necessary to maximize their opportunities to meet City goals.

4. An ability to effectively communicate their employment standards and expectations to subordinates.

5. Completion of Interview Training class within the last 5 years.

6. Willingness to assume responsibility for results and act promptly when results are not responsive to established standards.

Selection

APPOINTING AUTHORITY INTERVIEWS AND SELECTIONS

7. Proactively working with the Personnel Department before and during the recruitment and examining process to assure candidate pools that meet their needs.

8. Knowing when to request assistance from the Personnel Department when needed to resolve especially difficult problems.

ADDENDUM TO PERSONNEL MANUAL - INDEX CODE F-1

AN INTERVIEW GUIDE FOR THE APPOINTING AUTHORITY

I. INTRODUCTION:

This guide is designed to assist the appointing authority in conducting fair and valid interviews and in avoiding problems relating to discrimination in employment selection. The guide contains information on how to prepare for and conduct the interview, notify candidates, and keep appropriate records. Appointing authorities should also familiarize themselves with the other aspects of the selection process described in the Personnel Manual.

II. HOW TO CONDUCT THE SELECTION INTERVIEW:

A. Objectives:

All of the candidates certified to a department have been screened for minimum requirements and, depending upon the position, may have been given written, performance, and/or oral tests. The candidates certified are those who have scored high enough on these tests to qualify and are all relatively equal in terms of overall qualifications for the general job classification. The task of the appointing authority is to interview candidates as provided in Personnel Manual Index Code E-5, Requisition and Certification, and to decide which of the interviewed candidates is best suited for the specific vacancy. The final selection interview gives you the opportunity to evaluate the candidates' experience, training, and personal qualifications which allow you to evaluate appropriate knowledges, skills, and abilities in relation to the specific position. These factors might include specialized experience relating to the job, advanced knowledge in a particular area, or a personal quality or ability relating directly to your vacancy. (This is not to imply that it would be appropriate to administer any type of written test or quiz to candidates.) Another very important objective of the interview is to deal with the candidate in such a manner as to maintain and create good will whether the candidate is selected or not.

B. Preparation and Job Analysis:

Considerable thought and preparation are required prior to conducting a fair and valid selection interview. Federal law prohibits asking questions or evaluating personal qualities which do not relate to the job for which a person is being considered. In order to determine the requirements of the job, the specific duties of the position should be listed and analyzed. The requirements of the job should be based on those duties that are important to the position and cannot be learned on the job within a relatively short period. These requirements should be in writing for reference purposes during the interview, and must be retained for your records. The job analysis worksheet form found on page 13 should be used for this purpose.

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All personnel involved in the interview process must know the job for which they are interviewing, including the specific skills, knowledges, abilities, and personal qualities that are necessary for successful job performance. If there is more than one interview board, special efforts should be made to ensure that the interview standards are consistent and that the interviews are conducted in the same manner.

From the analysis of the position, the factors to be evaluated are determined and a list of questions should be formulated to be used as the basis for evaluating each candidate. A recommended interview guide for listing questions to be asked, and typical responses can be found on pages 14 and 15. Each person interviewed should be asked the same basic questions in the same order, although follow-up questions may vary, depending on each individual's answers. Each candidate should be allotted about the same amount of time. Only in this way will each candidate be evaluated equally.

C. Subject Areas to be Avoided in the Interview:

In order to avoid any interview questions that might be interpreted as discriminatory, there are several subject areas that should not be discussed during the selection interview. Following is a discussion of some of these areas and examples of questions to be avoided.

1. Marital Status and Other Personal Information:

Personal questions relating to a candidate's marital status, number of dependents, or number and occupation of relatives, are not questions appropriately included in an employment interview

Examples of inappropriate questions:

a. What does your husband do?
b. Does your family live in San Diego?
c. Are there any other Fire Fighters in your family?
d. What are the ages of your children?

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2. Race, National Origin, Religion, and Politics:

You may ask about a candidate's participation in professional organizations, if appropriate to the position, but should avoid questions that would elicit information regarding race, political affiliation, religion, or national origin. Where a candidate was born, citizenship, native language, origin of surname, or what type of accent an individual has should not be discussed. For those positions requiring bilingual skills, you should submit a request for certification justifying the need for Spanish-English, or Indochinese - English speaking eligibles, and candidates who have passed a Personnel Department test for those skills will be certified to you.

Example of inappropriate questions:

a. Is Spanish spoken in your home?
b. What clubs or organizations do you belong to?
c. That's an interesting name. Is it an Indian name?
d. Were you born in the United States?

3. Sex or Pregnancy:

Candidates should not be asked questions relating to child care, their spouse's attitude towards their working, or how they feel about working with or supervising those of the opposite sex. When interviewing women candidates, undue emphasis should not be placed on the physical or strenuous duties of the job. All candidates should be made aware of the requirements of the position and allowed to make their own decision regarding their ability to perform them satisfactorily. Neither women nor men should be asked any questions that would reflect preconceived ideas regarding women's or men's occupational roles. Questions must be job related, addressed to men and women in the same terms, and evaluated equally.

Pregnancy must not be considered to be a disqualifying physical or medical condition and should not be the basis for any evaluation. Ability to perform duties of a specific job before and after childbirth will be determined by the Personnel Department, based on written recommendation of the individual's physician and, under some circumstances, the report of the City's examining physician.

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Examples of inappropriate questions:

a. How would your husband feel about you working overtime?
b. Do you have arrangements for a babysitter?
c. Do you think you would have any problems working as a Laborer on an all male crew?
d. Do you think you would have any problems working in an all female office?
e. Don't you feel it strange that a man should be applying for work as a secretary? Why are you interested in this kind of work?

4. Age:

Candidates should not be asked questions regarding their age. All those certified to your department have been screened according to age requirements established by the Commission.

Older candidates should not be asked more specific questions than other candidates relating to their physical or mental capacity to perform a job. Age does not in itself indicate less physical or mental ability, and such stereotypes and preconceived notions about older persons are discriminatory and not relevant to a selection decision.

Examples of inappropriate questions:

a. Do you feel you could keep up with the young workers in this division?
b. Would you resent taking orders from a supervisor much younger than yourself?
c. Has your memory deteriorated as you have gotten older?
d. How many years do you plan to continue working?

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5. Educational Level:

Many inexperienced interviewers place undue value on education in selecting for jobs where it has no bearing on work performance. Discussion of educational achievement should be restricted to those positions in which education is directly related to job performance; for example, positions requiring a specific degree, a certain number of college credits, or completion of a specific study course. The type and extent of college education would be an appropriate interview topic for most entry level professional positions. However, questions relating to college education are not relevant for positions such as Laborer, Grounds Maintenance Worker, and Custodian. It would, however, be acceptable to evaluate specific job-related training courses which could logically contribute to job success in the vacant position.

Examples of inappropriate questions:

a. You want to work for us as a Dispatcher. Have you ever had any courses in police administration?
b. The typist position currently open is in our Engineering Division. Have you ever had any training in drafting or trigonometry?

6. Financial Status:

Although a discussion of salary is often necessary during selection interviews, inquiries regarding personal financial matters should be avoided. For example, questions regarding a candidate's indebtedness or financial status should not be asked. If it is necessary to successful job performance, all candidates may be asked if they will be able to arrange transportation, but questions regarding car ownership are not appropriate.

Examples of inappropriate questions:

a. Do you think you could pay your bills on this salary?
b. Have you ever had any declared bankruptcy?
c. Do you and your wife both have a car?
d. Do you own your own home?

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7. Physical Attributes, Disabilities, or Medical Condition:

Candidates should not be asked questions relating to physical stature, height, weight, physical disability, medical condition or history of cancer. With the passage of the Americans with Disabilities Act (ADA) employers are expected to make reasonable accommodations. A medical evaluation will be made under discretion of the Personnel Department and all job offers should be made contingent upon the candidate passing the selection requirements for the job.

Examples of inappropriate questions:

a. Do you feel a person of your size can do the heavy lifting required in this position?
b. Has your weight ever slowed you down on the job?
c. Do you have good eyesight?
d. Do you feel your disability will interfere with your job performance?

8. Arrests, Convictions, and Military Discipline Record:

Questions regarding arrests, criminal convictions, military discipline, or type of military discharge should not be covered in the selection interview. Conviction record and military discharge information will be screened by the Personnel Department on the basis of their relation to the position in question, under policies established by the Commission.

Examples of inappropriate questions:

a. Have you ever had any trouble with the law?
b. Have you ever been arrested or court-martialed?
c. Did you get an honorable discharge from the Service?
d. Have you ever been charged with a serious crime?

If in doubt about questions to be asked in an interview, remember ask only those questions which help you objectively evaluate a candidate's ability to perform the job, based on a job analysis to determine what job-related factors you can identify.

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D. Various Forms of Interview Questions:

The quality and usefulness of the answers obtained in an interview vary with the manner in which they are asked. Following is a discussion of various types of questions and their uses in interviewing.

1. Leading Questions:

This type of question is best used to verify or confirm some idea or information already provided by the candidate. Leading questions can usually be answered "yes" or "no" and may be useful at the beginning of an interview. They are usually understood clearly and are easy to answer, so they may be helpful in getting the interview off to a good start. As the interview progresses, they may be used to clarify answers provided by the candidate.

One disadvantage of a leading question is that the desired answer is indicated in the way the question is phrased, and some candidates simply give the answer they feel the questioner wants. Also, leading questions seldom provide clues or information leading to other questions.

Examples:

a. You were a supervisor at the time?
b. Did you become interested in recreation during your college work study experience?
c. Have you had extensive experience dealing with the public?

2. Direct Questions:

Direct questions often begin with when, why, or what. They are easy to understand, can be answered concisely, and usually gain specific information. Direct questions may also be useful to begin the interview and to help clarify information during the interview process. Direct questions, however, allow little freedom for the candidate to reply and may seem abrupt.

Examples:

a. When did you first act as a supervisor?
b. Why did you leave your last job?
c. How often have you acted as supervisor when your boss has been on vacation?

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3. Situational or Hypothetical Questions:

These questions may begin, "What do you think you would do if ...?" The interviewer describes a situation and asks the candidate how the problem or situation should be resolved. The question usually involves a critical incident or situation developed through job analysis.

One advantage of these questions is that they require the candidate to analyze a situation. They may help the interviewer to determine how extensive the candidate's experience is or how well a candidate understands problems which may arise on the job.

However, these types of questions require a great deal of time to answer freely, and some candidates feel that the questions are not realistic. Candidates may answer this type of question the way they feel it should be answered, and it may not reflect a candidate's true feelings or future actions.

Examples:

a. If you were a supervisor in an office and your best worker began coming in late, what would you do? Why?
b. If you were working as a cashier at a public counter and a citizen accused you of shortchanging her, what would you do? Why?
c. What would you do if one of your employees frequently sustained minor injuries on the job, due to carelessness? Why?

4. Open-Ended Questions:

Open-ended questions allow candidates to respond freely and select the type of information to be included in the answer. This type of question may bring out valuable information about candidates and indicates how well they organize their thoughts. The answers to open-ended questions sometimes reveal attitudes and feelings critical to effective job performance, especially in more sensitive positions.

Use of open-ended questions may create problems if responses are rambling, trivial, or if candidates get bogged down in too much detail. Answers may be time-consuming and restrict the areas covered by the interview. However, this result may also reveal something about the candidate in an interview for a type of job where conciseness and organized thought are essential.

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Examples:

a. Would you tell us about your experience as a Building Inspector?
b. What do you think are your qualifications for this position?
c. How do you feel about working with children?

5. Complex Questions:

Questions involving detailed or complicated answers may be asked of candidates for positions that require the ability to respond to complex questions and problems. Complex questions should be avoided for lower level positions, because they may confuse the candidates and would not be relevant to the position. Use of jargon should also be avoided, unless necessary to the accurate expression of a question and you are sure it will be understood by the candidate.

Examples:

a. What effect will the installation of our new computer have on your ability to respond to the needs of the department as a data systems coordinator?
b. What do you feel are some of a police administrator's most difficult public relations problems today, as opposed to 10 years ago?
c. Describe any work you have had in a financial environment, as a management analyst.

6. Antagonistic Questions:

Care should be taken to state questions in such a way as to avoid putting the candidate on the defensive or arousing antagonism. The interview should be structured to put the candidate at ease and allow a free flow of information. Making the candidate feel defensive will block information flow and prevent an accurate evaluation of the individual.

Examples:

a. You didn't do very well in that department, did you?
b. Why do you feel you were passed over for promotion so often?
c. You were fired from your first job, weren't you?

AN INTERVIEW GUIDE FOR THE APPOINTING AUTHORITY

E. Conducting the Interview:

1. Beginning the Interview:

The interview should be held in as private and comfortable an atmosphere as possible. Arrangements should be made to avoid distractions and interruptions.

The first step should be the introduction of the candidate to the interviewer(s) by name and title. Opening remarks or questions should be designed to put the candidate at ease and establish a bridge of communication for a free flow of information.

2. Obtaining Information:

Many people are nervous and anxious in an interview, and it causes them difficulty in expressing themselves effectively. Try to ease this situation by covering only one subject at a time, stating questions clearly, and adjusting the language level to suit the candidate and the position.

Avoid controversy in the interview. Don't interrupt a candidate, and avoid putting a person on the defensive by arguing or displaying authority.

In every case, the interviewer should be a listener. Too much talking on the part of the interviewer defeats the purpose of the interview, which is to learn about the candidate. Brief comments should be made to convey the idea you are listening, are attentive, and are interested in what the candidate is saying. Ask questions that require some explanation and elaboration on the part of the candidate.

Follow up on key thoughts or ideas expressed by the candidate that appear to have important bearing on the individual's qualifications for the position. Ask questions or ask for explanation if you are not sure what a candidate said or meant by any statement.

3. Giving Information:

During the interview, the candidate should be given information about the requirements, duties, and responsibilities of the job and any special conditions which might help the candidate make a decision about whether or not to accept the position, if selected. The interviewer should be honest about the requirements of the job and be certain each candidate is given the same information. For example, it would be inappropriate to explain the desirable promotional opportunities of a position to one candidate while stressing the fact that the position requires working a split shift to another.

AN INTERVIEW GUIDE FOR THE APPOINTING AUTHORITY

4. Avoiding Errors in the interview:

Try to avoid common rater errors, such as making snap judgments about a candidate. Wait until the conclusion of the interview to make evaluations and judgments. Avoid evaluating a candidate on only one trait. For example, if a candidate is well-groomed, friendly, and polite, these may be positive factors if you are interviewing for a receptionist position. But, be sure not to let those favorable characteristics distort your objective evaluation of the candidate's other qualifications. This candidate may not measure up to the other candidates in terms of telephone experience, tact, etc.

Don't let yourself judge a person on the basis of your personal likes, dislikes, or background. For example, be sure you are not favoring a candidate because he or she has the same educational background as you, worked where you once worked, or dresses the way you do.

5. Summary and Closing:

When all your questions have been asked, the candidate should always be asked for any questions or comments he/she may have. Often, candidates have information about their past experience or personal qualification that were not touched upon in the interview. A brief period should be set aside after each session for such exchange, or for any questions about the job the candidate wishes to ask. All candidates should be thanked for their interest and when they leave, should have the feeling that the interview has been conducted fairly and courteously.

Candidates should be told what to expect after the interview such as how many others are being considered for the position and when the results of the interview will be final.

F. Notes and Records Keeping:

The following interview planning package will help you organize and structure your interview. The job analysis worksheet should be used to identify and record the significant duties of the position and the knowledges, skills, and abilities required to perform each duty (page 13). The Interview Question/Candidate Responses sheets (pages 14 and 15) should be used during the interview and will have the position title, candidate's name, questions, some typical responses and lines to record the candidate's responses. Additionally, the board member's name and date of interview should be on these sheets.

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The interview rating sheets (pages 16, 17 and 18) should have the position title, the individual factors, the candidate's name, the board member's name, number of the questions that apply to the factor, criteria for responses, scoring boxes and lined space for the board member's written comments. The interview rating sheet has been designed to record and document your final evaluation and decision. These comments should clearly and completely summarize your evaluation of each candidate, based on all predetermined job-related factors. These forms should be retained in your files, along with all other documentation for each position for three years to comply with Federal law, as well as for your own use when a vacancy again occurs in that job classification.

G. Notification of Selection Decision:

Notifying candidates of the results of their interviews is a sensitive task, and should be handled as fairly and tactfully as possible. All candidates should be notified of the results as soon as possible. No job assignments or announcements of any kind should be made until all candidates have been notified. A member of the interview board should be the principal contact and should briefly explain the selection decision. If the candidate requests, the appointing authority should meet with the person to discuss further the basis for the selection. This should be limited to discussing the selection standards and how the individual compared to those standards. It would not require nor should it focus on comparing specific individuals.

JOB ANALYSIS WORKSHEET
DEPARTMENT/DIVISION

PREPARED BY: _____

DATE:_____
(month/yr.)

JOB POSITION _____ (WORKING TITLE) _____ (CLASS TITLE)		EXTENT NEEDED			WHEN NEEDED	
FUNCTION/TASKS	KNOWLEDGE, SKILLS, AND ABILITIES	REQUIRED	DESIRABLE		IMMEDIATELY	AFTER HIRE

INTERVIEW QUESTIONS/CANDIDATE RESPONSES

_____
(Date (Mo./Yr.)

_____
(Position Title)

Candidate Name: _____ Rater Name:_____

Questions No. 1:

Typical Responses may include, but are not limited to the following:

Candidate's Responses: _____
_____
_____
_____
_____

Question No. 2:

Typical Responses may include, but are not limited to, the following:

Candidate's Responses: _____
_____
_____
_____
_____

INTERVIEW QUESTIONS/CANDIDATE RESPONSES

_____
(Date (Month./Yr.)

_____
(Position Title)

Candidate Name: _____ Rater Name:_____

Questions No. 3:

Typical Responses may include, but are not limited to the following:

Candidate's Responses: _____
_____
_____
_____
_____

Question No. 4:

Typical Responses may include, but are not limited to, the following:

Candidate's Responses: _____
_____
_____
_____
_____

INTERVIEW RATING SHEET

_____
Date (mo/yr)

_____
(Position Title)

Candidate Name:_____ Rater Name: _____

Factor #1:_____

Questions which apply to this factor: _____

CRITERIA FOR RESPONSES

Highly Qualified:

Qualified:

Minimally Qualified:

Unacceptable:
(Optional)

Unacceptable (Optional)	Minimally Qualified	Qualified	Highly Qualified

Rater's Comments and Justification:_____

_____

_____

_____

_____

_____

INTERVIEW RATING SHEET

_____
Date (mo/yr)

_____
(Position Title)

Candidate Name:_____ Rater Name: _____

Factor #4:_____

Questions which apply to this factor: _____

CRITERIA FOR RESPONSES

Highly Qualified:

Qualified:

Minimally Qualified:

Unacceptable:
(Optional)

Unacceptable (Optional)	Minimally Qualified	Qualified	Highly Qualified

Rater's Comments and Justification:_____

_____

_____

_____

_____

_____

INTERVIEW RATING SHEET

_____
(Position Title)

Candidate Name:_____ Rater Name:_____

FINAL RANKING

Unacceptable (Optional)	Minimally Qualified	Qualified	Highly Qualified

Rater's Comments and Justification: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____
Rater's Signature Date

Probationary Periods and Standards of Performance

CODE OF ETHICS AND CONDUCT

I. PURPOSE:

A. To provide a standard of moral values, responsibility, and personal conduct for the guidance of all City employees

B. To enhance the prestige and improve the public image of City employees.

C. To establish the fundamentals upon which evaluations of employee conduct and performance may be made most objectively.

II. POLICY:

A. There shall be no discrimination in any agency activity because of race, creed, or political affiliations.

B. As a recognized part of municipal government, City employees must do everything within their ability to protect the public image of that government.

C. Each position in our government is one of public trust. Therefore, employees must each perform their duties in a manner which will bring honor and credit to the City government, in accordance with the highest moral and ethical standards.

D. City employees shall not accept gifts from persons doing business or seeking to do business with the City or from persons regulated by the City.

E. Employees must be ever mindful of their public trust in the use of manpower, property, and funds under their care and, by efficient operation and diligent economy, must conserve them.

F. Every City employee is expected to uphold the public interest as opposed to personal or group interests.

G. City employees have an obligation to the citizens, to the people's elected representatives, to fellow employees, and to management to cooperate in accomplishing the goals of this City and their individual department*s* and work units.

H. Acceptance of the expressed will of the people is the responsibility of all City employees.

Probationary Periods and Standards of Performance

CODE OF ETHICS AND CONDUCT

I. Every employee should serve the public and fellow employees with efficiency, impartiality, and courtesy, so that our public and personnel relations will be continuously enhanced.

J. Employees should willingly share any emergency work necessary to the functions of their unit so that public obligations will be fulfilled with maximum efficiency and with equitable distribution of the workload.

K. Employees must adhere to the rules of work and performance established as standards for their positions by the appropriate authority.

L. Violations of any of the provisions of this code should raise conscientious questions for the employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City.

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

I. AUTHORITY:

A. Civil Service Rule V, Section 6. RE-EMPLOYMENT LISTS FOR REGULAR WORK.

B. Civil Service Rule VII, Section 2. PERMANENT APPOINTMENT.

C. Civil Service Rule VIII, Section 1. ADVANCEMENT THROUGH EXAMINATIONS.

D. Council Ordinance No. 8403 (New Series) accepted the State of California, Department of Justice, Regulations of the Commission on Peace Officer Standards and Training of law enforcement officers by the City of San Diego. These regulations were established and adopted in compliance with Sections 13506 and 13510 of the Penal Code of California, and have been codified in Title 11, Chapter 2, of the Administrative Code of California.

E. California Administrative Code, Title 11, Chapter 2:

1. 1004. (a) Conditions for Continuing Employment.

   Every officer employed by a department shall be required to serve in a probationary status for not less than 12 months.

II. POLICY:

A. The probationary period should properly be viewed as a significant portion of the testing process. It is important for each appointing authority to provide a new employee with training necessary to succeed. It is equally important to limit the evaluation of a new employee to those skills, abilities, and knowledge which are critical to performance. Probationary employees shall normally receive at least five (5) working days notice of failure of probation in writing.

B. Duration of Probationary Periods. Only employees appointed to permanent positions serve a probationary period. Only those employees who have satisfactorily completed their probationary period obtain permanent status. The duration of probationary periods shall be as follows:

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

1. The original probationary period shall be a total of one year of continuous City service in any class or classes served as a permanent appointee. An appointment, promotion, class transfer or demotion to another position as a permanent appointee during the original one year probationary period qualifies toward meeting the one year continuous City service requirement. Upon completion of the one year total of continuous City service as a permanent appointee, an employee gains permanent status only in the class or classes in which at least six months of continuous service have been served. (If an employee does not complete six months of continuous service in a class during the original one year probationary period, the employee continues on probation until such time as six months of continuous service have been served in a single class.) These provisions apply also to an employee reinstating to a permanent position (after a break in service) and to an employee who improves status to permanent from limited or seasonal, not qualified under Section 2 below.

   EXCEPTION #1: Completion of one year of continuous active duty as a permanent appointee is required to gain permanent status in the classes of Fire Recruit, Fire Fighter I, Police Service Officer I, Police Recruit, Police Officer I, Police Agent, Police Officer III, Police Detective, Community Relations Assistant to Police Chief, or Police Sergeant. This applies to employees appointed, promoted, class transferred, demoted, reinstated or improved in status from limited to permanent, to these positions.

   EXCEPTION #2: Three complete consecutive seasons as a seasonal employee in the same classification will be considered equal to one year of active duty for the purpose of determining a seasonal employee's probationary period.

2. Six months of active duty in the case of:

   a. a permanent employee appointed to a position from an open or promotional eligible list (except appointment to the classes listed in Exception #1 above);

   b. a permanent Apprentice advanced to the journey-level classification in which he/she had served the apprenticeship;

   c. a permanent employee demoted or class transferred to a class in which

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

the employee has never served with permanent status (except appointment to the classes listed in Exception #1 above);

d. a probationary employee who is serving the original one year probationary period and who is appointed, promoted, demoted or class transferred to a different class as a permanent appointee (except appointment to the classes listed in Exception #1 above). (In this case, the six month probationary period will overlap with part of the original one year probationary period);

e. a permanent employee reinstating to a class where there has been no break in service (except appointment to the classes listed in Exception #1 above).

3. That remaining portion of the original probationary period in the case of a probationary employee who transfers to another department, retaining the same classification. (In addition, such transfers will also be subject to the 60 calendar day trial period provided for in Section F below.)

4. Sixty days of active duty in the case of an appointment from a re-employment list of an eligible with permanent status in the class or subdivision thereof, to a department in which the eligible has never worked as a permanent employee for more than 60 calendar days.

5. Employees demoted as the result of a layoff, to a department in which they have worked with permanent status in that class or subdivision thereof, do not serve a probationary period.

6. An employee who achieves permanent status in a class who subsequently changes to limited status in the same class and later returns to permanent status in the same class (without a break in service) does not restart a probationary period.

C. Waiver of Probation: The Personnel Director may approve, upon recommendation of the department head, the waiver of all or an appropriate portion of the probationary period of an employee based on an evaluation of the employee's length of satisfactory City service performing essentially the same duties. If the Personnel Director does not approve the recommended waiver, the department head may appeal directly to the Civil Service Commission, whose decision shall be final.

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

Examples of situations for which the waiver of probation would generally be approved are:

1) The employee has served in a position which has been reclassified to another class and the employee has performed essentially the same duties in the same department.

2) The employee has served in an equal or higher level class and has performed essentially the same duties in the same department.

3) The employee is changing status from limited to permanent with no change in duties.

D. Failure of Probation: The Personnel Director may approve, upon recommendation of the department head, a demotion of an employee serving an original probationary period to an appropriate class. A permanent employee serving a probationary period (because of a promotion, class transfer, demotion, reinstatement (no break in service), or improvement of status), shall have the right to a position in the former classification and department in which he/she achieved permanent status if he/she should fail such probationary period.

E. Employee Representation: Employees shall have representation and appeal rights as provided in the Employee Representation section of Index Code: L-2.

F. Transferred Employees:

1. A permanent employee transferred to a different department who retains the same class, or either class transfers or demotes to another class in which he/she has served with permanent status, shall be governed by the following rules:

   a. The transfer trial period shall be 60 calendar days of active duty in the position from the date of transfer.

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

b. The transferred employee may be returned to a position in his/her former department and class at any time during this period without right of appeal.

c. The Appointing Authority should review the performance of a transferred employee 30 calendar days after the effective date of the transfer. This performance review should consist of a verbal face-to-face meeting between the transferred employee and the supervisor.

d. If the Appointing Authority decides to return an employee to the prior department, the employee will be given a performance evaluation in accordance with the provisions of Index Code G-7, Employee Performance Review Program. This evaluation and notice of the return to the prior department should be given to the employee at least five working days prior to the expiration of the 60 calendar day trial period.

2. Original transfers shall be made in accordance with the regulations of Index Code E-7.

3. The return of a transferred employee to his/her previous department or position shall be effected by Payroll Change Notice.

G. Clarification of "Active Duty":

1. In determining the length of a probationary period, extended periods of absence such as sick leave, industrial leave, leave without pay, military leave for Reserve or National Guard training, or limited assignments outside an employee's classification necessitated by injury or health conditions need not be considered as "active duty." Active duty military leave (as used in Index Code I-10, Military Leave) shall not be considered as "active duty" with the City for probationary purposes.

2. "Extended periods" of such absence are defined as follows:

a. Leave(s) of absence aggregating more than 21 calendar days in a six-month probationary period.

Probationary Periods and Standards of Performance

PERMANENT APPOINTMENT PROBATIONARY PERIODS

b. Leave(s) of absence aggregating more than 42 calendar days in a one-year probationary period.

3. The probationary period of an employee on a Special Leave Without Pay (as approved by the Civil Service Commission) or on extended military leave will automatically be extended by the Personnel Department.

4. If a probationary employee has been absent for an extended period, as defined in G, 1 and 2 above, the appointing authority may request that the length of the employee's probationary period be extended to reflect only "active duty" time. This request shall be in writing to the Personnel Director at least two weeks prior to the end of the original probationary period. Upon approval of the request by the Personnel Director, the Personnel Department will notify the appointing authority and the employee of the adjusted ending date of the employee's probationary period.

Probationary Periods and Standards of Performance

FINGERPRINT, RECORD CHECKS, AND IDENTITY VERIFICATION PROGRAM

I. AUTHORITY:

A. Charter Section 115 CIVIL SERVICE COMMISSION

B. Civil Service Commission Rule II, Section 4 (4), 6 (e) APPLICANTS AND APPLICATIONS

C. Civil Service Commission Rule XI, Section 3 (d) (g) (i) RESIGNATION, REMOVAL, SUSPENSION, REDUCTION IN COMPENSATION, DEMOTION

D. Personnel Manual Section G-1, II, B, C, G, K, L CODE OF ETHICS AND CONDUCT

E. Personnel Manual Section C-3 CRIMINAL CONVICTION POLICY

II. POLICY:

A. To maximize the safety, security, and efficiency of services to our community by creating a workforce determined to have identities and biographical histories that are consistent with the duties they perform and the access they have to information and facilities.

B. To maximize the safety and security of the working environment where employees are determined to have identities and biographical histories that are consistent with the duties they perform and the access they have to information and facilities.

C. To obtain information concerning all current and future employees' identity, right to remain and work in the United States, and criminal conviction records through fingerprint analysis, criminal conviction record review, and reviewing information related to identity and legal right to work.

D. The Civil Service Commission considers participation in the fingerprint, identity, and criminal record review a requirement for continued employment and a demonstrated failure to participate could result in adverse actions, up to and including termination.

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III. PROCEDURE:

A. All new hires into the classified service will participate in a fingerprinting process that will be used to obtain criminal conviction records for evaluation. The demographic data, identity related information, fingerprints, and digital photographs which will be retained as a foundation for safety and security measures in the workplace. Criminal conviction records will be reviewed in relation to the duties and responsibilities of the position with the contingent job offer.

B. All current employees will participate in a fingerprinting process that will be used to obtain criminal conviction records for evaluation. The process will obtain demographic data, identity related information, fingerprints, and digital photographs which will be retained as a foundation for safety and security measures in the workplace.

C. The evaluation of criminal conviction records for current employees will be evaluated under the standards and with the appeal rights approved by the Civil Service Commission on January 10, 2002. These standards are in the addendum dated September 2, 2010 attached to this manual section.

D. The sequence of current employees through the process will consider the safety and security interests of the City, seasonal operations, fiscal impact, and other variables. Current Uniformed Police Department employees have been through a thorough background check and are not included in this program. Current Uniformed Fire Department employees were fingerprinted and subject to a criminal conviction record review and identity review that was less comprehensive than the current process. For that reason, the Uniformed Fire Department employees will be sequenced into this process.

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FINGERPRINT, RECORD CHECKS, AND IDENTITY VERIFICATION PROGRAM

On November 1, 2001 the Civil Service Commission approved a program to fingerprint current employees in certain classifications (jobs) and all new employees hired by the City. The program was approved by the Civil Service Commission with the direction that the appropriate issues be referred to a meet and confer process. Staff met with the labor organizations on several occasions and substantive changes were suggested by both AFSME Local 127 and the Municipal Employees Association (MEA). That process has resulted in a revised and expanded program which MEA and Local 127 support as fair and reasonable in the current situation.

The most fundamental change is to expand the program to where all current City employees go through the fingerprint record check process rather than just those employees in selected classifications (jobs). This proposed expanded program is based upon several factors. First, selecting certain classifications (jobs) seemed to be a negative focus on those employees. So it was suggested that all employees should all be treated the same. This was a general consensus and a foundation to other aspects of the program.

A second issue leading to the expanded fingerprinting and record checking was the practical problem of identifying classifications (jobs) that were significantly more security sensitive than other classifications (jobs). City operations routinely have employees from non sensitive work locations assigned to very sensitive locations due to temporary assignments, training programs, business meetings, deliveries, equipment installation and other reasons. As a practical matter, if these employees were not fingerprinted and record checked it could limit their ability to get certain assignments and training as security measures are expanded at City facilities. At a minimum, they would be searched every time they entered certain operating stations and buildings.

A third consideration was the security planning for City facilities which includes issuing identification cards for all personnel accessing many City facilities. As proposed, these security cards will be issued only to those employees with completed fingerprint and record checks. The pictures for these cards and the computer data base for employee names and security information would be generated from the information obtained in the proposed fingerprint process.

The primary reasons not to include all employees in the program are time and money. It is labor intensive to have employees fingerprinted and the City must pay for record checks from the Department of Justice (DOJ), Federal Bureau of Investigation (FBI) and other agencies. However, it seems reasonable to approach security as a permanent issue and not including all

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employees would certainly limit the effectiveness of the program for many years. Weighing all of the issues, staff recommends that all City employees go through the process described below.

All current and future employees, along with contractors and consultants, will be fingerprinted on a computerized machine installed in the Personnel Department and those prints along with name, social security number, date of birth, place of birth, and other information would be transmitted to the DOJ and FBI. The DOJ and FBI computers will analyze the prints and information then send a report back generally within 48 hours via a secure dedicated computer cable. Additionally, at the time of the fingerprinting digital photographs will be taken and stored electronically.

The DOJ and FBI reports will be reviewed by authorized Personnel Department staff and several scenarios will develop. These situations were discussed with the labor organizations and the review process and consequences were conceptually agreed to. It is understood that while these procedures have been conceptually agreed to by the labor organizations, individual employees may have concerns and disagree with the protocol. Those employees will have to address their concerns on an individual basis.

There are five probable scenarios that will develop as identity and criminal record information is received and evaluated. The resolution of these scenarios will focus on the safety and security concerns of the City as the primary consideration. The first situation is an employee whose conviction record shows a conviction that occurred prior to hiring that had not been disclosed at the time of hiring. It is staff's recommendation that these convictions be evaluated in terms of these standards: Would the conviction have been disqualifying at the time of hiring had it been known? If so, has sufficient time elapsed with no other negative record, together with a good employment record, that the employee should be allowed to continue normal employment?

To address this situation, it was requested in meet and confer that employees be offered an opportunity to fully disclose their conviction record prior to fingerprinting and running the criminal record check. This would allow an employee an opportunity to demonstrate a good faith effort to resolve discrepancies that they may have themselves created. While this disclosure would not resolve the situation, it would certainly be a positive action in comparison to an employee who would still not disclose a conviction record in this situation. In response, staff has agreed that all employees will be offered an opportunity to complete a conviction record form prior to fingerprinting. This program will offer a unique one time opportunity for employees

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with undisclosed convictions to have them evaluated under the above interim standard. This opportunity will never be offered again.

The second situation is an employee whose conviction record check shows a conviction that occurred after hiring that was not known to City management. It is staff's recommendation that these convictions be evaluated in terms of the standard: Is the nature of the conviction such that the behavior that occurred while the person was employed incompatible with the position that they hold in the City?

The third situation is an employee whose conviction record check shows that he/she has outstanding warrants, violated parole, skipped bail, or in some other way are in current violation of a legal order or jurisdiction's legal process. It is staff's recommendation that these situations be evaluated in terms of these standards: Is the nature of the violation such that the behavior is incompatible with the position that they hold in the City? Is the employee now cooperating fully with the jurisdiction to resolve the matter?

The fourth situation is an employee whose conviction record check leads to a conclusion that he/she has an identity that has not been accurately disclosed, a false or assumed social security number, an improper immigration status related to employment, or other citizenship issues that must be resolved. It is staff's recommendation that these situations be evaluated in terms of these standards: Can the City legally have the employee on the City payroll under State, Federal, and City laws and regulations? If the employee can legally be on payroll, are they willing to fully cooperate to resolve discrepancies in identity, social security, and related areas and is it a security problem to allow them to continue employment during the interim?

The fifth situation is an employee who is unwilling to participate in the fingerprint and criminal conviction record check process for specific or undisclosed reasons. It is staff's recommendation that these situations be evaluated in terms of the standard: If an employee has refused reasonable opportunities to participate, it will be deemed, on its face, to be a security issue requiring appropriate remedial action which could include discipline, including termination.

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There will be situations in these five areas in which staff comes to a conclusion that discipline, up to and including termination, could be initiated by the Personnel Department or other authority. At the point discipline is contemplated, it is staff's recommendation that a review board be convened to consider the facts of the situation and recommend appropriate action. This review board will be composed of the employee's representative, Labor Relations staff and Personnel Department staff.

This review board would consider the facts of the situation and hear the explanation of the employee. After considering the facts presented, the review board would make a recommendation for appropriate action. The board will determine the extent of evidence and testimony to be received. This would be a non-binding recommendation and would not be a part of the record for any subsequent appeal or hearing. The Personnel Department or other City authority will consider the recommendation and then make a decision. The Review Board provides an opportunity, but only at the request of the employee, for an additional hearing due to the unique circumstances and in no way limits existing appeal rights.

It is staff's recommendation that the fingerprint criminal record check program be adopted for all current City employees and all future employees hired into any position. Additionally, it is recommended that the Civil Service Commission establish, as a condition of continued employment, that employees participate in the program at the time they are scheduled and that failure to participate, in and of itself, can be the basis for remedial measures inclusive of discipline, up to and including termination. If the Commission approves these general policies and procedures, the program will be effective immediately and staff will add language to the appropriate Personnel Manual sections to memorialize the changes.

This will be a challenging program and will require that all parties continue to focus on the objective to increase security and safety in the workplace. This program will be an integral part of planned security measures throughout the City. Therefore, it is essential to the effectiveness of the overall City security program being implemented that this fingerprint, conviction record check and identity verification program proceed. The labor organizations affected by this program were extremely cooperative not in just meeting and conferring, but in offering procedures to make the program more effective. They were equally aggressive in ensuring that the procedures had safeguards for employees affected by the program.

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REGULATION OF OUTSIDE EMPLOYMENT OR ENTERPRISE

I. AUTHORITY:

A. Civil Service Rule XI, Section 3. CAUSE FOR REMOVAL OR SUSPENSION.

B. California State Government Code, Section 1126.

(a) … a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board or commission of his or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, and consistent with the provisions of Section 1128 where applicable, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity or enterprise may be prohibited if it: (1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform prestige or influence of his or her local agency office or employment or, (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee or, (3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee or the agency by which he or she is employed, or (4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

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REGULATION OF OUTSIDE EMPLOYMENT OR ENTERPRISE

(c) The local agency shall adopt rules governing the application of his section. The rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee…

(d) The application of this section to determine what outside activities of employees are inconsistent with, incompatible with, or in conflict with their duties as local agency officers or employees may not be used as part of the determination of compensation in a collective bargaining agreement with public employees.

II. POLICY:

A. It is the policy of the Civil Service Commission not to impose unnecessary restraints on the personal lives of City employees. However, the Commission recognizes that some standards should be provided in order to prevent conflicts that may occur between employees' outside employment activities and their City work. Existing rules and procedures provide for appropriate disciplinary action in the event outside employment activities begin to impact on a City employee's efficiency, sick leave usage, or other performance criteria. In addition, it is the Commission's policy that City employees shall not accept employment outside City service or participate actively in the management or operation of any business or enterprise that:

1. Is incompatible with their City employment or would result in a conflict of interest with their responsibilities and obligations to the City; or

2. Could result in criticism or discredit to the City.

B. Employees whose outside employment may prolong recovery while on injury, industrial, or sick leave, or while on light duty assignments for the City, are in violation of this policy.

C. The Mayor or other department head may formulate and adopt reasonable standards and procedures to ensure conformance to this policy.

D. Violators of this policy are subject to appropriate disciplinary action.

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I. AUTHORITY:

A. City Charter Section 127. STANDARDS OF EFFICIENCY.

B. Civil Service Rule XII. EFFICIENCY.

C. Civil Service Rule V, Section 6. RE-EMPLOYMENT LISTS FOR REGULAR WORK.

II. POLICY:

A. The Performance Review Program is a tool used by supervisors to document, monitor, and evaluate employee performance in relation to the critical functions and performance standards of the employee's position in a fair, consistent, and objective manner.

B. The Performance Review Program consists of the following elements:

1. Preparation of a Performance Plan that describes the functions and performance standards of an employee's job (Discussed in Section III).

2. Evaluation of an employee's performance in relation to the Performance Plan (Discussed in Section IV; Supplemental evaluation of performance is discussed in Section V).

3. Preparation of a Performance Development Plan to guide, train and develop employees (Discussed in Section VI).

C. The Performance Review Program shall be used to evaluate the performance of all classified employees (permanent, probationary, and limited).

D. Employee Performance Reports shall be completed:

1. At six-month intervals for probationary employees and for limited employees during the first year of employment in a classification (job).

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2. An Employee Performance Report shall be completed prior to the completion of 60 days of active duty in the case of an appointment from a re-employment list of an eligible with permanent status in the class (job) or subdivision thereof, to a department or major division in which the eligible has never worked as a permanent employee for more than 60 days.

3. At one-year intervals on July 1st of every year for permanent employees and for limited employees following the first year of employment in a classification (job).

4. EXCEPTION: Employees in the class (job) of Fire Recruit are not given performance reports under this regulation. These employees must pass a number of job functions to successfully graduate from the academy. Once hired as a Fire Fighter I, performance reviews are given in conformance with this regulation.

5. Whenever it is necessary to rate performance between regular rating periods due to marked improvement or deterioration of performance or to otherwise make an official record of performance (Supplemental). (See Section V).

III. THE PERFORMANCE PLAN:

A. Purpose

1. The Employee Performance Plan describes the job and defines the performance requirements of that job so that employees know <u>what</u> they are supposed to do and <u>how</u> they are supposed to do it.

2. The documentation and discussion of essential job functions and required performance standards facilitates the evaluation process for employees and supervisors.

B. Procedure

1. It is the supervisor's responsibility to ensure that a Performance Plan is developed for each position under his or her supervision.

2. The development of the Performance Plan should begin with a thorough analysis of the major functions (responsibilities) of the position.

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a. Each function should describe a major part of the job.

b. Record the major functions on the Performance Plan pages.

3. For each function listed on the Performance Plan, the supervisor should determine what standards are required for proper and satisfactory performance.

   a. Performance standards should describe the major activities required to perform the function and indicate how much, in what time, how well, and/or in what manner the particular activities are to be done (See Addendum C).

   b. Record the appropriate performance standards for each function on the Performance Plan pages.

4. Once the Performance Plan has been developed, the supervisor shall discuss it with the reviewer. The reviewer should verify that the Plan accurately reflects the duties of the position to be rated.

5. The supervisor shall then discuss the Plan with the employee. This discussion and introduction of the Performance Plan to the employee is to take place when the employee first begins a job, or when the duties of a job change and it is necessary to revise an existing plan. This early discussion informs the employee of the job requirements before the formal evaluation takes place.

6. The supervisor, reviewer, and employee shall sign the first page of the Employee Performance Report to verify the preparation, review, and discussion of the Performance Plan when it is first introduced to an employee starting a new job or when an existing plan is revised. The employee shall also sign each of the Performance Plan pages in the lower left-hand corner to verify discussion of each function and its standards.

7. The employee shall receive a completed copy of the Performance Plan.

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8. The supervisor should regard the Performance Plan as a changeable and flexible record.

   a. If the performance standards are inappropriate or significant changes in job functions occur, the supervisor should reevaluate and modify the Performance Plan to reflect this information. Changes made to the Performance Plan should be discussed with the employee, and the employee should be given a copy of the modified Plan. The employee should also sign any changed or new pages of the Performance Plan in the lower left-hand corner.

   b. The supervisor should review the Performance Plan, when necessary, after each rating period and update it as necessary. This systematic review ensures that the employee's functions and performance standards reflect current job requirements.

IV. PERFORMANCE EVALUATION

A. Purpose

1. The accurate evaluation of employee performance provides the necessary recognition and documentation of an employee's strengths and weaknesses.

2. Recent Employee Performance Reports should be considered by supervisors, when appropriate, for administrative actions involving reward and discipline.

B. Procedure

1. Supervisory Responsibilities

   a. Employee performance shall be evaluated in relation to the job-related criteria indicated on the Performance Plan at the end of each rating period.

   b. Employee performance shall be rated by the employee's immediate supervisor. If the immediate supervisor is new, former supervisors and/or other appropriate persons, such as a lead person or higher level supervisor, should be consulted.

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c. Supervisors should continually monitor and document employee performance throughout the rating period to provide a proper basis for the subsequent evaluations made.

2. Rating Performance of Standards and Functions

a. Each performance standard should be evaluated in relation to the function(s) listed on the page.

b. After having evaluated the individual standards, the supervisor should next consider how performance of these standards relates to overall performance of the function**s** listed on the page.

c. Check the box below the rating level that is most descriptive of the employee's performance of each function.

Definitions of these levels are as follows:

OUTSTANDING	Employee consistently excels in standards required to perform the function.
ABOVE STANDARD	Employee often fulfills standards required to perform function in an above average manner.
SATISFACTORY	Performance of standards for the function is generally competent and reliable.
BELOW STANDARD	Employee often does not meet the standards required to perform the function.
UNSATISFACTORY	Employee does not fulfill the performance standards for a significant portion of the function.

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3. Rating Overall Job Performance

   a. After having rated all of the functions, the supervisor should next consider how performance of these functions (considering their relative importance) relates to the employee's overall job performance.

   b. Check the box on the first page of the plan that is most descriptive of the employee's overall job performance.

      Definitions of these levels are as follows:

OUTSTANDING	Employee excels in virtually all functions of the job. This employee brings many assets to the job in the areas of ability and performance.
ABOVE STANDARD	Employee performs all functions of the job competently and effectively while often exceeding the standards of Performance.
SATISFACTORY	Employee meets the standards of performance for practically all functions of the job. Performance is generally steady, reliable, and competent.
*BELOW STANDARD	Employee often does not meet the performance standards required to adequately perform job functions.
*UNSATISFACTORY	Employee does not achieve performance standards for a significant portion of the total job. Performance must improve significantly to reach an acceptable level.

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*NOTE: An overall performance rating of Below Standard or Unsatisfactory shall include information as to what remedial action was discussed, what warning or disciplinary action may have been taken, and a follow-up review date within 90 days. The follow-up review shall be documented on the Performance Development Plan or a Supplemental Performance Report if the supervisor prefers.

c. The supervisor should use the overall job performance comments section to document an employee's overall progress in performing job functions and meeting performance standards, highlights of performance during the rating period, most outstanding achievements, areas needing improvement, and any other performance information considered to be important.

NOTE: Out-of-class assignments should not be considered by supervisors when evaluating the employee's performance in the regular class.

d. An employee approaching the end of the probationary period should not be retained if there is doubt as to the employee's ability and/or willingness to perform satisfactorily.

V. SUPPLEMENTAL PERFORMANCE REPORTS

A. Purpose

1. Supplemental Performance Reports provide supervisors with a tool to evaluate employee performance between regular rating periods.

2. A Supplemental Performance Report shall be completed by supervisors to make an official record (between regular ratings) of employee performance that has improved or deteriorated significantly from the previous Report.

3. A Supplemental Performance Report may also be completed by supervisors:

a. To make an official record of the performance of an employee who is vacating his or her position prior to the conclusion of the regular rating period.

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b. At the time of a follow-up review of a Below Standard or Unsatisfactory Performance Report. (Supervisors may instead choose to document such follow-up reviews on the Performance Development Plan if an employee's performance problems are less serious).

B. Procedure

1. The procedures to complete and process a Supplemental Performance Report and the forms used are exactly the same as for a regular Employee Performance Report.

2. All Supplemental Employee Performance Reports shall include ratings and comments which explain fully the reasons for the ratings. (Refer to the performance rating definitions in Section IV, B, (2)(c).)

VI. PERFORMANCE DEVELOPMENT PLAN

A. Purpose

1. The Performance Development Plan is a tool available to supervisors to guide, train, and develop employees.

2. Performance ratings of Below Standard and Unsatisfactory for individual functions and/or for Overall Job Performance indicate that performance requires improvement to reach a satisfactory level. Whenever possible, Performance Development Plans should be developed by supervisors to assist employees in bringing such performance up to satisfactory levels.

3. The Performance Development Plan is to be used to document the follow-up reviews of employees with Overall Job Performance ratings of Below Standard or Unsatisfactory when the supervisor decides that such follow-up reviews do not have to be documented in Supplemental Performance Reports.

4. The Performance Development Plan may also be used by supervisors to provide guidance and assistance to employees with Satisfactory or higher performance ratings to develop in their jobs and careers.

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B. Procedure - Employees with performance ratings in individual functions and/or Overall Job Performance of Below Standard or Unsatisfactory:

1. The supervisor should review the employee's Performance Plan to identify specific areas requiring improvement.

2. Record the specific performance areas requiring improvement in the Performance Description section of the Performance Development Plan.

3. Supervisors should determine the causes of performance problems in order to develop appropriate Development Plans.

   a. Inadequate performance may indicate that the employee lacks basic ability, job knowledge, motivation, skills, attitude, etc.

   b. Poor performance could be caused by the supervisor not adequately explaining or clarifying the job, the Performance Plan, departmental philosophy, or work priorities.

   c. Job related conditions that might cause performance problems include faulty equipment, excessive noise or distractions, as well as other factors.

4. Record plans to improve performance in the Performance Development Plan section. Typical activities that might be recommended include:

   a. special assignments and remedial training;

   b. job-related college or training classes; and

   c. counseling to improve attitude and/or interpersonal skills.

5. When discussing the Performance Development Plan with the employee, the supervisor should inform the employee that performance improvement will be reviewed within an established time period which is indicated in writing on the Plan.

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6. At the end of the designated time period, the supervisor should complete the Follow-up Review section of the Performance Development Plan by recording what actions have been taken to improve performance and how performance has changed, where applicable. If the supervisor used a Supplemental Performance Report to document a follow-up review, this section of the Performance Development Plan should reference the Supplemental Performance Report.

7. The supervisor should first discuss the Follow-up Review with the reviewer and then with the employee.

8. The supervisor, reviewer, and employee shall sign the Follow-up Review to verify discussion of the evaluation.

9. The original signed copy of the Performance Development Plan should be retained in the files of the department or division, and the employee should be given a copy of the complete form.

10. If, at the time of the Follow-up Review, the employee's Overall Job Performance changes, a copy of the latest first page of the Employee Performance Report, and a new Overall Job Performance Page should be forwarded to the Personnel Department no later than 15 days after the Follow-up Review is conducted.

C. Procedure - Employees with performance ratings of Satisfactory or higher in all areas.

1. The supervisor should consider the overall level of development and progress of an employee in his or her job or career ladder.

2. The supervisor should discuss the employee's interests and goals for growth and development with him or her.

3. Suggested areas for an employee's development should be recorded in the Performance Description section of the Performance Development Plan.

4. Suggested activities and actions that may be taken by an employee to assist in his or her growth and development should be recorded in the Performance Development Plan section of the form.

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5. The establishment of a follow-up review date, a follow-up review, and signatures on the form by the supervisor, reviewer, and employee are not required.

VII. PERFORMANCE REPORT CONFERENCES

A. Supervisor-Reviewer Conference

1. The supervisor shall discuss all initial ratings and evaluations with the reviewer. Changes suggested by the reviewer should be considered by the supervisor. If the changes are justified, the supervisor should make them prior to the first presentation to the employee.

2. Unresolved differences between the judgments of the supervisor and the reviewer shall be decided by the department or division head.

B. Supervisor-Employee Conference

1. After the supervisor-reviewer conference, the supervisor and the employee shall review and discuss the Employee Performance Report in private. In appropriate circumstances, this conference may also be attended by employee and/or management representatives.

2. The supervisor should constructively discuss with the employee all ratings and evaluations of the functions, standards, overall job performance, and when indicated, the Performance Development Plan.

3. The supervisor should point out the employee's general progress in performing job functions and meeting performance standards; outstanding achievements; areas in which improvement is necessary; as well as any other performance information considered to be important.

4. The employee should be given an opportunity to discuss or protest the ratings and present grounds for a protest. If the protest is reasonable, the supervisor should change the ratings accordingly, after consulting with the reviewer.

5. The supervisor should also discuss the content of the performance plan and performance expectations with the employee for the next rating period.

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VIII. PROCESSING EMPLOYEE PERFORMANCE REPORTS

A. The employee shall sign the first page of the Employee Performance Report, each Performance Plan page (in the lower right hand corner), and the Overall Job Performance page in ink. The signatures indicate only that the supervisor has discussed the Report with the employee; they do not signify that the employee agrees with the ratings. If the employee refuses to sign the various pages of the Report, the supervisor shall initial and make a note to that effect in the spaces provided for the employee's signature.

B. The reviewer shall review the final ratings and sign and date the Report in ink.

C. The reviewer shall send the Report to the appointing authority or designated alternate for review and signature.

D. Appointing authorities shall check the Report to determine whether:

1. the Report has been completed on schedule and according to the procedures outlined in this Manual section;

2. ratings reflect an objective evaluation of employee performance in relation to the published standards;

3. ratings are fully explained in the comments section(s);

4. all signatures are in ink; and

5. any changes have been initialed by all concerned and explained in the comment section(s).

E. Any changes to be made by the appointing authority shall be first discussed with the reviewer, supervisor, and employee. This discussion shall be noted in the comments section of the Report. The appointing authority shall initial any changes made to the Report.

F. The supervisor shall give employee a copy of the completed Report signed by the supervisor, employee, reviewer, and appointing authority.

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G. The original Employee Performance Report shall be retained in the Fire-Rescue Department Human Resources Division.

H. A copy of the first page of the Employee Performance Report and the Overall Job Performance page shall be sent by Fire-Rescue Department Human Resources Division to the Personnel Department no later than 15 days after the end of the rating period. Do not send the Performance Plan or the Performance Development pages to the Personnel Department.

I. In addition to the official appeal rights described in Section IX, an employee may attach to the completed report written comments regarding his or her performance evaluation. The supervisor and reviewer must review these comments, initial and date them to indicate that they have been considered, and respond to them in writing if they feel it is appropriate. The employee should be given a copy of any written responses prepared by the supervisor and reviewer.

IX. REPRESENTATION AND APPEAL RIGHTS

A. Representation Rights

1. In the case of an "Unsatisfactory" or "Below Standard" overall performance evaluation rating, the employee may request representation as outlined below.

a. Employees in classes (jobs) in representation units which are covered by a current ratified memorandum of understanding shall be entitled to notice, representation, and appeal rights and procedures as provided therein.

b. The provisions of the following employee representation policy apply to employees in all classes (jobs) which are not in a representation unit and all classes (jobs) in representation units which are not covered by a current ratified memorandum of understanding.

(1) An employee may request representation, not to exceed one City employee and one non-City employee to be present during the discussion of an "Unsatisfactory" or "Below Standard" overall performance evaluation rating which is to be made part of the employee's permanent record and/or which may be used as a basis for subsequent discipline.

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IAFF Local 145

(2) The "City employee representative" may not be an employee subject to the same investigation or fact finding.

2. In all other instances, supervisors have the right to counsel employees as they deem appropriate without employee representation being present.

B. Appeal Rights

1. Employees may appeal performance evaluations with an overall rating of "Unsatisfactory" or "Below Standard". In such cases, the supervisor shall explain the employee's appeal rights.

a. The employee may appeal the evaluation, for cause, to the Department Head, by submitting an appeal letter, within 10 working days of being notified of any such evaluation.

b. The appeal letter must contain pertinent details of the basis for the appeal.

c. As soon as possible after receiving the appeal letter, which becomes an attachment to the evaluation in question, the Department Head or designee will schedule a hearing on the matter.

d. The employee is entitled to representation rights at such a hearing as specified.

e. After the hearing, the Department Head or designee will make a final decision as to whether the evaluation will be retained in or removed from the employee's record.

2. Employees may not appeal performance evaluations with an overall rating of "Satisfactory" or better. However, employees may attach rebuttal information to the evaluation if they disagree with any part of the evaluation.

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Reviews of satisfactory or above evaluations are discussion items which may result in changes being made to the evaluation, but are not to be considered an appeal of the evaluation.

3. Appeals which are not resolved by the department may be appealed by the employee to the Personnel Director only when the employee alleges that:

   a. the Performance Plan was not discussed with the employee when the employee first began a job or when the Plan was revised due to changes in the job, or

   b. the employee was not rated by the first-line (immediate) supervisor, or

   c. the Employee Performance Report was not discussed with the employee, or

   d. ratings were changed without the employee's knowledge.

4. If an appeal is accepted, the Personnel Director will investigate the facts and consult with all concerned before a change, if any, is made in the evaluation.

SAN DIEGO FIRE-RESCUE DEPARTMENT

EMPLOYEE PERFORMANCE REVIEW

FIREFIGHTER – OPERATIONS

EMPLOYEE NAME _____
LAST FIRST M.I.

EMPLOYEE PERNR _____
EMPLOYEE ID#

REPORTING PERIOD Click here to enter a date. TO Click here to enter a date.

Select One: ☐ PERMANENT EMPLOYEE ☐ PROBATIONARY EMPLOYEE

Select One: ☐ ANNUAL REVIEW ☐ SUPPLEMENTAL REVIEW

ATTACHED ADDENDUMS

☐ Allied Equipment
☐ Hazardous Incident Response Team
☐ Pump Testing
☐ Battalion Medical Officer
☐ Hose Department
☐ Other: _____
☐ Self Contained Breathing Apparatus
☐ Paramedic

PERFORMANCE PLAN

(MUST BE SIGNED UPON INITIAL DISCUSSION AND INITIAL EACH PAGE)

EMPLOYEE: _____ _____
THIS PLAN HAS BEEN DISCUSSED WITH ME DATE

SUPERVISOR: _____ _____
FIRST LEVEL SUPERVISOR DATE

REVIEWED BY: _____ _____
SECOND LEVEL SUPERVISOR DATE

PERFORMANCE EVALUATION

(MUST BE SIGNED AT TIME OF EVALUATION AND INITIAL EACH PAGE)

THIS PLAN HAS BEEN DISCUSSED WITH ME. I (CONCUR __ DO NOT CONCUR __) WITH THIS EVALUATION.

EMPLOYEE _____ _____
THIS PLAN HAS BEEN DISCUSSED WITH ME DATE

SUPERVISOR _____ _____
FIRST LEVEL SUPERVISOR DATE

REVIEWED BY: _____ _____
SECOND LEVEL SUPERVISOR DATE

NOTE TO EMPLOYEE: If you desire, you may attach UP TO ONE PAGE of your comments regarding this evaluation. These comments do not constitute an appeal of your evaluation. If you have written comments to be attached, please initial here. _____

OVERALL JOB PERFORMANCE

☐ OUTSTANDING PERFORMANCE	☐ ABOVE STANDARD	☐ SATISFACTORY	☐ NEEDS IMPROVEMENT	☐ UNSATISFACTORY
PERFORMANCE CONSISTENTLY EXCELS IN ALL AREAS.	PERFORMANCE CONSISTENTLY EXCEEDS THE STANDARDS REQUIRED.	ACHIEVES PERFORMANCE STANDARDS THROUGH DEMONSTRATED APPLICATION OF SKILLS.	IMPROVEMENT REQUIRED. PERFORMANCE IS LESS THAN THAT EXPECTED OF A COMPETENT EMPLOYEE.	PERFORMANCE IS INADEQUATE AND FAILS TO MEET REQUIRED STANDARDS.

OUTSTANDING	ABOVE STANDARD	SATISFACTORY	NEEDS IMPROVEMENT	UNSATISFACTORY	
					FIREFIGHTER **OPERATIONS DIVISION**

DIRECTIONS: PLACE AN (X) IN THE CATEGORY THAT BEST REPRESENTS YOUR RATING OF THE EMPLOYEE.

					OBSERVES CITY AND DEPARTMENT RULES, REGULATIONS AND POLICIES
☐	☐	☐	☐	☐	**1.** Maintains general knowledge of City and Department Rules, Regulations, and Policies.
☐	☐	☐	☐	☐	**2.** Leaves of Absence/Tardiness.
☐	☐	☐	☐	☐	**3.** Uniforms/Grooming.
☐	☐	☐	☐	☐	**4.** Maintains required Certifications and Licenses. (California Driver's License; EMT-D; advanced training card).
					EQUAL EMPLOYMENT OPPORTUNITY POLICY
☐	☐	☐	☐	☐	**5.** Understands EEO policy.
☐	☐	☐	☐	☐	**6.** Adheres to EEO Policy.
					FIRE/RESCUE EMERGENCY SCENE OPERATIONS
☐	☐	☐	☐	☐	**7.** Understands and follows orders.
☐	☐	☐	☐	☐	**8.** Safety.
☐	☐	☐	☐	☐	**9.** Can locate and operate equipment.
☐	☐	☐	☐	☐	**10.** Firefighting techniques (search/rescue; hose lays; salvage; overhaul; etc.)
☐	☐	☐	☐	☐	**11.** Cooperation and teamwork.
☐	☐	☐	☐	☐	**12.** Initiative/effort/judgment.
☐	☐	☐	☐	☐	**13.** Maintains composure.
					MEDICAL EMERGENCY SCENE OPERATIONS
☐	☐	☐	☐	☐	**14.** Patient assessment and treatment.
☐	☐	☐	☐	☐	**15.** Maintains composure.
☐	☐	☐	☐	☐	**16.** Professional demeanor.
☐	☐	☐	☐	☐	**17.** Cooperation and teamwork.
☐	☐	☐	☐	☐	**18.** Knowledge of primary routes of response to hospitals.
☐	☐	☐	☐	☐	**19.** Adheres to Medical Aid Safety.
					TRAINING
☐	☐	☐	☐	☐	**20.** Practices proper safety techniques.
☐	☐	☐	☐	☐	**21.** Interest/motivation/participation.
☐	☐	☐	☐	☐	**22.** Willingness/ability to train others.
☐	☐	☐	☐	☐	**23.** Timed evolutions (BA; High Rise Rescue Pack).
☐	☐	☐	☐	☐	**24.** Individual performance rating during company evaluations.

Employee Initials	Date

Supervisor Initials	Date

OUTSTANDING	ABOVE STANDARD	SATISFACTORY	NEEDS IMPROVEMENT	UNSATISFACTORY	
					FIREFIGHTER **OPERATIONS DIVISION**

DIRECTIONS: PLACE AN (X) IN THE CATEGORY THAT BEST REPRESENTS YOUR RATING OF THE EMPLOYEE.

					INSPECTIONS (FCIP, CEDMAT, PRE-FIRE, COMPLAINTS)
☐	☐	☐	☐	☐	**25.** Knowledge of codes.
☐	☐	☐	☐	☐	**26.** Demeanor towards public (courteous, helpful, tactful)
☐	☐	☐	☐	☐	**27.** Documentation (thorough, accurate, neat).
					STATION AND EQUIPMENT MAINTENANCE
☐	☐	☐	☐	☐	**28.** Planning/organization of work.
☐	☐	☐	☐	☐	**29.** Timely completion of apparatus and equipment maintenance.
☐	☐	☐	☐	☐	**30.** Willingness/initiative.
					INTERPERSONAL SKILLS
☐	☐	☐	☐	☐	**31.** Teamwork.
☐	☐	☐	☐	☐	**32.** Respect for others.
☐	☐	☐	☐	☐	**33.** Professionalism/tact.
					PUBLIC RELATIONS
☐	☐	☐	☐	☐	**34.** Interaction with other departments or agencies.
☐	☐	☐	☐	☐	**35.** Demeanor towards public (willing, polite, helpful).
					PHYSICAL FITNESS ACTIVITIES (Personal & Battalion)
☐	☐	☐	☐	☐	**36.** Daily participation/appropriate activities.
☐	☐	☐	☐	☐	**37.** Correct uniform.
					WELLNESS AND PHYSICAL ABILITIES TEST
					38. Wellness ☐ (Participated in Wellness Exam Program)
					39. Physical Fitness Testing ☐ (Participated in Physical Fitness Testing)
☐	☐	☐	☐	☐	**40.** Annual Physical Abilities Test (Pass time is 6 min. 15 sec.)

Employee Time	☐ Pass ☐ Fail
Minutes Seconds	

Employee Initials	Date

Supervisor Initials	Date

SAN DIEGO FIRE DEPARTMENT

EMPLOYEE PERFORMANCE REVIEW PROGRAM

SUPERVISORS COMMENTS

	FIREFIGHTER
EMPLOYEE NAME (LAST, FIRST, M.I.)	CLASSIFICATION

Comments written in support of this evaluation must be sufficient to justify the ratings, and, at a minimum, should fill the shaded area below. Specific examples are required to justify/explain any rating other than "Satisfactory."

SUPERVISOR SIGNATURE	DATE	EMPLOYEE SIGNATURE	DATE

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AFSCME Local 127, Police Officers Association, Municipal Employees Association and Teamsters Local 911

Note: This policy applies to employees represented by AFSCME Local 127**,** Police Officers Association, the Municipal Employees Association and Teamsters Local 911. For the employee performance review program for Employees represented by IAFF Local 145 see Personnel Manual Section G-7.

I. AUTHORITY:

A. City Charter Section 127. STANDARDS OF EFFICIENCY.

B. Civil Service Rule XII. EFFICIENCY.

C. Civil Service Rule V, Section 6. RE-EMPLOYMENT LISTS FOR REGULAR WORK.

II. POLICY:

A. The Performance Review Program consists of the following elements:

1. A Performance Plan that describes the functions and performance standards of an employee's job (Discussed in Section III).

2. An Employee Performance Evaluation that provides the employee and the supervisor an opportunity to discuss the employee's performance in relation to the Performance Plan (Discussed in Section IV).

3. A Career Enhancement Plan to guide, train, and develop employees (Discussed in Section V).

B. The Performance Review Program is intended to enhance communication between the supervisor and the employee and is not intended to be used as the basis to either reward or discipline the employee. The policy on recognizing and documenting exceptionally good or poor performance may be found in Section VI.

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C. Employees should receive regular and on going feedback from their supervisors so that nothing in the formal Employee Performance Evaluation comes as a surprise.

D. The Performance Review Program is a tool used by supervisors to:

1. Formally inform employees about their functions and the standards by which they will be evaluated,

2. Evaluate employees' actual performance in relation to the functions and performance standards outlined in the employee's Performance Plan in a fair, consistent, and objective manner,

3. Provide a basis for discussion with employees about their performance.

E. The Performance Review Program shall be used to evaluate the performance of all classified employees (permanent, probationary, seasonal, and limited).

F. Employee Performance Evaluations shall be completed:

1. At three-month intervals for probationary employees and for limited employees during the first year of employment in a classification.

2. Prior to the completion of 60 days of active duty in the case of an appointment from a re-employment list of an eligible with permanent status in the class (job) or subdivision thereof, to a department or major division in which the eligible has never worked as a permanent employee for more than 60 days.

3. At one-year intervals for permanent employees and for limited employees following the first year of employment in a classification.

4. At the end of the season for seasonal employees.

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5. Exception: If an employee is on a Supplemental Performance Report (Section VI, D) when the Employee Performance Evaluation becomes due, it will be postponed until the employee is taken off supplemental performance.

G. Performance evaluations will normally be given to the employee within 14 calendar days after the close of the evaluation period.

H. Employees will be informed when approval has been granted to give a performance report later than 30 working days after the close of the evaluation period.

I. The evaluation period for an Employee Performance Evaluation shall not exceed twelve months.

J. An employee approaching the end of the probationary period should not be retained if there is doubt as to the employee's ability and/or willingness to perform satisfactorily.

III. THE PERFORMANCE PLAN:

A. Purpose

1. The Employee Performance Plan describes the job and defines the performance requirements of that job so that employees know what they are supposed to do and how they are supposed to do it. (See the Employee Performance Plan, attached)

2. The documentation and discussion of essential job functions and required performance standards facilitates the evaluation process for employees and supervisors.

3. The discussion of the plan provides employees information on how to maximize their performance.

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B. Procedure

1. It is the supervisor's responsibility to ensure that a Performance Plan is developed for each position under his or her supervision.

2. The development of the Performance Plan should begin with a thorough analysis of the major functions (responsibilities) of the position.

   a. Each function should describe a major part of the job.

   b. Record the major functions at the top of the Performance Plan pages, one per page.

3. For each function listed on the Performance Plan, the supervisor should determine what standards are required for proper and satisfactory performance.

   a. Performance standards should describe the major activities required to perform the function and indicate how much, in what time, how well, and/or in what manner the particular activities are to be done.

   b. Record the appropriate performance standards below each function on the Performance Plan pages.

4. Once the Performance Plan has been developed, the supervisor shall discuss it with the reviewer, a next level or higher supervisor. The reviewer should verify that the Plan accurately reflects the duties of the position to be rated.

5. The supervisor shall then discuss the Plan with the employee. This discussion and introduction of the Performance Plan to the employee is to take place when the employee first begins a job, or when the duties of a job change and it is necessary to revise an existing plan.

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A discussion of the Performance Plan should also take place when the employee is assigned a new, permanent supervisor. These early discussions inform the employee of the job requirements before the formal evaluation takes place.

6. The supervisor, reviewer, and employee shall sign the first page of the Employee Performance Plan to verify the preparation, review, and discussion of the Performance Plan when it is first introduced to an employee starting a new job or when an existing plan is revised. The employee shall also sign each of the Performance Plan pages in the lower left-hand corner to verify discussion of each function and its standards.

7. The employee shall receive a completed copy of the Performance Plan.

8. The supervisor and employee should regard the Performance Plan as a changeable and flexible record.

   a. If the performance standards are inappropriate or significant changes in job functions occur, the supervisor should reevaluate and modify the Performance Plan to reflect this information. Changes made to the Performance Plan should be discussed with the employee, and the employee should be given a copy of the modified Plan. The employee should also sign any changed or new pages of the Performance Plan in the lower left-hand corner.

   b. The supervisor should review the Performance Plan with the employee after each evaluation period and update it as necessary. This systematic review ensures that the employee's functions and performance standards reflect current job requirements.

IV. PERFORMANCE EVALUATIONS

A. The employee’s Performance Evaluation will take place as a discussion between the employee and the immediate supervisor. This meeting is informal and is designed to foster dialogue between both parties. (See the Supervisor-Employee Conference form, attached).

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B. Employee performance shall be evaluated in relation to the job-related criteria indicated on the Performance Plan.

C. Employee performance shall be rated by the employee's immediate supervisor.

1. If the immediate supervisor is new, the Appointing Authority may delegate the evaluation to the former supervisor or the next level supervisor if they are more familiar with the employee's performance.

2. If the immediate supervisor is unavailable to give the performance evaluation when it is due, it will be given by the next level supervisor, not an OCA supervisor.

D. Supervisors should continually monitor and document employee performance throughout the evaluation period to provide a proper basis for the subsequent evaluations made.

E. Employees on light duty assignments shall still be evaluated. Light duty assignments will not interrupt or suspend the normal evaluation period for Employee Performance Evaluations. The usual performance standards shall be utilized for the time period that the employee was performing the full range of duties. For the period of time during which the employee is on light duty, the evaluation will cover the performance of the employee while on light duty.

F. Supervisor-Reviewer Conference

1. The supervisor shall discuss the evaluation with the reviewer, a next level or higher supervisor, prior to meeting with the employee. Suggestions from the reviewer should be considered by the supervisor.

2. Unresolved differences between the judgments of the supervisor and the reviewer shall be decided by the Appointing Authority.

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G. Supervisor-Employee Conference

1. The supervisor and the employee shall review and discuss the Employee Performance Evaluation in private. In appropriate circumstances, this conference may also be attended by employee and/or management representatives, unless objected to by either party.

2. The supervisor and the employee should constructively discuss all evaluations of the functions, standards, overall job performance.

3. The supervisor should point out the employee's general progress in performing job functions and meeting performance standards; outstanding achievements; areas in which improvement is necessary; as well as any other performance information considered to be important.

4. The Supervisor will complete an Overall Job Performance form, documenting the employee's performance (e.g., exceptional performance, achievements, improved performance, needed improvements) during the evaluation rating period. (See Overall Performance form).

5. The employee should be given an opportunity to discuss the evaluation and present information which might change it.

6. The supervisor and the employee should also discuss the content of the performance plan and performance expectations for the next evaluation period.

H. Processing Completed Evaluations

1. After the conference, the supervisor and the employee shall sign the Supervisor-Employee Conference form and the Overall Job Performance form. These signatures indicate only that they have discussed the evaluation, not that the employee agrees with it. If the employee chooses not to sign, the supervisor shall initial and make a note to that effect in the spaces provided for the employee's signature.

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2. The Supervisor-Employee Conference form and Overall Job Performance form will then be routed to the reviewer and the appointing authority to confirm that the discussion took place.

3. The supervisor shall give the employee a copy of the completed forms signed by the supervisor, employee, reviewer, and appointing authority.

4. The original Supervisor-Employee Conference form and the Overall Job Performance form shall be retained in the files of the department or major division.

5. A copy of the Supervisor-Employee Conference form and the Overall Job Performance form shall be sent to the Personnel Department no later than 15 days after the end of the rating period.

I. An Employee Performance Evaluation shall not be given to an employee later than 30 working days after the close of the evaluation period without the prior approval of the Mayor's Office or non-mayoral Department Head. Approval is required for the presentation of the performance report more than 30 working days after the due date, not for the content of the report. Failure to obtain such prior approval gives rise to a grievance which MEA, POA**,** AFSCME Local 127, or Teamsters Local 911 may present directly to the Mayor's Office or to the non-mayoral Department Head.

J. Employees will be informed when approval has been granted to give a performance report later than 30 working days after the close of the evaluation period. The evaluation period for the Employee Performance Evaluation shall not exceed twelve (12) months. Employees will not be retroactively evaluated beyond a 12 month period.

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V. CAREER ENHANCEMENT PLAN

A. The Career Enhancement Plan is an optional tool available to supervisors to guide, train and develop employees. It may be used to assist employees meeting performance standards, to improve their performance even more and to enhance their career opportunities. Use of this plan is recommended when the employee is seeking guidance on how to improve his or her opportunities and should be developed as a cooperative effort to best achieve the employee's goals. (See Career Enhancement form, attached).

B. Procedure

1. The supervisor should consider the overall level of development and progress of an employee in his or her job or career ladder.

2. The supervisor should discuss the employee's interests and goals for growth and development with him or her.

3. Suggested areas for an employee's development should be recorded in the Performance Description section of the Career Enhancement Plan.

4. Suggested activities and actions that may be taken by the supervisor and/or employee to assist in his or her growth and development should be recorded in the Career Development Plan section of the form.

VI. DOCUMENTING EXCEPTIONALLY GOOD OR POOR PERFORMANCE

A. In cases of exceptionally good or poor performance, it may be necessary or desirable to document the employee's actual performance level in order to support a reward or disciplinary action. Such documentation should be made and given to the employee at the time of occurrence, not saved up until the employee's evaluation is due.

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B. Exceptionally good performance may be recognized in variety of ways. These include, letters of commendation, discretionary days off, Extra Merit increases, bonuses, certificates, and other forms of employee recognition that may be established either city-wide or in each department. In addition, the Commendation form (attached) may also be used.

C. Exceptionally poor performance should be brought to the attention of the employee as soon as it is discovered so that the employee can immediately work on improving. The supervisor should provide guidance and assistance on how to improve so as to allow the employee an opportunity to raise his or her performance level. Appropriate methods of addressing poor performance include, oral counseling, written counseling, supplemental performance reports, reduction in compensation, demotion, and termination. The Performance Development Plan is discussed below. Additional information on each of these is available from the City's Dimensions in Discipline program or your assigned Personnel Liaison Analyst.

D. Supplemental Performance Reports (See the Supplemental Performance Report form, attached).

1. Purpose

a. Supplemental Performance Reports provide supervisors with a tool to notify employees about poor performance and to make an official record of such poor performance. Employees put on a Supplemental Performance Report are expected to improve to an acceptable level of performance within a reasonable period of time (generally 90 days or less).

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b. A Supplemental Performance Report may also be completed by supervisors as a follow-up review of a previous Supplemental Performance Report.

(1) If the employee's performance has improved to an acceptable level, a final Supplemental Performance Report and Overall Job Performance form should be used to document the improvement and take the employee off supplemental performance.

Note: If the employee's regular Employee Performance Evaluation was postponed as a result of being on the Supplemental Performance Report, the Supervisor-Employee Conference should be held in conjunction with the discussion taking the employee off the supplemental. The purpose of this conference is to give the employee feedback on all of the functions in the Performance Plan, not just those that were the subject of the supplemental. As with the regular Supervisor-Employee Conference the employee's performance on these other functions is not documented and the regular review date is not changed.

(2) If the employee's performance has not improved to an acceptable level within the time allotted in the original Supplemental Performance Report, additional Supplemental Performance Reports may be issued if the supervisor has reason to believe the performance will improve with additional time.

2. Procedure

a. The procedures to complete and process a Supplemental Performance Report are the same as for a regular Employee Performance Evaluation, except that the Supplemental Employee Performance Report form is used instead of the Supervisor-Employee Conference form to document the report.

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b. Supplemental Employee Performance Reports shall include written comments which explain fully the reasons for the poor performance evaluation.

3. Performance Development Plan (See the Performance Development Plan form, attached**.)**

a. The Performance Development Plan is a tool which must be used by supervisors to assist employees who have received a Supplemental Employee Performance Report to improve their performance to an acceptable level.

b. Procedure - The supervisor should:

(1) Review the employee's Performance Plan to identify specific areas requiring improvement.

(2) Attempt to determine the causes of performance problems in order to develop appropriate Development Plans.

(3) Record plans to improve performance in the Performance Development Plan section. Typical activities that might be recommended include special assignments and remedial training; job-related college or training classes; and counseling to improve attitude and/or interpersonal skills.

(4) When discussing the Performance Development Plan with the employee, the supervisor should inform the employee that performance will be reviewed within an established time period which is indicated in writing on the Plan.

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(5) At the end of the designated time period, the supervisor should complete the Follow-up Review section of the Performance Development Plan by recording what actions have been taken to improve performance and how performance has changed, where applicable. If the supervisor used a Supplemental Performance Report to document a follow-up review, this section of the Performance Development Plan should reference the Supplemental Performance Report.

(6) The supervisor should first discuss the Follow-up Review with the reviewer and then with the employee.

(7) The supervisor, reviewer, and employee shall sign the Follow-up Review to verify discussion of the evaluation.

(8) The original signed copy of the Performance Development Plan should be retained in the files of the department or division, and the employee should be given a copy of the complete form.

VII. REPRESENTATION AND APPEAL RIGHTS

A. Representation Rights

1. In the case of a Supplemental Performance Report, the employee may request representation as outlined below.

a. Employees in classes (jobs) in representation units which are covered by a current ratified memorandum of understanding shall be entitled to notice, representation, and appeal rights and procedures as provided therein.

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b. If it is determined that an employee will be issued a Supplemental Performance Report, the employee shall be provided reasonable advance notice for the purpose of obtaining representation. However, this shall not be construed so as to require management to delay issuance of a Supplemental Performance Report past an employee's probation period or transfer trial period end date.

c. The provisions of the following employee representation policy apply to employees in all classes (jobs) which are not in a representation unit and all classes (jobs) in representation units which are not covered by a current ratified memorandum of understanding.

(1) An employee may request representation, not to exceed one City employee and one non-City employee to be present during the discussion of a Supplemental Performance Report which is to be made part of the employee's permanent record and/or which may be used as a basis for subsequent discipline.

(2) The "City employee representative" may not be an employee subject to the same investigation or fact finding.

2. In all other instances, supervisors have the right to counsel employees as they deem appropriate without employee representation being present.

B. Appeal Rights

1. Employees may appeal Supplemental Performance Reports. In such cases the supervisor shall explain the employee's appeal rights.

a. The employee may appeal the evaluation, for cause, to the Department Head, by submitting an appeal letter, within 10 working days of receipt of any such evaluation.

b. The appeal letter must contain pertinent details of the basis for the appeal.

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c. As soon as possible after receiving the appeal letter, which becomes an attachment to the Supplemental Performance Report in question, the Department Head or designee will schedule a hearing on the matter.

d. The employee is entitled to representation rights at such a hearing as specified.

e. After the hearing, the Department Head or designee will make a final decision as to whether the Supplemental Performance Report will be retained in, modified, or removed from the employee's record. This decision must be provided in writing within 10 working days.

f. Current Memorandums of Understanding may provide additional or different appeal rights.

2. Employees may not appeal evaluations received during Supervisor-Employee Conferences. When employees have concerns about evaluations other than Supplemental Performance Reports, the Department Head should designate someone, other than the rater or reviewer, to meet with the employee and his or her representative in an attempt to resolve any differences or dissatisfaction. These reviews may result in changes being made to the evaluation, but are not to be considered an appeal of the evaluation. In addition, employees may attach rebuttal information to the evaluation if they disagree with any part of the evaluation.

3. Appeals which are not resolved by the department may be appealed by the employee to the Personnel Director only when the employee alleges that:

a. the Performance Plan was not discussed with the employee when the employee first began a job or when the Plan was revised due to changes in the job, or

b. the employee was not rated by the first-line (immediate) supervisor, or

Probationary Periods and Standards of Performance

EMPLOYEE PERFORMANCE REVIEW PROGRAM
AFSCME Local 127, Police Officers Association, Municipal Employees Association and Teamsters Local 911

c. the Employee Performance Evaluation was not discussed with the employee, or

d. the evaluation was changed without the employee's knowledge.

4. If an appeal is accepted, the Personnel Director will investigate the facts and consult with all concerned before a change, if any, is made in the evaluation.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM B: DESCRIBING JOB FUNCTIONS

Describing functions is an effective way to clearly and concisely indicate what is done in a job. Functions refer to a group of interrelated or similar work activities that must be performed to fulfill the basic responsibilities of the job. A complete list of these functions should describe the total job. The following instructions will assist supervisors in describing job functions:

RECORD ONLY THE MAJOR/CRITICAL JOB FUNCTIONS

Record only those functions which have a meaningful importance relative to the job. The following factors should be considered:

What is the consequence of poor performance or complete failure to perform this function?

How much time is spent performing the function (minutes, hours, days)?

How often is the function performed on the job (daily, weekly, monthly)?

If the function is a major part of the total job and/or has a high consequence of error, it is important.

USE FAMILIAR WORDS INSTEAD OF JOB "JARGON"

The function should be described in a way that is understandable to others in the job, as well as those unfamiliar with the job.

Poor example: Process MC/ST letters.

Better example: Use form letter to answer routine correspondence.

INCLUDE DESCRIPTIONS OF EQUIPMENT OR OTHER WORK AIDS USED TO PERFORM FUNCTION

The standards required to perform a function may depend upon the equipment and other work aids that are used. Whenever possible, they should be described.

Poor example: Make copies of reports.

Better example: Operate Xerox copier (Model 9200) to reproduce a wide variety of printed materials requiring the full use of all equipment features.

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Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Performance standards describe the major activities required to perform a function. The standards should include, whenever possible, "measures of accountability."

Measures of accountability involve such things as work output, timeliness, quality, and/or manner of work method. The following questions will assist supervisors in determining appropriate measures of accountability for each activity listed as a performance standard.

- How much?
- How many?
- How often?
- How accurate?
- What result is desired?
- What should it look like?
- How does one know when the activity is completed?
- What specific methods, procedures, rules, and/or policies are to be followed?
- What are the requirements for completing the activity correctly?

The following are examples of functions with standards that describe some of the major activities involved in performing the functions. The words or phrases which are underlined indicate the measure of accountability for each standard.

FUNCTION: PROVIDE ALL PERSONS AND AGENCIES WITH INFORMATION CONCERNING THE DEPARTMENT BY PHONE, MAIL, AND IN PERSON.

Standards: Provide <u>complete</u> and <u>accurate</u> information to public on the <u>first request whenever feasible.</u>

Display <u>tact</u>, <u>courtesy</u>, <u>good judgment</u>, and <u>professionalism</u> when dealing with the public.

Provide <u>timely</u> written responses to requests for information using <u>appropriate letter formats</u>.

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Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

FUNCTION: OPERATE XEROX COPIER (MODEL 9200) TO REPRODUCE A WIDE VARIETY OF PRINTED MATERIALS REQUIRING THE FULL USE OF ALL EQUIPMENT FEATURES.

Standards: Make clean and legible copies.
Organize material in proper sequence.
Make correct number of copies.
Deliver finished product by date requested.

FUNCTION: RECORDKEEPING AND SCHEDULING FOR PROPER FUNCTIONING OF DIVISION

Standards: Keep accurate attendance records.

Schedule staff work hours and vacation to minimize impact on work output.

Maintain adequate stock levels of materials used by division by notifying stock clerk of needs before running out of supply.

The factors listed on the following pages are examples of major areas that should be covered by performance standards. The sample performance standards listed below each factor may be appropriate to use as written, or supervisors may wish to modify the sample standards to relate more directly to the specific functions for which they are being developed.

SAMPLE EMPLOYEE AND SUPERVISORY PERFORMANCE STANDARDS

PRODUCTIVITY

Plan and organize work to effectively meet deadlines.

Perform emergency assignments without ignoring normal work load responsibilities.

Alert supervisor on a timely basis when work will not be completed on schedule.

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Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Use time, equipment, materials, and resources in an efficient manner.

Perform job-related activities during unassigned time or slow periods.

QUALITY OF WORK

Produce work that is accurate, thorough, and neat.

Perform assignments as directed so that other projects are not delayed and no time is lost due to corrections of poor work.

Label and keep files in an orderly, neat, and systematic manner.

Review all work for errors prior to turning in to the supervisor.

JOB KNOWLEDGE/SKILLS

Understand all aspects of the job, including equipment, processes, and techniques to effectively handle work assignments.

Comprehend work problems and relate relevant training and experience to their solutions.

Perform assigned projects in a manner consistent with currently accepted techniques, standards, and procedures.

Use all relevant job equipment in a correct manner, following established procedures.

Maintain acceptable skill levels in job area.

Comply with department rules and regulations.

Know activities and functions of department personnel to properly coordinate on-going projects.

RESPONSIBILITY

Follow directions given by supervisor on assigned tasks or projects.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Take necessary actions to meet the requirements of each situation and assume responsibility for such actions.

Handle normal work activities without referral to the supervisor unless required for unusual circumstances.

Minimize number of problems which must be resolved by supervisor.

JUDGMENT

Evaluate situations and make appropriate and timely decisions.

Analyze situations, gather pertinent facts, weigh alternatives, and arrive at appropriate conclusions.

Foresee possible consequences of actions.

Inform supervisor at earliest possible time of any problems that cannot be routinely handled.

CONDUCT

Observe all City-wide and departmental rules, regulations, policies, and procedures.

Take good care of equipment and work supplies.

Be at work regularly and on time.

Dress according to work requirements and health and safety regulations.

Do not abuse work hours, breaks, meal periods, or leave time.

Use leave time only as authorized or specified.

SAFETY PRACTICES

Follow established safety rules and procedures when performing work.

Take appropriate action to promptly correct safety violations.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Observe reporting procedures and take corrective measures to prevent recurrence of safety hazard.

Do not lose or damage equipment due to carelessness.

Provide correct care and maintenance to tools and equipment so replacements are infrequent.

WRITTEN COMMUNICATION

Write reports in a clear, concise, and accurate manner.

Check all written reports for factual errors.

Use proper format to prepare reports, records, and correspondence.

Use correct grammar and spelling in reports.

Complete all reports and correspondence on a timely basis.

Maintain thorough and accurate written records on unit operations to permit preparation of necessary reports, performance requirements, and formal personnel actions.

ORAL COMMUNICATION

Communicate in a clear and well-organized manner.

Transmit all necessary information to others in an accurate and timely manner.

Present oral reports in an effective and informative manner.

Transmit phone message accurately.

Take affirmative steps to improve communications and relations with community advisory groups.

Give directions that are clear, understandable, and specific.

INTERPERSONAL SKILLS

Demonstrate efficiency, competence, and courtesy in personal contacts with the public.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Secure cooperation of others without unnecessary friction.

Be willing to help others when required.

Work effectively with other employees in group or team efforts.

Make constructive efforts to resolve problems in working relationships.

Listen to the viewpoints of others and react with understanding.

Maintain cooperative relationships with superiors, subordinates, and/or peers.

Answer telephone pleasantly and courteously and conduct business so as not to interrupt or bother others in the office.

3Receive visitors courteously and give them personal attention.

Use tact in screening visitors and inquiries.

Perform duties and maintain relations with other agencies so as to merit personal and professional respect of people contacted.

JOB ATTITUDE AND INTEREST

Direct individual talents and efforts in all areas of job performance so as to meet the needs of the department.

Readily accept and perform assignments.

Attempt to learn new tasks and progress in job.

Take an active role in the objectives of the department.

Maintain a positive outlook towards the performance of daily obligations.

ORGANIZATIONAL PLANNING

Plan and organize individual workload to meet work schedules.

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Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Plan and organize section's projects in relation to departmental priorities.

Take an active role in the internal planning operations of the department.

Confront and correct problems occurring in plans, schedules, and work activities in a prompt manner.

Ensure that work unit finishes jobs within deadlines and according to work orders.

Plan for possible emergencies.

Review work progress on a regular basis to determine if schedules and objectives are being met.

Identify problems in the quantity and quality of work and take prompt and effective, corrective action.

Know which employees have responsibility for accomplishing each work activity.

Grant leaves so employees may have scheduled time off without jeopardizing the department's work schedule.

INFORMATION PROCESSING

Let employees know what others in related work units are doing on a regular basis.

Transmit relevant information up and down the chain of command in a timely manner.

Clear actions which affect other work units through appropriate personnel.

Communicate at earliest possible time when information or directions are required to continue work projects.

Document all personnel actions in a thorough and accurate manner.

Communicate policies, action plans, decisions, and problems to other departments, supervisor, and employees on a timely basis.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

SAMPLE SUPERVISORY PERFORMANCE STANDARDS

EQUAL EMPLOYMENT OPPORTUNITY

Conduct job related selection interviews which are well documented and consistent with Equal Employment Opportunity laws.

Actively support City's Equal Employment Opportunity program.

EMPLOYEE DEVELOPMENT

Give employees proper orientation, on-the-job training, and continuing feedback on performance.

Give all employees an equal opportunity to train for promotional positions and encourage them to seek available advancement opportunities.

Identify employee developmental needs and recommend appropriate Performance Development Plans.

Give employees recognition and a sense of achievement when a job is performed well.

Give employees adequate opportunity to exercise responsibility and creativity in their work.

Develop employees through planned training.

Delegate authority to employees who can handle the responsibility.

Set high, but realistic, work standards for the work unit.

Help employees make adjustments to new assignments and procedures.

Encourage and advance ideas for solving work problems from employees.

Inform new employees of their rights and privileges, office policies, and work requirements in a timely manner.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

EMPLOYEE-EMPLOYER RELATIONS

Resolve employee differences as they occur.

Make assignments in a fair and impartial manner, considering employees' abilities.

Give timely attention to grievances and potential grievance situations.

Maintain discipline over employees in a fair and consistent manner.

Increase group effectiveness by fostering cooperative and supportive relations between employees.

Resolve problem situations which may require discipline or termination of subordinates in a timely manner.

Consult with all appropriate persons regarding the resolution of complaints.

Comply with City's Equal Treatment Policy.

LEADERSHIP SKILLS

Recognize own shortcomings without becoming defensive.

Seek to improve own supervisory skills and knowledge whenever possible.

Be open and available to suggestions, criticism, comments, and questions from workers and superiors.

Lead by setting a good example.

Modify personal leadership style as each situation requires to increase employee effectiveness.

Represent management of the department and City in a loyal and supportive manner.

RESOURCE MANAGEMENT

Ensure that purchase requests correspond to needs and are within budget limits.

Probationary Periods and Standards of Performance

Addendum to Personnel Manual Section – Index Codes G-7 and G-7A

ADDENDUM C: DEVELOPING PERFORMANCE STANDARDS

Document budget recommendations in a thorough manner and complete expense reports on a timely basis.

Evaluate unit continuously to ensure achievement of objectives within cost/time constraints and quality specifications.

Look for better ways of meeting work and service requirements.

Provide factual data to support employee and equipment costs.

Distribute unit workload to effectively accomplish program objectives with the least resources (personnel, materials, equipment, and money).

Determine minimum staffing needs to complete projects in an efficient manner.

Minimize the necessity of overtime in the work unit whenever possible.

Develop budgets based upon prioritized needs/objectives to produce desired departmental results.

Ensure that actual expenditures correspond to current budget schedules.

Make timely and needed recommendations for obtaining equipment and supplies essential to program operations.

Gather appropriate information needed to effectively evaluate and finalize a program budget.

Compensation and Salary Administration

BILINGUAL PAY

I. AUTHORITY:

A. Annual Salary Ordinance.

B. Civil Service Rule VI, Section 4 (2). SELECTIVE CERTIFICATION.

II. POLICY:

A. Intent:

The intent of this Personnel Manual section is to provide additional compensation as provided for in the Salary Ordinance for employees in approved job assignments which require demonstrated knowledge and ability to communicate orally in specified non-English languages and English (as determined by the Mayor's office and/or M.O.U. as may be applicable). Such assignments must require the fluent use of non-English and English languages by the employee on a continuing and frequent basis in order to meet the public service responsibility of the department.

B. Duration:

The additional bilingual compensation will remain in effect as long as the facts upon which approval was granted continue to exist. Appointing authorities are responsible for withdrawing bilingual pay when the employee is no longer performing in a position approved for bilingual pay. Bilingual pay will continue on holidays, compensatory time off**,** and during periods of compensated leave such as sick leave, annual leave, and industrial leave.

C. Out-of-Class Assignments:

1. Individuals receiving bilingual pay who fill out-of-class assignments in positions which have not been designated as bilingual shall not receive bilingual pay during the assignment.

2. Individuals filling out-of-class assignments in designated bilingual positions shall receive bilingual pay for the duration of the out-of-class assignments provided their bilingual skills have been verified by the Personnel Department.

Compensation and Salary Administration

BILINGUAL PAY

D. All designated bilingual positions must be filled with bilingual individuals who have passed the Personnel Department non-English and English language fluency examinations. If a department is unable to do this, it shall notify the Personnel Director by memorandum outlining the reasons the position is not filled by a bilingual.

III. PROCEDURE:

A. Establishing the Plan:

1. Each department shall first review its needs to identify on a department-wide basis positions which require oral non-English and English skills on a frequent and continuing basis in order to meet the public service responsibility of the department.

2. Appointing authorities shall then submit a comprehensive list identifying the bilingual positions and incumbents, if any, to the Assistant Chief Operating Officer (for mayoral departments) for approval along with a statement justifying the bilingual need for each position. For non mayoral departments, the list shall be submitted to the Personnel Director with the accompanying justification.

3. The Assistant Chief Operating Officer shall review the plans to assure the need for bilingual skills and shall forward the approved plans to the Personnel Director.

4. The Personnel Director shall review all approved positions to identify those incumbents who have previously passed an oral examination for non-English and English language fluency administered by the Personnel Department.

   a. Departments will be notified of those incumbents who have previously demonstrated their bilingual ability. The incumbents will be eligible for bilingual pay upon submittal of a Personnel Change Request.

Compensation and Salary Administration

BILINGUAL PAY

b. Those incumbents who have not previously passed the City administered bilingual examination shall be immediately scheduled for such a test with the Personnel Department. Upon passing the examination, the incumbent will be eligible for bilingual pay. Submittal of a Personnel Change Request by the department will effect the appropriate compensation.

B. Maintaining the Plan:

1. Annual review — each year, upon request of the Personnel Director, each department shall reevaluate its bilingual needs and submit a comprehensive list of all bilingual positions and incumbents to the Personnel Director via the Assistant Chief Operating Officer (for mayoral departments) along with accompanying justification. No mayoral departments shall submit the information directly to the Personnel Director.

2. Midyear changes — if a department wishes to alter its plan midyear, it shall outline the changes in a memorandum to the Personnel Director via the Assistant Chief Operating Officer (for mayoral departments). The memorandum shall clearly identify all positions affected by the change, the reason for the change, and incumbents, if any.

C. Filling Vacancies:

1. All vacancies for positions approved for bilingual pay may be filled by inter or intradepartmental transfer of bilingual persons (as verified by the Personnel Department) or by certification of bilingual personnel from an eligibility list. All such transfers and certification shall follow the rules and procedures governing these personnel actions.

2. All requisitions for bilingual personnel shall clearly identify the position as approved in the departmental bilingual pay plan in the comments section of the Request for Certification Form (CS-490).

Compensation and Salary Administration

HOLIDAYS

I. AUTHORITY:

A. Civil Service Rule X, Section 2. HOLIDAYS.

B. San Diego Municipal Code Section 21.0104. Except where otherwise specifically defined and provided in this Code, the holidays in the City of San Diego are:

(a) January 1st;
(b) Third Monday in January, known as "Dr. Martin Luther King, Jr.'s Birthday;"
(c) Third Monday in February, known as "President's Day;"
(d) March 31st, known as "Cesar Chavez Day;"
(e) Last Monday in May, known as "Memorial Day;"
(f) July 4th;
(g) First Monday in September, known as "Labor Day;"
(h) November 11th, known as "Veterans' Day;"
(i) Fourth Thursday in November, known as "Thanksgiving Day;"
(j) December 25th; and
(k) every day appointed by the City Council for a public fast, thanksgiving or holiday.
(l) A floating holiday to be requested by the employee and approved by the appointing authority in accordance with provisions of the Personnel Manual of the City of San Diego

For MEA, and Local 127 represented classes, in each fiscal year, each eligible employee available for a duty assignment on July 1 (as defined in Personnel Regulation H-2) shall accrue credit equal to the hours worked in the employee's shift up to ten (10) hours.

For Local 145, and POA represented classes, each eligible employee assigned to a 40-hour work shift who is available for a duty assignment on July, of each fiscal year (as defined in personnel Regulations H-2) shall accrue credit for eight (8) hours.

If January 1st, March 31st**,** July 4th, November 11th, or December 25th fall upon a Sunday, the Monday following is a holiday, and if they fall on a Saturday, the preceding Friday is a holiday. For Suppression Personnel only, working a shift schedule, all holidays will be observed on the day of the actual holiday, not the City observed holiday.

Compensation and Salary Administration

HOLIDAYS

II. POLICY:

A. Eligibility:

1. All City employees, except those paid on an hourly basis, are entitled to receive compensation for all City observed holidays as designated in the Municipal Code.

2. Only employees who work are on compensated leave, or take time off without pay as part of a work furlough program authorized by the Mayor, on their last scheduled workday before or their first scheduled workday after a fixed holiday shall be entitled to receive compensation for the holiday.

3. Eligible City employees who are performing and compensated for out-of-class assignments both the last scheduled workday before and the first scheduled workday after a fixed holiday shall be compensated at the out-of-class rate.

4. Credit for the floating holiday shall be accrued on July 1st of each year. Eligibility to receive such credit shall be limited to employees who:

   a. are on the City payroll on July 1st of each year; and

   b. work, are on compensated leave, or take time off without pay as part of a work furlough program authorized by the Mayor, on July 1st, their last scheduled workday before July 1st, or their first scheduled workday after July 1st; and

   c. are otherwise eligible for compensation for City observed holidays (subparagraph 1, above).

B. Benefits:

The following holiday benefits apply unless otherwise provided in a current ratified memorandum of understanding.

1. Full-time employees are entitled to eight hours compensation for each City observed holiday.

2. Three-quarter and half-time employees are entitled to six and four hours compensation, respectively, for each City observed holiday.

Compensation and Salary Administration

HOLIDAYS

3. All eligible employees shall benefit from the same number of holidays.

4. When a fixed City holiday is observed on the employee's scheduled day off, an eligible employee shall have a choice of receiving pay or holiday credit in the form of compensatory time off. Compensation shall be at the employee's regular base rate in all cases, regardless of overtime eligibility.

5. When an employee performs required work on a fixed City holiday:

   a. An employee who is eligible for overtime compensation shall receive compensation for the holiday and shall also receive overtime compensation for all hours worked on the holiday. The overtime compensation shall be at the employee's regular rate or premium rate, depending upon the employee's eligibility. (See Personnel Manual Section H-4, Overtime Compensation.)

   b. An employee who is not eligible for overtime compensation shall only receive compensation for the holiday. No additional compensation shall be received for any time worked on the holiday. (See Personnel Manual Section H-4, Overtime Compensation.)

6. With the approval of the appointing authority, eligible employees must schedule the floating holiday prior to June 1st and must take it in a single absence on any regularly scheduled work day from July 1st through the last day of the last full pay period in June of the following year.

   a. Eligible employees who work on the day they have scheduled to take the floating holiday will not receive overtime compensation as a result of scheduling the holiday. Instead, the floating holiday will be rescheduled for another day.

   b. Eligible employees who terminate their employment with the City between July 1st and the last day of the last full pay period in June and who have not used their accrued floating holiday credit shall receive pay in lieu.

Compensation and Salary Administration

HOLIDAYS

c. Credit for the floating holiday must be used on or before the last day of the last full pay period in June or it will be lost. Except for those who terminate, as noted above, employees are not eligible for pay in lieu for the floating holiday.

Compensation and Salary Administration

OUT-OF-CLASS ASSIGNMENTS

I. AUTHORITY:

A. City Charter Section 123. LIMITATION ON APPOINTMENTS AND TRANSFERS.

B. Municipal Code Section 22.1001. ACTING OFFICERS: Whenever any office or position in the administrative service under his control is vacant, or whenever the incumbent of any such office or position is unable to perform the duties thereof, by reason of absence or disability, the City Manager, except as otherwise provided by ordinance, may designate some other officer or employee to perform the duties thereof in an acting capacity. But when such designation is made by reason of a vacancy in the Classified Service, it shall be subject to the same time limitations as applies to temporary appointments.

C. Municipal Code Section 22.1002. ACTING OFFICERS - ADDITIONAL COMPENSATION: A person temporarily performing the duties of an office or position in an acting capacity may receive additional compensation beyond that received in the position regularly held by such person, at a rate not less than the minimum, nor more than the maximum, which a regularly appointed incumbent is entitled to receive, payment of such additional compensation to classified personnel must be approved by the Civil Service Commission.

II. POLICY (The following applies to all out-of-class assignments regardless of whether or not the employee assigned is eligible for additional compensation):

A. The term "out-of-class assignment" shall mean the temporary transfer of an employee to a vacant position or to a position where the incumbent of the position is unable to perform the duties thereof by reason of absence or disability. This position must be officially allocated by the Civil Service Commission to a class (job) other than the one presently occupied by the employee. The class (job) may be at a higher, lower, or the same pay rate as the class (job) the employee presently occupies. However, the employee shall continue at the same pay rate unless eligible for additional pay under the conditions outlined in Section III below.

B. Acceptable reasons for out-of-class assignments are:

1. Nonavailability of properly classified employees to fill a temporary vacancy to which the regular incumbent is expected to return.

Compensation and Salary Administration

OUT-OF-CLASS ASSIGNMENTS

2. Assignment to light duty when required by the City's examining physician or a doctor designated by the Workers' Compensation unit.

3. The temporary filling of a vacant position, for which there is no permanent incumbent, pending certification of eligibles. For purposes of this regulation, a vacancy will be deemed to exist upon reclassification of an existing position.

4. The temporary filling of a vacant position for in-service training, or in connection with a formalized training program for the purpose of improving opportunities for promotion. Training assignments must be approved by the Personnel Director regardless of duration. Appointments made in accordance with the City's career advancement program, as outlined in Personnel Manual Index Code D-3, are not out-of-class assignments and are not eligible for extra compensation.

5. For employees in the Fire Fighter representation unit, assignment to a brush rig. (Such OCA shall be limited to emergency in-service operating time.)

C. An out-of-class assignment may be made, if in the opinion of the appointing authority, such action is necessary for the proper functioning of the department. However, after filling a vacancy by an out-of-class assignment, the appointing authority is not required to fill the vacancy caused by such assignment.

1. Appointing authorities may select any employee in nonrepresented classes and in classifications in the Police representation unit to fill an out-of-class assignment using eligible lists, availability, training, seniority, and other relevant factors as guidelines.

2. For employees in classifications in the Administrative Support and Field Service, Professional, Supervisory, Technical, and Maintenance, Labor, Skilled Trades and Equipment Operator representation units, appointing authorities will give first consideration for appointment to an out-of-class assignment to employees on the eligible list for the class (job) in which a vacancy occurs, except in those cases in which the specialized needs of the assignment or a requirement for an employee with specialized skills necessitates appointment of an employee not on the eligible list. Management agrees to provide equal opportunity on a rotational basis for such out-of-class assignments to persons on the eligible list and will consider the seniority, availability, training and job performance of employees when making such assignments. In the event that there is no eligible list, the appointing authority

Compensation and Salary Administration

OUT-OF-CLASS ASSIGNMENTS

will provide equal opportunity on a rotational basis to eligible employees and will consider seniority, availability, training, and job performance in making such assignments. If the out-of-class assignment lasts over five days, an employee's current shift or station assignment shall not preclude their eligibility for out-of-class assignment.

For employees in classifications in the Administrative Support and Field Service, Professional, Supervisory and Technical representation units, out-of-class assignments in excess of 30 days approved by the Personnel Director in accordance with the provisions of this Manual Section where specialized needs are required, shall be advertised division-wide by the Appointing Authority. When there is no existing eligible list, employees will not be assigned to out-of-class assignments which would result in the employee supervising his or her current supervisor

3. For employees in classifications in the Fire Fighter representation unit, the Fire Chief or designated authority shall make out-of-class assignments in rotational order from the top of the list of on-duty eligible employees, with the exception outlined in this Manual or the current ratified Memorandum of Understanding for the Fire Fighter Representation Unit. The list shall be comprised of those employees on the promotional list for each rank.

   a. In event of unavailability of eligible, on-duty personnel, employees not on a promotional list shall be eligible based on the provisions of this Personnel Manual Section and seniority as defined in the current ratified Memorandum of Understanding for the Fire Fighter representation unit.

   b. Out-of-class assignments for straight-day Fire employees shall be limited to their functional division.

   c. Under emergency conditions, as determined by the Fire Chief, personnel may be assigned out-of-class without restriction.

4. Out-of-class assignments shall not exceed thirty consecutive calendar days nor shall a series of out-of-class assignments to any one vacant position exceed thirty calendar days without approval by the Personnel Director. For employees in classifications in the Fire Fighter and Police representation units, out-of-class assignments shall not exceed sixty consecutive calendar days without written authorization from the Personnel Director. Out-of-class assignments shall not be made for the purpose of avoiding filling a position by a limited or permanent appointment.

Compensation and Salary Administration

OUT-OF-CLASS ASSIGNMENTS

5. Out-of-Class assignments shall be documented on Form CS-71A (Extended Out of Class Assignment Request Form). Upon completion of an out-of-class assignment, a brief statement about the employee's performance in the out-of-class assignment shall be entered into the Form CS-71A, supplemented by a detailed oral feedback to the employee. A copy of the completed Form CS-71A shall be placed in the employee's personnel file.

III. ELIGIBILITY FOR ADDITIONAL COMPENSATION:

A. An eligible employee in an out-of-class assignment shall receive an increase equal to that which would be given if the employee were promoted to the same class (job) from an eligible list established by a promotional examination.

B. Employees shall be compensated for out-of-class assignments when temporarily assigned to the same higher level class (job) for 31 or more consecutive days or after thirty (30) cumulative days in the assignment. Employees who meet this criteria shall be paid for all time spent beginning on day 31. No payment will be received for the first 30 days. Payment will be made from day 31 forward while the employee is in the out-of-class assignment. Out-Class-Assignment days shall accrue on a fiscal year basis. Accumulated days will not be carried over to the next fiscal year.

Employees who are performing and compensated for out-of-class assignments both the last scheduled workday before and the first scheduled workday after a fixed holiday shall be compensated for the holiday at the out-of-class rate.

IV. PROCEDURE:

A. The appointing authority shall forward Form CS-71B (Out of Class Record Creation of Approved Paid OCA's) to the Personnel Director, no later than the first day of each out-of-class assignment for which additional compensation will be paid (Day 31 of the out-of-class assignment).

B. The payroll procedure for determining an employee's pay for an out-of-class assignment shall be the same as that used when an employee is promoted to the same class (job) from an eligible list established by a promotional examination.

Compensation and Salary Administration

OVERTIME COMPENSATION

I. AUTHORITY:

A. Annual Salary Ordinance.

B. Fair Labor Standards Act of 1938, as amended.

NOTE: The purpose of this manual section is to implement the Fair Labor Standards Act in a manner which, to the extent possible, is consistent with the City's overtime policy prior to the effective date of the decision of the Supreme Court in Garcia v. San Antonio Metropolitan Transit Authority. Any change in the act itself, or in the way the act is interpreted by the courts or the Department of Labor, will be implemented by the City in the manner which is most consistent with that previous overtime policy.

II. DEFINITIONS:

A. Overtime is authorized time worked because of emergency conditions which require an employee to work more than that employee's normally scheduled hours.

B. Emergency conditions exist when overtime work is required to:

1. Prevent the interruption of a necessary public service;

2. Protect property from damage;

3. Remove hazards that threaten the public safety;

4. Complete an activity, project, or work assignment within an established legal time limitation;

5. Serve the convenience of the public.

C. Workday is the number of hours an employee is scheduled to work in a 24-hour period.

D. Workweek is a period of 168 consecutive hours (7 consecutive 24-hour periods) as determined by the appointing authority.

E. Scheduled workweek is the employee's predetermined number of hours per workday and workdays per workweek as established by the appointing authority.

Compensation and Salary Administration

OVERTIME COMPENSATION

F. Work period is a continuing schedule of 28 consecutive calendar days used as a base for overtime compensation for employees in fire protection classes as authorized under the Fair Labor Standards Act, Sec. 7(k).

G. Normal work schedule is the predetermined number of work hours per day and workdays per work period for employees in fire protection activities.

H. Base rate is the salary regularly received by the employee including extra rates or differentials granted for night, unusual shift work, standby pay, etc., pursuant to the Salary Ordinance and the Personnel Manual.

I. Regular rate overtime is compensation for overtime worked at the employee's base rate of pay.

J. Premium rate overtime is compensation at one and one-half times the employee's base rate of pay.

K. Compensatory Time is time off in lieu of pay for overtime hours worked.

L. Compensated leave is an authorized leave of absence for which the employee receives pay. It includes industrial leave, sick leave, annual leave, paid military leave, and court leave.

M. Exempt employee is an employee in a category authorized by the Fair Labor Standards Act whose classification is designated by the Civil Service Commission as exempt from the overtime provisions of the Fair Labor Standards Act.

N. Non-exempt employee is an employee in a category authorized by the Fair Labor Standards Act whose classification is designated by the Civil Service Commission as subject to the overtime provisions of the Fair Labor Standards Act.

III. POLICY:

A. Full-time employees in classifications in Group**s** A, B, and C (see Addendum):

1. Are eligible for premium rate overtime pay for all time worked:

a. Beyond the scheduled number of hours in the employee's work day,

b. On days other than those designated in the employee's scheduled workweek,

Compensation and Salary Administration

OVERTIME COMPENSATION

c. On a Saturday or Sunday unless those days are part of the employee's scheduled workweek,

d. On a City recognized holiday.

e. In excess of 40 hours in their workweek. For purposes of this provision compensatory time off taken during the workweek does not count as hours actually worked in the Fair Labor Standards Act calculation.

2. May receive equivalent compensatory time credits in lieu of pay at premium rate for overtime. Such compensatory time credits may be granted at the discretion of the appointing authority in accordance with City and departmental accrual limits as outlined in Administrative Regulation 95.01. However, under no circumstances may an employee's accumulated compensatory time credits exceed 240 hours as provided by the Fair Labor Standards Act.

3. May <u>not</u> count compensatory time off as hours worked in the overtime calculation beyond the scheduled number of hours in the employee's workday.

4. May count compensated leave as hours worked in the overtime calculation.

B. Full-time employees in classifications in Group D (see Addendum):

1. Are eligible for premium rate overtime for all time worked:

a. Beyond the scheduled number of hours in the employee's work day,

b. On days other than those designated in the employee's scheduled workweek,

c. On a Saturday or Sunday unless those days are part of the employee's scheduled workweek,

d. On a City recognized holiday,

Compensation and Salary Administration

OVERTIME COMPENSATION

e. In excess of 40 hours in their workweek. For purposes of this provision compensated leave and compensatory time off taken during the workweek does not count as hours actually worked in the Fair Labor Standards Act Calculation.

2. Employees assigned to the Canine Unit will be paid 3.5 additional hours of compensation each 40-hour workweek at premium rate overtime for caretaking activities.

3. May not count compensatory time off as hours worked in the overtime calculation beyond the scheduled number of hours in the employee's workday.

4. May count compensated leave as hours worked in the overtime calculation (except as noted in B.1.e. above);

5. May receive equivalent compensatory time credits in lieu of pay at premium rate for overtime. Such compensatory time credits may be granted at the discretion of the appointing authority, in accordance with City and departmental accrual limits as outlined in Administrative Regulation 95.01. However, under no circumstances may an employee's accumulated compensatory time credits exceed 480 hours as provided by the Fair Labor Standards Act.

C. Full-time employees in classifications in Group E (see Addendum):

1. Are eligible for premium rate overtime:

a. When the employee's shift is extended beyond its normal ending time,

b. When an employee is mandated to attend training sessions on non-regularly assigned shifts,

c. When an employee, whose normal work schedule is 40 hours per week, works more than eight hours per day or 40 hours per week, or over 9 hours per day on a 44/36 schedule.

Compensation and Salary Administration

OVERTIME COMPENSATION

d. For all hours actually worked beyond 212 in any 28-day work period in accordance with the 7k exemption of the FLSA. For purposes of this provision, compensated leave (excluding Industrial Leave) and compensatory time off taken during the work period do not count as hours actually worked.

2. May receive equivalent compensatory time credits in lieu of pay for overtime, at the discretion of the appointing authority, in accordance with City and departmental accrual limits as outlined in Administrative Regulation 95.01. However, under no circumstances may an employee's accumulated compensatory time credits exceed 480 hours as provided by the Fair Labor Standards Act. Such compensatory time shall be credited at the premium rate if earned in accordance with the above provisions.

3. May not count compensatory time credits in the overtime calculation;

4. May count compensated leave as hours worked (except as noted in C.1.d. above) in the overtime calculation.

D. Unclassified employees and employees in classifications in Group F (see Addendum):

1. Are not eligible for overtime if paid on a 1/2 time, 3/4 time or full-time salaried basis;

2. Are compensated for overtime in accordance with provisions contained in III E below if paid on an hourly basis.

E. Part-time employees:

1. Employees in Groups A, B, and C, (see Addendum) who are regularly scheduled to work 20 or 30 hours per workweek (1/2 and 3/4 time):

a. Are eligible for regular rate compensation in the form of pay or compensatory time credits for all time worked in excess of their scheduled workweek up to 40 hours per week,

b. Such employees are eligible for premium rate overtime for all time worked in excess of 40 hours in their workweek and must receive pay for such overtime.

Compensation and Salary Administration

OVERTIME COMPENSATION

2. All hourly status employees (except those in classifications listed in Group E), are eligible for premium rate overtime pay for all time worked in excess of 40 hours in their workweek and may not receive compensatory time credits in lieu of pay.

3. Such employees may not count compensatory time or compensated leave as hours worked in the overtime calculation.

F. Call Back Pay

1. An employee (except as noted under Exceptions below) who has been released from work and has left the work premises shall, if called back to duty, be paid for the reasonable estimate of the time required for said employee to travel from and to his or her residence and the work area and for the time the employee actually works. The total time of call-back pay, including travel time, shall not be less than four (4) hours. Call Back Pay is paid regardless of whether compensatory time or compensated leave time off is taken. If the employee's class is in a group eligible for premium overtime, such call-back pay shall be at the premium rate.

2. Exceptions to the above are as follows:

   a. An employee in classifications listed in Group D (Police classes eligible for premium rate overtime under specific conditions), shall receive premium pay for a minimum of four (4) hours for each such instance, notwithstanding the usual starting time of the work shift.

      An employee's work shift refers to the hours of work during the normally scheduled work day, and may be adjusted with at least 72 hours notice, without the necessity of paying premium pay as described above, provided that the employee does not work a total number of hours greater than the normally scheduled hours.

   b. Employees in classifications listed in Group E (Fire classes eligible for premium rate overtime under specific conditions) shall receive premium pay for a minimum of four (4) hours for each such instance. When an employee's shift is extended beyond its normal ending time, he/she shall receive premium pay for the time of the shift extension but shall not be eligible for the four (4) hour call-back minimum.

Compensation and Salary Administration

OVERTIME COMPENSATION

c. The minimum call back provisions in a and b, above shall not apply in the following situations:

1) When an employee is already present at the work station and is required by a supervisor to start work early or to continue work following the end of their work shift; or

2) When an employee is required to attend a meeting scheduled before or after the employee's shift, and which is contiguous with the shift. For employees in classifications in Group D (Police classes eligible for premium rate overtime under specific conditions), this shall only apply to a meeting scheduled after the employee's shift.

Note: In these instances, and any other not specifically identified as entitling an employee to the four-hour minimum, the employee shall receive overtime compensation only for the time actually worked, or spent in meetings before or after his/her shift.

G. Court Pay

Unless otherwise provided in a current ratified memorandum of understanding, the following provisions shall apply for Court Pay:

1. When an employee in Group D (Police classes eligible for premium rate overtime under specific conditions), is required under subpoena to appear in court during non-duty hours, he/she shall receive premium pay for all time actually spent in court, excluding court recess time, with a four (4) hour minimum of compensation in each such instance.

If an employee is scheduled to appear in court up to two (2) hours prior to the beginning of his/her shift, the employee's schedule may be adjusted to correspond with the court appearance. If the employee is ordered to work beyond the end of an adjusted shift, the employee shall receive a four (4) hour minimum of compensation at premium rate, plus overtime pay for all hours worked beyond the end of the adjusted shift. However, the four hour minimum would not apply if the employee works beyond the end of the adjusted shift as a result of self initiated action (i.e. a vehicular stop or a person stopped and detained or arrested, etc.).

Compensation and Salary Administration

OVERTIME COMPENSATION

When an employee is under subpoena to appear in court during his/her nonduty hours, the employee shall go to the court and stand by until called by the court and shall receive pay at a premium rate of one and one-half times the basic rate for such stand-by time, or, with the concurrence of the subpoenaing party, remain standing by at another location where he/she may be reached by the court by telephone. If an employee stands by at another location, no pay shall be received for such stand-by time. No employee shall be required to stand-by without compensation without his/her consent.

2. When an employee in Group E (Fire classes eligible for premium rate overtime under specific conditions), as a result of his/her employment responsibilities, is required under subpoena to appear in court or at a Civil Service Commission hearing during non-duty hours, he/she shall receive premium pay for all such court time with a four (4) hour minimum of compensation in each such instance.

3. Employees in the classifications of Criminalist I, Criminalist II, Crime Scene Specialist, Latent Print Examiner II, Document Examiner II, Police Property and Evidence Clerk, Interview and Interrogation Specialist III, Supervising Crime Scene Specialist, Supervising Latent Print Examiner, Supervising Criminalist, Senior Property and Evidence Supervisor, Dispatcher II (Tape Researcher), Cal-ID Technician, Police Service Officer I, Police Service Officer II, and Forensic Alcohol Analyst who work shifts other than the day shift, and are required as a result of their employment responsibilities to make court appearances during otherwise off-duty hours shall receive compensation at their normal overtime rate for all time actually spent in court, excluding court recess time, with a four (4) hour minimum of compensation in each such instance.

   If the employee makes a court appearance during the morning session and at least part of the afternoon session, after he/she has just completed working a night shift, and if the employee is scheduled to work the next succeeding night shift, the employee shall have the option of receiving compensation at their normal overtime rate for the actual court appearance time or having the succeeding scheduled night shift off as compensatory time. If an employee is scheduled off on his/her next shift following such court appearance, he/she may not exercise the second option.

Compensation and Salary Administration

OVERTIME COMPENSATION

4. The above described provisions in 2) and 3) for Court Pay shall not apply in the following situations:

   a. When an employee is required by subpoena to appear in court prior to his/her scheduled shift, and the appearance is contiguous with the shift; or when an employee attends court then reports to work an hour later;

   b. When an employee is required to appear in court during a session which begins during the employee's regularly scheduled shift, but which continues past the end of shift.

   Note: In these instances, and any other not specifically identified as entitling an employee to the four-hour minimum, the employee should receive overtime compensation only for the time actually worked, or spent in court or meetings before or after his/her shift.

H. Full time, 1/2 time, and 3/4 time Unclassified employees and such employees in Group F (not eligible for overtime) are salaried exempt employees under the FLSA. These employees will be paid for all absences of less than a day. No deduction from the employee's pay, leave credits, or other monetary accounts will be made to recover the cost of the absence.

I. Overtime worked while in an out-of-class assignment shall be paid in accordance with provisions applying to the classification occupied when the overtime is actually worked. However, if an employee works the majority of his/her hours during a workweek/work period in a classification eligible for premium rate overtime then all overtime worked during the workweek/work period (including OCA overtime) should be paid at premium rate.

IV. DEPARTMENT HEAD RESPONSIBILITY:

Department heads shall be responsible for:

A. Reviewing departmental work programs and adjusting employee work and vacation schedules in a manner that will minimize the effect of work load peaks, thereby eliminating the need for recurring overtime.

Compensation and Salary Administration

OVERTIME COMPENSATION

B. Controlling overtime work and compensation in accordance with Council and Managerial policy. No overtime shall be authorized which does not meet the requirements of this section.

1. As far as practical, overtime should be rotated among eligible employees on a voluntary basis;

2. No overtime shall be authorized and accumulated as a device for lengthening annual leave or for any purpose designed primarily for the convenience of the employee rather than the furtherance of the work program of the department;

3. Departmental policy on pay or compensatory time off for overtime should be announced to all employees and administered uniformly throughout the department.

ADDENDUM A: OVERTIME COMPENSATION

GROUP A - Classes which are eligible for premium rate overtime.

Account Audit Clerk
Account Clerk
Accountant Trainee
Administrative Aide I
Administrative Aide II
Airport Operations Assistant
Apprentice
Aquatics Technician I
Aquatics Technician II
Asbestos and Lead Program Inspector
Assistant Fleet Technician
Assistant Laboratory Technician
Assistant Park Designer
Assistant Recreation Center Director
Assistant Reservoir Keeper
Assistant Wastewater Plant Operator
Assistant Water Distribution Operator
Assistant Water Plant Operator
Auto Messenger I
Auto Messenger II
Benefits Representative I
Benefits Representative II
Biologist I
Boat Operator
Body and Fender Mechanic
Bookmobile Driver
Building Service Technician
Business Systems Aide
Buyer's Aide I
Buyer's Aide II
Cal-ID Technician
Carpenter
Cashier
Cement Finisher

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Cement Gun Operator
City Attorney Investigator
Claims Aide
Claims Clerk
Claims Representative I
Claims Representative II
Clerical Assistant I
Clerical Assistant II
Code Compliance Officer
Collections Investigator I
Collections Investigator II
Collections Investigator Trainee
Combination Inspector I
Combination Inspector II
Communications Technician
Construction Estimator
Contracts Processing Clerk
Council Secretary
Court Support Clerk I
Court Support Clerk II
Crime Scene Specialist
Criminalist I
Custodian I
Custodian II
Custodian III
Customer Services Representative
Deputy City Clerk I
Dispatcher I
Dispatcher II
Disposal Site Representative
Dispute Resolution Officer
Document Examiner I
Document Examiner II
Document Examiner III
Drafting Aide
Editor/Proofreader
Electrical Inspector I
Electrical Inspector II
Electrician
Electronic Publishing Specialist

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Electronics Technician
Emergency Medical Technician
Engineering Trainee
Equipment Operator I
Equipment Operator II
Equipment Operator III
Equipment Painter
Equipment Technician I
Equipment Technician II
Equipment Technician III
Field Representative
Fire Dispatcher
Firearms Technician
Fleet Attendant
Fleet Team Leader
Fleet Technician
Forensic Alcohol Analyst
Generator Technician
Golf Starter
Greenskeeper
Grounds Maintenance Worker I
Grounds Maintenance Worker II
Grounds Maintenance Worker III
Hazardous Materials Inspector I
Hazardous Materials Inspector II
Hazardous Materials/Pretreatment Trainee
Heating Technician (Terminal)
Heavy Truck Driver I
Heavy Truck Driver II
Helicopter Mechanic
Housing Inspector I
Housing Inspector II
HVACR Technician
Hydrography Aide
Information Systems Technician
Instrumentation and Control Technician
Interview and Interrogation Specialist I
Interview and Interrogation Specialist II
Interview and Interrogation Specialist III
Irrigation Specialist

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Junior Chemist
Junior Engineer - Civil
Junior Engineer - Electrical
Junior Engineer - Mechanical
Junior Engineering Aide
Junior Planner
Junior Property Agent
Laboratory Assistant
Laboratory Technician
Laborer
Lake Aide I
Lake Aide II
Lake Ranger
Landfill Equipment Operator
Latent Print Examiner I
Latent Print Examiner II
Lead Cemetery Groundskeeper
Legal Secretary I
Legal Secretary II
Legislative Recorder I
Legislative Recorder II
Librarian I
Library Aide
Library Assistant
Library Clerk
Library Technician
Lifeguard I
Lifeguard II
Lifeguard III
Light Equipment Operator
Locksmith
Machinist
Management Trainee
Marine Biologist I
Marine Mechanic
Master Fleet Technician
Mechanical Inspector I
Mechanical Inspector II
Micrographics Clerk
Millwright

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Motive Service Technician
Motive Service Trainee
Motor Sweeper Operator
Nursery Gardener
Offset Press Operator
Painter
Paralegal
Paramedic I
Paramedic II
Parking Enforcement Officer I
Parking Enforcement Officer II
Parking Meter Technician
Payroll Audit Specialist I
Payroll Audit Specialist II
Payroll Specialist I
Payroll Specialist II
Personnel Assistant I
Personnel Assistant II
Pesticide Applicator
Plan Review Specialist I
Plan Review Specialist II
Plan Review Specialist III
Plan Review Specialist IV
Planning Technician I
Planning Technician II
Planning Technician III
Plant Operator Trainee
Plant Process Control Electrician
Plant Technician I
Plant Technician II
Plant Technician III
Plasterer
Plumber
Police Code Compliance Officer
Police Dispatcher
Police Investigative Service Officer I
Police Investigative Service Officer II
Police Lead Dispatcher
Police Property and Evidence Clerk
Police Records Clerk

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Police Records Data Specialist
Police Service Officer I
Police Service Officer II
Pool Guard I
Pool Guard II
Power Plant Operator
Power Plant Supervisor
Principal Backflow and Cross Connection Specialist
Principal Drafting Aide
Principal Engineering Aide
Principal Paralegal
Principal Survey Aide
Principal Traffic Engineering Aide
Procurement Contracting Trainee
Procurement Trainee (Terminal)
Programmer Analyst I
Public Information Clerk
Public Information Officer
Public Information Specialist
Public Service Career Trainee
Public Works Dispatcher
Publishing Specialist I
Publishing Specialist II
Pump Station Operations Supervisor
Pump Station Operator
Pump Station Operator Trainee
Ranger/Diver I
Ranger/Diver II
Recreation Aide
Recreation Leader I
Recreation Leader II
Reservoir Keeper
Retirement Assistant
Roofer
Safety Representative I
Safety Representative II
Sanitation Driver I
Sanitation Driver II
Sanitation Driver III
Sanitation Driver Trainee

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Senior Account Audit Clerk
Senior Account Clerk
Senior Airport Operations Assistant
Senior Backflow and Cross Connection Specialist
Senior Boat Operator
Senior Cashier
Senior Drafting Aide
Senior Engineering Aide
Senior HVACR Technician
Senior Locksmith
Senior Offset Press Operator
Senior Parking Meter Technician
Senior Police Records Data Specialist
Senior Publishing Specialist
Senior Stable Attendant
Senior Stadium Groundskeeper
Senior Survey Aide
Senior Wastewater Plant Operator
Senior Zoning Investigator
Seven-Gang Mower Operator
Sign Painter
Sign Shop Supervisor
Special Events Traffic Controller I
Special Events Traffic Controller II
Stable Attendant
Stadium Groundskeeper
Stadium Maintenance Technician
Stock Clerk
Storekeeper I
Stores Operations Supervisor
Structural Inspector I
Structural Inspector II
Student Engineer
Student Worker
Swimming Pool Manager I
Swimming Pool Manager II
Swimming Pool Manager III
Tank Service Technician I
Tank Service Technician II
Test Administration Specialist

ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Test Monitor I
Test Monitor II
Traffic Signal Technician I
Traffic Signal Technician II
Traffic Striper Operator
Tree Maintenance Crewleader
Tree Trimmer
Utility Supervisor
Utility Worker I
Utility Worker II
Vehicle and Fuel Clerk
Victim Services Coordinator
Wastewater Operations Supervisor
Wastewater Plant Operator
Wastewater Pretreatment Inspector I
Wastewater Pretreatment Inspector II
Water Distribution Operations Supervisor
Water Distribution Operator
Water Distribution Operator Trainee
Water Operations Supervisor
Water Plant Operator
Water Systems District Manager
Water Systems Technician I
Water Systems Technician II
Water Systems Technician III
Water Systems Technician IV
Water Systems Technician Supervisor
Water Utility Supervisor
Water Utility Worker
Welder
Word Processing Operator
Work Service Aide
Workers' Compensation Claims Aide
Workers' Compensation Claims Representative I
Workers' Compensation Claims Representative II
Zoning Investigator I
Zoning Investigator II

ADDENDUM A: OVERTIME COMPENSATION

GROUP B - Classes which are eligible for premium rate overtime.

Airport Manager
Aquatics Technician Supervisor
Area Refuse Collection Supervisor
Building Services Supervisor
Building Supervisor
Carpenter Supervisor
Code Compliance Supervisor
Collections Investigator III
Communications Technician Supervisor
Deputy City Clerk II
Development Project Manager I
Development Project Manager II
Development Project Manager III
Disposal Site Supervisor
District Refuse Collection Supervisor
Electrician Supervisor
Electronics Technician Supervisor
Equipment Repair Supervisor
Equipment Service Supervisor
Equipment Trainer
Executive Secretary
Fire Dispatch Administrator
Fire Dispatch Supervisor
Fleet Repair Supervisor
Golf Course Superintendent
Golf Starter Supervisor
Graphic Designer
Graphic Design Supervisor
Greenskeeper Supervisor
Grounds Maintenance Supervisor
Heating, Ventilating, and Air Conditioning Supervisor
Instrumentation and Control Supervisor
Lifeguard Sergeant
Metal Fabrication Services Supervisor
Metal Fabrication Supervisor
Motor Sweeper Supervisor
Multimedia Production Coordinator
Multimedia Production Specialist

ADDENDUM A: OVERTIME COMPENSATION

GROUP B (Continued)

Nursery Supervisor
Offset Press Supervisor
Painter Supervisor
Parking Enforcement Supervisor
Parking Meter Supervisor
Payroll Audit Supervisor
Payroll Supervisor
Pesticide Supervisor
Photographer
Plant Process Control Supervisor
Plant Technician Supervisor
Plumber Supervisor
Police Code Compliance Supervisor
Police Dispatch Administrator
Police Dispatch Supervisor
Police Records Data Specialist Supervisor
Principal Clerk
Principal Customer Services Representative
Principal Legal Secretary
Principal Plan Review Specialist
Principal Plant Technician Supervisor
Principal Police Records Clerk
Principal Test Administration Specialist
Print Shop Supervisor
Property and Evidence Supervisor
Public Information Supervisor
Public Works Dispatch Supervisor
Roofing Supervisor
Senior Accounts Payable Audit Clerk
Senior Benefits Representative
Senior Claims Representative
Senior Clerk/Typist
Senior Communications Technician
Senior Customer Services Representative
Senior Disposal Site Representative
Senior Legal Secretary
Senior Legislative Recorder
Senior Library Technician
Senior Paralegal
Senior Parking Enforcement Supervisor

ADDENDUM A: OVERTIME COMPENSATION

GROUP B (Continued)

Senior Plant Technician Supervisor
Senior Police Records Clerk
Senior Power Plant Supervisor
Senior Test Administration Specialist
Senior Utility Supervisor
Senior Wastewater Operations Supervisor
Senior Water Distribution Operations Supervisor
Senior Water Operations Supervisor
Senior Water Utility Supervisor
Senior Workers' Compensation Claims Representative
Special Events Traffic Control Supervisor
Stadium Maintenance Supervisor
Storekeeper II
Storekeeper III
Supervising Cal-ID Technician
Supervising Crime Scene Specialist
Supervising Custodian
Supervising Disposal Site Representative
Supervising Field Representative
Supervising Latent Print Examiner
Supervising Meter Reader
Supervising Plan Review Specialist
Traffic Signal Supervisor
Tree Maintenance Supervisor

ADDENDUM A: OVERTIME COMPENSATION

GROUP C - Classes which are eligible for premium rate overtime.

Accountant I
Accountant II
Accountant III
Agricultural Lease Manager
Airport Noise Abatement Officer
Area Manager I
Area Manager II
Asbestos Program Manager
Assistant Budget Development Analyst
Assistant Chemist
Assistant Customer Services Supervisor
Assistant Dispute Resolution Officer
Assistant Economist
Assistant Engineer - Civil
Assistant Engineer - Corrosion
Assistant Engineer - Electrical
Assistant Engineer - Mechanical
Assistant Engineer - Traffic
Assistant Facility Manager
Assistant Management Analyst
Assistant Planner
Assistant Procurement Contracting Officer
Assistant Property Agent
Assistant Rate Analyst
Assistant Trainer
Associate Budget Development Analyst
Associate Chemist
Associate Communications Engineer
Associate Economist
Associate Engineer - Civil
Associate Engineer - Corrosion
Associate Engineer - Electrical
Associate Engineer - Mechanical
Associate Engineer - Traffic
Associate Management Analyst
Associate Planner
Associate Procurement Contracting Officer
Associate Property Agent
Biologist II
Biologist III

ADDENDUM A: OVERTIME COMPENSATION

GROUP C (Continued)

Building Maintenance Supervisor
Cemetery Manager
Community Development Specialist I
Community Development Specialist II
Community Development Specialist III
Criminalist II
Customer Services Supervisor
Deputy Noise Abatement Officer
District Manager
DNA Technical Manager
Economist
Fitness Specialist
Fleet Parts Buyer
Fleet Parts Buyer Supervisor
General Utility Supervisor
General Water Utility Supervisor
Golf Course Manager
Graphic Communications Manager
Grounds Maintenance Manager
Hazardous Materials Inspector III
Hazardous Materials Program Manager
Horticulturist
Investigation Support Manager
Lakes Program Manager
Land Surveying Assistant
Land Surveying Associate
Librarian II
Librarian III
Librarian IV
Marine Biologist II
Marine Biologist III
Marine Safety Lieutenant
Noise Abatement Officer
Park Designer
Park Ranger
Park Ranger Aide
Power Plant Superintendent
Principal City Attorney Investigator
Principal Procurement Specialist (Terminal)
Principal Utility Supervisor

ADDENDUM A: OVERTIME COMPENSATION

GROUP C (Continued)

Principal Water Utility Supervisor
Procurement Specialist (Terminal)
Programmer Analyst II
Programmer Analyst III
Project Assistant
Project Officer I
Project Officer II
Property Agent
Public Works Superintendent
Public Works Supervisor
Ranger/Diver Supervisor
Rate Analyst
Recreation Center Director I
Recreation Center Director II
Recreation Center Director III
Recreation Specialist
Recycling Specialist I
Recycling Specialist II
Recycling Specialist III
Refuse Collection Manager
Safety and Training Manager
Safety Officer
Senior Biologist
Senior Budget Development Analyst
Senior Building Maintenance Supervisor
Senior Chemist
Senior City Attorney Investigator
Senior Civil Engineer
Senior Code Compliance Supervisor
Senior Combination Inspector
Senior Communications Engineer
Senior Communications Technician Supervisor
Senior Corrosion Specialist
Senior Disposal Site Supervisor
Senior Electrical Engineer
Senior Electrical Inspector
Senior Electrical Supervisor
Senior Engineer Fire Protection
Senior Engineering Geologist
Senior Housing Inspector

ADDENDUM A: OVERTIME COMPENSATION

GROUP C (Continued)

Senior Land Surveyor
Senior Management Analyst
Senior Marine Biologist
Senior Mechanical Engineer
Senior Mechanical Inspector
Senior Park Ranger
Senior Planner
Senior Procurement Contracting Officer
Senior Procurement Specialist (Terminal)
Senior Property and Evidence Supervisor
Senior Public Information Officer
Senior Structural Inspector
Senior Systems Analyst
Senior Traffic Engineer
Stadium/Field Manager
Stadium Turf Manager
Storm Water Environmental Specialist
Structural Engineering Assistant
Structural Engineering Associate
Structural Engineering Senior
Supervising Academy Instructor
Supervising Criminalist
Supervising Hazardous Materials Inspector
Supervising Librarian
Supervising Procurement Contracting Officer
Supervising Property Agent
Supervising Public Information Officer
Supervising Recreation Specialist
Supervising Wastewater Pretreatment Inspector
Trainer
Training Supervisor
Wastewater Pretreatment Inspector III
Wastewater Pretreatment Program Manager
Wastewater Treatment Superintendent
Water Production Superintendent
Work Control Manager

ADDENDUM A: OVERTIME COMPENSATION

GROUP D - Police classes which are eligible for premium rate overtime.

Community Relations Assistant to the Police Chief
Police Detective
Police Officer I
Police Officer II
Police Officer III
Police Recruit
Police Sergeant

ADDENDUM A: OVERTIME COMPENSATION

GROUP E - Fire classes which are eligible for premium rate overtime under specific conditions.

Air Operations Chief (7K exemption)
Assistant Fire Marshal (7K exemption)
Fire Battalion Chief (7K exemption)
Fire Captain (7K exemption)
Fire Engineer (7K exemption)
Fire Fighter I (7K exemption)
Fire Fighter II (7K exemption)
Fire Fighter III (7k exemption)
Fire Helicopter Pilot (7K exemption)
Fire Prevention Inspector I (7K exemption)
Fire Prevention Inspector II (7K exemption)
Fire Prevention Supervisor (7K exemption)
Fire Recruit (7K exemption)

ADDENDUM A: OVERTIME COMPENSATION

GROUP F - Classes in the No Representation Unit which are not eligible for overtime.

Accountant IV
Applications Programmer I
Applications Programmer II
Applications Programmer III
ARJIS Administrator
Assistant Department Human Resources Analyst[1]
Assistant Personnel Analyst[1]
Associate Department Human Resources Analyst
Associate Personnel Analyst
Building Code and Noise Abatement Supervisor
Business Systems Analyst I
Business Systems Analyst II
Business Systems Analyst III
Claims and Insurance Manager
Collections Manager
Community Development Coordinator
Community Development Specialist IV
Compliance and Metering Manager
Customer Information and Billing Manager
Employee Assistance Counselor
Employee Assistance Program Manager
Employee Benefits Administrator
Employee Benefits Specialist I[1]
Employee Benefits Specialist II
Fleet Manager
Information Systems Administrator
Information Systems Analyst I[1]
Information Systems Analyst II
Information Systems Analyst III
Information Systems Analyst IV
Information Systems Manager
Literacy Program Administrator
Marine Safety Captain
Organization Effectiveness Specialist I[1]

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[1] Effective December 1, 2016, employees in this classification at Steps A and B are not exempt under the FLSA and are eligible for premium rate overtime, in accordance with 29 C.F.R. §§ 541.600, 541.607 (2016) and other regulatory provisions promulgated by the United States Department of Labor (DOL), as set forth in DOL Regulatory Information Number (RIN) 1235-AA11 (May 23, 2016). These employees are eligible for overtime compensation, consistent with employees in Groups A, B, and C, under Personnel Manual Index Code H-4.

ADDENDUM A: OVERTIME COMPENSATION

GROUP F (Continued)

Organization Effectiveness Specialist II
Organization Effectiveness Specialist III
Organization Effectiveness Supervisor
Police Captain[2]
Police Lieutenant[2]
Police Property and Records Administrator
Police Special Projects Manager
Public Art Program Administrator
Recycling Program Manager
Rehabilitation Coordinator
Senior Department Human Resources Analyst
Senior Personnel Analyst
Supervising Budget Development Analyst
Supervising Claims Representative
Supervising Department Human Resources Analyst
Supervising Economist
Supervising Management Analyst
Supervising Personnel Analyst
Supervising Recycling Specialist
Supervising Workers' Compensation Claims Representative
Systems Administrator I
Systems Administrator II
Systems Administrator III

[2] Represented by POA, but ineligible for overtime.

Compensation and Salary Administration

SALARY STATUS OF PART-TIME POSITIONS

I. AUTHORITY:

A. Annual Salary Ordinance.

B. Civil Service Rule X: LEAVES OF ABSENCE.

II. POLICY:

A. Intent: The intent of this policy is to ensure that employees who work on a regular basis for 40 or more hours each pay period and for a substantial period of time should be provided with an appropriate level of fringe benefits. This policy is not intended to apply to employees hired on a seasonal basis.

B. Part-time Positions Paid on an Hourly Basis: The following shall be paid on an hourly basis:

1. Positions in clerical or similar pools serving in a number of departments or locations.

2. Positions filled on an on-call or seasonal basis due to fluctuations in work or staffing needs.

3. Entrance positions to be filled for three months or less.

4. Classes such as Library Aide, Student Engineer, Recreation Leader II, Recreation Leader I, and Recreation Aide, which are normally filled on an hourly basis, unless they meet the conditions described in C below.

C. Part-time Positions Paid on a Biweekly Basis: Positions, except those excluded in B-1, 2, and 3 above, which are at least one-half time but less than full-time, shall be appropriately compensated as half- or three-quarter time positions paid on a biweekly basis rather than an hourly basis, if they average at least 40 hours a pay period annually (60 for three-quarter time) and require at least 40 hours of work (60 for three-quarter time) in each of 24 of the 26 annual bi-weekly pay periods.

D. Fringe Benefits: Part-time employees paid on a biweekly basis are eligible for holidays, annual leave, and other leaves as provided in Civil Service Rule X. All

Compensation and Salary Administration

SALARY STATUS OF PART-TIME POSITIONS

part-time employees may be eligible for Military Leave as provided in Civil Service Rule X.

E. Present Employees: Employees who would be hired on an hourly basis according to this policy, but who are now paid on a biweekly basis, may remain in that status until the termination of their current employment.

III. PROCEDURE

A. The Personnel Department will review the payroll records of all hourly employees every six months. Appointing authorities will be informed of those employees who qualify for benefits and take appropriate action.

B. If an employee is hired as an hourly employee, and the appointing authority intends to work the employee 40 hours or more per pay period, on a regular basis for a substantial period of time, the appointing authority should ensure compliance with this policy.

Compensation and Salary Administration

SHIFT DIFFERENTIALS

I. AUTHORITY: Annual Salary Ordinance.

II. POLICY:

A. General Shift Differential: Extra compensation of approximately five percent shall be provided whenever an eligible employee is required, for a significant period, to work:

1. A night shift in which the majority of the hours or work scheduled for said employee throughout any pay period are before 8:00 a.m. or after 6:00 p.m.; or

2. On a long-term schedule, a split-shift (a shift regularly split by more than two consecutive hours) or a split weekend (disallowance of two consecutive days of rest).

B. Special Shift Differentials: Extra compensation of approximately ten percent shall be provided whenever an employee is assigned to a position which has been determined by the Personnel Director and the Mayor or non-mayoral appointing authority to be one for which there are severe recruiting and retention problems as a result of an unusual work schedule for the class (job).

C. Intent: The intent of the Salary Ordinance and of this regulation is to compensate for night shifts, split shifts, split weekends, or substantially unusual working schedules of such a significant duration as to constitute a considerable and prolonged inconvenience to the employee, and to exclude from consideration all occasional or short-time assignments to unusual shifts.

1. Night shifts scheduled for less than a full pay period will not be considered “significant”; unusual shifts such as split shifts, split weekends, or six-day weeks scheduled for less than three months will not ordinarily be considered “significant.”

2. An eligible employee assigned to an approved long-term schedule of regular rotation through all three shifts (or the two night shifts) shall receive a shift differential of approximately 5% until reassigned to a fixed day shift.

Compensation and Salary Administration

SHIFT DIFFERENTIALS

D. Eligibility for Shift Differential: Except as excluded below, an employee whose work schedule, as established by the Appointing Authority, has the endorsement of the Mayor or non-mayoral appointing authority and Personnel Director (as required) and conforms to the policy, procedure, and definitions contained in this regulation, shall be eligible for a shift differential.

E. Classes (Jobs) Excluded from Shift Differential: Certain classes (jobs) of employment are commonly required to work nights, split shifts, split weekends, and/or other unusual schedules. When this is true of a class (job), these working conditions are taken into consideration in establishing the Standard Rate for the class (job) in the Salary Ordinance. In general, occupations peculiar to the fields of recreation and public safety illustrate this point. For specific classes (jobs), refer to the addendum to this section. The addendum list is not an exhaustive list of excluded classes (jobs); however, all employees in those classes (jobs) are ineligible for night-shift, split-shift, or split weekend differentials, except under extraordinary circumstances.

Examples of extraordinary circumstances would include: (a) a long-term schedule required of an employee which is substantially unusual when compared with the schedules of virtually all other employees in the same class (job), or (b) exceptionally inconvenient frequent changes of work hours and/or to work locations to which employees must furnish their own transportation.

F. Assignments of Employees to Work Schedules: Among other factors, seniority should be considered by management when assigning employees to various work schedules.

G. Certification: When a Shift Differential is granted, the department head shall certify to the Personnel Director and the City Comptroller, on each official Time Sheet Payroll Certification Report, Personnel Change Request, and all records pertaining to the employee's compensation, that the employee is eligible for a Shift Differential.

H. Controls:

1. The department head is responsible for scheduling work so that the need for pay differentials will be held to a minimum, and for periodically reviewing differentials in effect to determine if they are still required.

Compensation and Salary Administration

SHIFT DIFFERENTIALS

2. The Financial Management Director periodically will review the shift differentials granted, to assure consistent application of this policy.

3. Annually, the Personnel Director will request appointing authorities to review all current shift differentials and to recertify those which continue to be in the City's best interest. This annual recertification shall (for mayoral departments) be routed to the Personnel Director via the Financial Management Director.

4. If, at any time, it is determined by the Mayor, non-mayoral appointing authority, or Personnel Director that a shift differential no longer meets the criteria contained in this regulation, the employee receiving such shift differential shall no longer be eligible and the shift differential shall be discontinued. This determination shall be final.

III. PROCEDURE:

A. Departmental Request and Certification: For each employee (or group of employees) eligible for shift differential, the department head shall send a memorandum, via the Mayor for mayoral departments, to the Personnel Director certifying that the request meets the requirements of this regulation, specifying the duration of the scheduled shift, and providing the exact work schedule of the employee(s) concerned.

1. For Special Shift Differentials, information supporting the claim of recruiting and retention problems shall be included.

2. For split shift differentials, the exact time and duration of scheduled time off for meals (not less than one-half hour) is required. (Eating on the job should be avoided and shall not be considered "working" unless the employee's continuous presence on the job is necessary.)

B. Personnel Change Requests: With the above memorandum, the department head shall submit for each eligible employee a Form CS-1522, Personnel Change Request indicating the appropriate shift pay which shall be completed in the usual manner, except that on all copies:

Compensation and Salary Administration

SHIFT DIFFERENTIALS

1. When, through a change of work schedule, change of position or change of classification (job), an employee's eligibility for a shift differential ends, the appointing authority shall immediately initiate a Personnel Change Request reversing the shift pay.

C. Personnel Department Action: The Personnel Director will grant or deny the request based on a review to determine that it meets the criteria outlined in this regulation.

1. If granted, Personnel Change Requests will be processed as usual.

2. If denied, all concerned will be notified.

3. The Personnel Director will annually provide the Civil Service Commission with a list of all positions which have been designated as eligible for Special Shift Differential.

D. Time Sheets and Personnel Records: All officers and employees concerned with payrolls of the Classified Service shall maintain appropriate records of shift differentials granted individual employees under this regulation.

1. Appointing authorities, in signing the payroll, are certifying to the Personnel Director and City Comptroller that the employee continues to be eligible for the shift differential under this policy. Appointing authorities are responsible for removing the shift differential from the Time Sheet Payroll Certification Report when the employee ceases to be eligible.

Compensation and Salary Administration

Addendum to Personnel Manual Section – Index Code H-6

Classes (jobs) excluded from shift differentials, except under extraordinary circumstances (see Index Code H-6, II, C) and as provided in the current ratified Memoranda of Understanding for each employee representation unit:

Sworn Police Classes (jobs)
Reservoir Keeper classes (jobs)
Uniformed Fire classes (jobs)
Marine Safety classes (jobs)
Graphics classes (jobs)
Lake Ranger classes (jobs)
Recreation classes (jobs)
Public Information Officer classes (jobs)
Paramedic/EMT classes (jobs)

Compensation and Salary Administration

STAND-BY PAY

I. AUTHORITY:

A. City Charter Section 130. COMPENSATION ESTABLISHED.

B. Annual Salary Ordinance.

II. POLICY:

A. Stand-by is hereby defined as the requirement that an employee be within immediate reach by telephone and be ready to report for work without delay other than necessary dressing time and travel to the job during all hours and days other than the employee's regularly scheduled working hours.

B. An eligible employee, as defined herein, assigned to stand-by shall receive stand-by pay of approximately 5% above the employee's regular rate of pay.

C. Full-time limited, probationary or permanent classified employees, except police officers, and fire fighters (except Explosive Device Team Members working in a straight day assignment), are eligible for stand-by pay.

D. Stand-by pay shall be approved under the following conditions:

1. The appointing authority must approve assignments to stand-by, which must be in addition to the employee's regular work schedule.

a. An employee receiving stand-by pay may use annual leave or compensatory time off in lieu of working regularly scheduled working hours. However, the employee must be available to respond during all hours and days during which the employee is receiving stand-by pay.

Compensation and Salary Administration

STAND-BY PAY

b. An employee using sick leave credits, or industrial leave may not receive stand-by pay when on sick leave, or industrial leave for more than two days during a full pay period assignment, or for more than one day during a one-week stand-by assignment.

2. One week shall constitute the minimum tour of stand-by duty.

E. Stand-by assignments shall be rotated so that no person serves more than two consecutive pay periods of stand-by duty, unless there is no other solution possible.

F. An eligible employee on stand-by duty shall receive call-back pay and overtime compensation in addition to base pay, which shall be approximately 5% above the regular rate of pay, plus any additional pay differentials to which the employee is entitled under the provisions of the current Salary Ordinance and Index Code H-6.

III. PROCEDURE:

A. Departments shall obtain the approval of the Personnel Director before establishing recurring stand-by shifts after necessary negotiations have been conducted. Approval is not required for changes in personnel assigned.

Compensation and Salary Administration

STEP INCREASES

I. AUTHORITY:

A. Annual Salary Ordinance.

B. City Charter Section 130. COMPENSATION ESTABLISHED.

C. Neither the City Charter nor the Salary Ordinance interferes with the right of the appointing authority to postpone or deny granting a normal merit step increase if the employee's performance so warrants.

II. POLICY:

A. Normal Merit Increases:

1. Working Conditions Leading to Considerations for Normal Merit Increases:

a. Except as otherwise provided in current Management policies or current ratified memoranda of understanding, Permanent, Probationary, and Limited employees with satisfactory performance records are eligible for normal merit increases. This shall not be construed to mean that an employee whose official Performance Report or Supplemental Performance Report is "Improvement Needed" or "Below Standard" is ineligible for an increase; decisions in these cases should be based on all available relevant facts.

(1) Initiation of salary increase forms by the Personnel Department is merely a clerical service and reminder that basic time requirements have been met; it is in no way an endorsement.

(2) Merit step increases are not an automatic process or right, but are granted only as an award for competent and meritorious performance of the full range of duties assigned to an employee.

(3) Supervisors should consult current Management policies and appropriate current ratified memoranda of understanding regarding the required performance level of employees before granting normal merit increases.

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STEP INCREASES

b. Provisional employees are not eligible for merit increases; however, if they become Permanent or Limited in the same classification without a break in service, time spent in Provisional employment will be counted toward service requirements for merit increases.

c. Restricted Appointment employees may be eligible for merit increases if so designated by the Commission.

d. Except as otherwise provided in current Management policies or current ratified memoranda of understanding, full-time salaried employees are considered for normal one-step increases upon completion of the following:

(1) 26 weeks of continuous service at Step A,

(2) 26 weeks of continuous service at Step B.

(3) 52 weeks of continuous service at Step C, and

(4) 52 weeks of continuous service at Step D.

e. Except as otherwise provided in current Management policies or current ratified memoranda of understanding, employees paid on an hourly or daily basis and not in full charge of a regularly scheduled activity are considered for step increases as follows:

(1) Step B after a minimum of both 26 weeks of continuous service and 400 hours at Step A.

(2) Step C after a minimum of both 26 weeks of continuous service and 400 hours at Step B.

(3) Step D after a minimum of both 52 weeks of continuous service and 400 hours at Step C.

(4) Step E after a minimum of both 52 weeks of continuous service and 400 hours at Step D.

Compensation and Salary Administration

STEP INCREASES

f. Exceptions:

(1) Effective July 1, 1994, Step B will be eliminated for all new hires. Employees hired on or after July 1, 1994 will move from Step A directly to Step C as follows:

(a) for full-time salaried employees, 52 weeks of continuous service at Step A;

(b) for employees paid on an hourly or daily basis and not in full charge of a regularly scheduled activity, 52 weeks of continuous service and 800 hours at Step A.

This salary schedule will remain in place for the duration of the employee's tenure with the City.

(2) Employees paid on an hourly or daily basis who are in full charge of a regularly scheduled activity are considered for normal merit increases in the regular manner as in (d) above.

(3) One-half and three-quarter time employees paid on a monthly basis are considered for normal merit increases in the regular manner as in (d) above.

(4) Apprentices with satisfactory job performance are eligible for normal merit increases as they successfully complete all the requirements for each six-month period of apprenticeship advancement. (See Index Code M-1, Apprenticeship Training.)

(5) Employees in the Fire Fighter Representation Unit may be eligible for reduction in the required service time between normal merit increases in accordance with the provisions of the current ratified Memorandum of Understanding.

(6) Employees whose compensation has been reduced within the salary range of their class for disciplinary reasons, as provided for in Index Code L-2, DISCIPLINE, shall retain the same normal merit increase date as if the reduction in

Compensation and Salary Administration

STEP INCREASES

compensation had not occurred. The employee's performance shall be reviewed by the appointing authority to determine whether the increase shall be granted on the normal merit increase date or be postponed in accordance with 2a(3) below.

2. Determination of Normal Merit Increase Dates:

   a. An employee's merit increase date is determined from the following occurrences.

      (1) The date a new employee is hired as a Permanent, Limited, or Provisional appointee.

      (2) The date an employee is promoted.

      (3) The date set by action of the appointing authority in postponing a step increase for disciplinary or other reasons.

      (4) The effective date of the most recent merit increase.

   b. Exceptions:

      (1) If an employee is absent more than 30 calendar days on suspension or leave without pay, the appointing authority shall consider extending the employee's merit increase date by the number of calendar days of absence. If the increase is approved by the appointing authority, without extending the merit increase date, the appointing authority must attach a memo of justification to the approved Merit Increase Notice.

      (2) If an employee who:

         (a) is promoted and fails the probationary period,

         (b) accepts a limited promotion and subsequently returns to the former class, or,

         (c) voluntarily demotes to a formerly held classification,

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STEP INCREASES

would have been eligible for a step increase if not promoted, the employee is eligible for this increase upon return to the former class, and subsequent normal merit increase dates will be determined as if the employee had been in the former class during the time spent in the higher class.

(3) If a permanent employee is laid off and subsequently appointed to the same class from a reemployment list, future normal merit increase dates will be determined by total length of service in the class, excluding periods of nonemployment due to layoff.

(4) If an employee voluntarily demotes to a class in which the employee has not had prior service, the merit increase date will be determined from the date service began in the lower class. For purposes of this section, a demotion in lieu of layoff is not a voluntary demotion.

(5) Time spent on "active duty" Military Leave shall not be counted for normal merit increase purposes, except as follows:

(a) Military Leave for which the employee is paid shall be counted in merit increase time.

(b) If the normal merit increase eligibility date falls within the period of paid Military Leave, the employee is eligible for consideration for a step increase; if granted, the effective date of the increase is the first day of the period and the employee receives pay for the full period at the advanced step.

B. Exceptional Merit Increases: The Civil Service Commission advocates the granting of exceptional merit increases to encourage and reward employees whose work can be shown to be outstanding in relation to other employees in the same class. (See III-B-4.)

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1. All properly recommended normal and exceptional merit increases which are in keeping with Civil Service Commission Policy will be approved. No request will be denied by the Commission unless the employee's Performance Report or Supplemental Performance Report is unsatisfactory, and only after the appointing authority has been consulted.

2. Requests for exceptional merit increases are considered by the Civil Service Commission at regular Commission meetings.

3. Employees in the Administrative Support and Field Service, Professional, Supervisory, and Technical Units may be granted an Exceptional Merit Increase for a maximum of a one step increase to the next consecutive step within the salary range, unless in conjunction with a normal merit increase, in which case a maximum two step increase would be permitted.

III. PROCEDURE:

A. Normal Merit Increases:

1. Based upon the anniversary dates previously explained, the Personnel Department keeps records of the "due dates" for normal merit increases for each eligible employee.

2. Every two weeks the Personnel Department Records Section will distribute Merit Increase Notices in duplicate to appointing authorities. (A third copy is retained by the Personnel Department as a tickler file.)

   a. Each employee eligible for consideration for a normal merit increase will be listed on the Merit Increase Notice.

   b. Notices will be forwarded to the appointing authorities concerned three weeks prior to the beginning of the effective pay period.

   c. Appointing authorities shall study Performance Reports, absentee records, and the general progress of the employee. For each employee, the appointing authority shall complete the form by indicating a recommendation as follows:

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(1) For normal merit increases, the appointing authority must certify recommendation by dating and signing the Merit Increase Notice.

(2) For exceptional merit increases:

(a) line out all "To" data of each rate column;

(b) directly above the "To" data enter the rate for the recommended step.

(NOTE: If there is more than one name on the Merit Increase Notice and a delay develops in processing the exceptional merit increase write in "exceptional merit increase in process." Process the Merit Increase Notice and follow the procedure outlined in Section III-B below for the employee recommended for an exceptional merit increase.)

(3) If no increase is recommended:

(a) (full pay period increase) - line through only the rate column by the employee's name;

(b) (mid-pay period increase) - line through the entire entry by the employee's name;

(c) the appointing authority must initial the line on which the employee's name appears, and

(d) write "No" in the margin and give date and month for a future review. Indicate the number of days for the follow up review.

3. Prior to transmittal of the Merit Increase Notice to the Personnel Department, the appointing authority shall inform each employee whether a normal increase is to be recommended or denied and the facts on which the decision has been made. For employees

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STEP INCREASES

represented by the Municipal Employees Association, notification of merit increase denials shall be in writing. Exceptional merit increases for mayoral departments shall be cleared with the Office of the Mayor before the recommendation is discussed with the employee.

4. One copy of the completed Merit Increase Notice should be returned to the Personnel Department not less than nine calendar days before the effective date.

5. The Personnel Department will review recommended requests for normal merit increases. When approved, payroll and personnel records will be entered into the SAP system. One signed copy of the Merit Increase Notice will be placed in the Personnel Department files.

B. Exceptional Merit Increases:

1. The effective date for exceptional merit increases should be the beginning of a pay period, unless recommended along with a normal merit increase. For employees represented by the Municipal Employees Association, exceptional merit increases not done in conjunction with a normal merit increase shall be effective no earlier than the pay period in which the supervisor delegated the responsibility by the Appointing Authority signs the document.

2. For each exceptional merit increase granted before the normal merit increase date, the appointing authority shall complete a Personnel Change Request (Form CS-1522).

3. For an exceptional merit increase recommended in addition to a normal merit increase, line through all “To” rate columns and, directly above, enter the rate for the recommended step.

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4. All requests for exceptional merit increases initiated by a mayoral appointing authority shall be forwarded with a memorandum of justification to the Mayor at least five calendar days before the requested effective date. The appointing authority's memorandum of justification for an exceptional merit increase shall:

   a. refer to specific accomplishments of the employee,

   b. describe in what way the employee has been outstanding in relation to others in the same class.

   c. list any work-simplification or safety ideas proposed by the employee with an estimate of money saved, and

   d. show (with dates and amounts) any previous exceptional merit increases the employee may have received while in the present classification.

5. Exceptional merit increases will be processed as follows:

   a. If denied by the Mayor, the request will be returned to the appointing authority with reasons for disapproval.

   b. If recommended by the Mayor, the request will be forwarded to the Civil Service Commission for approval.

   c. When approved by the Civil Service Commission, copies of the request will be distributed as for normal step increases.

Compensation and Salary Administration

STARTING SALARY UPON APPOINTMENT

I. AUTHORITY:

A. Annual Salary Ordinance, Section 6.

B. City Charter Section 130. COMPENSATION ESTABLISHED.

II. APPOINTMENT OF NON-EMPLOYEES:

(See VI, Exceptions below for appointments to Police Recruit, Police Officer I, Fire Recruit, Fire Recruit I, Apprentice, and Public Service Career Trainee.)

Non-employees, except those currently on any reemployment lists, may be appointed at any step of the salary range of the class(job) at the discretion of the appointing authority.

III. APPOINTMENT OF REEMPLOYMENT ELIGIBLES:

Any employee or former employee appointed from a reemployment list will be appointed at no less than the pay step being received at the time of layoff. However, with the approval of the Mayor or non-mayoral department director, the appointment may be made at any higher step in the salary range.

IV. APPOINTMENT TO EQUAL OR LOWER CLASSES(JOBS):

(See VI, Exceptions below for appointments to Police Recruit, Police Officer I, Fire Recruit, Fire Fighter I, Apprentice, and Public Service Career Trainee.)

A. A current employee who is appointed to a different class(job) for which the maximum pay is equal or lower than the employee's current class(job) will generally be appointed at his/her current pay step within the pay range of the new class(job). However, with the approval of the Mayor or non-mayoral department director, the employee may be appointed at a higher or lower step in the pay range of the new class(job).

B. A former employee currently on any reemployment list who is appointed to a class(job) equal or lower than that from which the individual was laid off shall be appointed at a step no lower than that step of the former pay range which was received at the time of the layoff.

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STARTING SALARY UPON APPOINTMENT

C. Employees who, as a result of failing probation, demote to a class(job) in which they formerly served will be appointed at no less than the last pay step received while in the former class(job). These employees will be eligible for normal merit increases as described in Index Code H-8, Step Increases.

D. Employees who demote in lieu of layoff to a class(job) in which they formerly served, will be appointed at the step nearest but not greater than the salary being received in the higher class(job).

V. PROMOTIONAL APPOINTMENT:

(See VI, Exceptions below for appointments to Police Recruit, Police Officer I, Fire Recruit, Fire Fighter II, Apprentice, and Public Service Career Trainee.)

A. Except for promotions in the Fire Service, a current employee who is appointed to a class(job) for which the maximum pay is higher than the employee's current class(job) will be appointed at a salary step determined in accordance with the following criteria:

l. When a one-step increase in the employee's current class(job) falls in the range of the higher class(job) to which the employee is promoted, the employee shall be appointed at a step no lower than the step of the higher class(job) which is the same as a one-step increase in the employee's current class(job).

2. When a one-step increase is not in the range of the higher class(job) to which the employee is promoted, or when the employee is at E Step of the current class(job), the employee shall be appointed at a step no lower than the pay step in the higher class(job) which most closely approximates a 5% increase.

3. With the approval of the Mayor or non-mayoral department director, the employee may be appointed at any higher step in the salary range of the new class(job).

B. In the Fire Service, promotions to positions in the class(job) of Fire Fighter II shall be at Step C. Promotions to positions in the class(job) of Fire Engineer and above in the Fire Service shall normally be made at Step D of the new rate; however, if Step D affords no increase, the employee shall be appointed at Step E.

Compensation and Salary Administration

STARTING SALARY UPON APPOINTMENT

C. Promotion of employees in the Police Service to the class(job) of Police Officer II shall be made at Step C.

D. Promotion of employees in the Fire Service to the class(job) of Fire Fighter II shall be made at Step C.

E. A former employee currently on any reemployment list who is appointed to a class(job) for which the maximum pay is higher than that of the class(job) from which the individual was laid off shall be appointed in accordance with the criteria in A above. For purposes of this section, the class(job) from which the employee was laid off shall be considered the "current class(job)."

F. If an employee is promoted within six weeks (42 calendar days) before a normal merit increase date, the employee's pay rate in the higher class(job) will be determined as if the normal merit increase had already been granted. This additional increase will not be awarded if the employee's losing department director recommends against the normal merit increase.

VI. EXCEPTIONS:

A. All appointments to Police Recruit, Police Officer I, Fire Recruit, or Fire Fighter I will be made at A Step unless a higher step is authorized by the appointing authority.

B. All appointments to the Apprentice class(job) will be made at A Step unless a higher step is authorized by the Joint Apprenticeship Committee.

C. With approval of the Mayor or appropriate non-mayoral department director, all appointments to a Public Service Career Trainee class(job) may be made at a single step in the salary range.

Leaves of Absence

LEAVES OF ABSENCE

I. AUTHORITY:

A. Civil Service Rule X, Section 1. GENERAL REQUIREMENTS.

B. Civil Service Rule X, Section 6. TRANSFER OF LEAVE CREDITS.

C. San Diego Municipal Code, Section 22.1006. LEAVE OF ABSENCE - UNCLASSIFIED SERVICE: Employees and officers of the Unclassified Service of the City of San Diego shall have the same rights and benefits relative to leaves of absence as is provided for the Classified Service under the provisions of...(Rule X of the Rules of the Civil Service Commission).

II. POLICY:

A. Appointing authorities are responsible for controlling and approving leaves of absence, within the guidelines of the Rules of the Civil Service Commission.

1. The following categories of absence shall be reported on the forms prescribed below.

a. Absence for floating holiday, discretionary leave, court leave, military leave, annual leave with pay, sick leave with pay, personal absence without pay for 30 days or less, and compensatory time off for overtime previously worked and authorized in accordance with Index Code H-4, Overtime Compensation shall be reported on Form CS-14-25A.

b. Absence related to on-the-job injury, shall be reported on the appropriate Risk Management Form.

c. Special Leave Without Pay for more than 30 days, in accordance with Index Code I-7, Special Leave without Pay, shall be reported on CS-14-25D.

d. Such absences as disciplinary suspensions and compulsory leave for required medical attention require full explanation by memorandum to the Mayor and/or the Civil Service Commission.

2. All requests for leaves of absence without pay of over 30 calendar days shall be presented to the Civil Service Commission for action, with the recommendation of the appointing authority. (See Index Code I-7.)

Leaves of Absence

LEAVES OF ABSENCE

B. Unclassified personnel are expected to conform to the policies and procedures which apply to classified employees, in requesting and reporting leaves of absence.

1. By memorandum, January 24, 1952, the City Manager asked that all unclassified officers and employees conform to the standard procedure in requesting and recording leaves of absence.

2. On March 26, 1953, the City Attorney, City Auditor and Comptroller, and Personnel Director jointly issued instructions to all unclassified personnel to comply with regular payroll and leave procedures in reporting their own attendance and absence from duty.

III. GENERAL PROCEDURE FOR REQUESTING LEAVE:

A. Leave Request Forms Processing:

1. Requests for annual leave, compensatory time off, floating holiday, court leave, sick leave with pay, or personal absence without pay for 30 days or less, shall be handled at the department level. An original only of the appropriate leave request form shall be completed by the employee and forwarded, via the employee's supervisor, to the departmental employee responsible for maintaining payroll records. This original shall be retained by the originating department or division.

2. For Military Leave, the original Form CS-14-25A shall be sent to the Personnel Department, and a copy shall be retained by the originating department or division (See Index Code I-10).

3. For Special Leave Without Pay, the original CS-14-25D shall be sent to the Personnel Department, and a copy shall be retained by the originating department or division (See Index Code I-7).

4. Use a separate request form for each kind of absence even if two types of leave occur on the same day.

B. Dates of Absence:

1. If the absence is more than one day, enter the first date of absence, the last date of absence, the total work days off, and the total work hours off to the nearest tenth of an hour. (Six minutes equals one-tenth of an hour.)

Leaves of Absence

LEAVES OF ABSENCE

2. If absence is one day or less, enter only the date of absence in the "Last Date" space and the total work hours to the nearest tenth of an hour.

Examples:	TOTAL WORK-DAYS OFF	TOTAL WORK-HOURS OFF (To 1/10th)
2 8-hour days, plus 4 hours	2 4/8	20
1 8-hour day, plus 3-1/2 hours	1 3.5/8	11.5
1 hour and 12 minutes	--	1.2
6 minutes	--	0.1

3. Dates of absence must be reported correctly to the appointing authority, and if after approval, a change in leave dates is requested, the new dates must meet the approval of the appointing authority.

C. Review for Approval:

1. The leave request must be approved by the appointing authority before paid leave may be granted.

2. Approved leave requests, other than for sick or annual leave for illness or family emergency purposes, should reach the departmental employee responsible for maintaining payroll records at least one week before leave is to be taken.

IV. SPECIFIC POLICY AND PROCEDURE:

Detailed policies and procedures for the various types of leave are in the following Personnel Manual sections:

Annual Leave	I-2
Sick Leave	I-3
Compulsory Leave	I-6
Special leave without Pay	I-7
Court Leave	I-9
Military Leave	I-10
Suspensions (See Discipline)	L-2

(Industrial Leave and Discretionary Leave provisions are detailed in Administrative Regulation 63.00 and 95.91 respectively.)

PERSONNEL MANUAL

Leaves of Absence

ANNUAL LEAVE

I. AUTHORITY: Civil Service Rule X, Section 3. ANNUAL LEAVE.

II. DEFINITION:

Annual Leave is compensated leave for those eligible employees who are absent from duty because of illness, injury, death in the family, medical or dental care appointments, or personal business, or who utilize the time off as personal vacation.

III. POLICY:

A. Annual Leave Credits:

1. Full-time employees: Full-time permanent and limited employees shall earn hours of annual leave credits, equivalent to eight-hour workdays, as provided in Rule X, Section 3. Each biweekly pay period, prorated annual leave credits are posted to the account of each eligible employee based on the hours worked during each pay period. Employees shall earn no more than full-time credits. Posting shall occur at the following rates:

a. First through 5th years of service: 5.24 hours for each biweekly pay period (equivalent to seventeen eight-hour days each 52 weeks), cumulative to 600 hours.

b. Starting at the beginning of the 6th year through 15th year of service: 6.77 hours for each biweekly pay period (equivalent to 22 eight-hour days each 52 weeks), cumulative to 600 hours.

c. For those classifications designated by the Commission and the Council as eligible for the Management Benefits Plan, 1st through 15th years of service: 6.77 hours for each biweekly pay period (equivalent to 22 eight-hour days each 52 weeks), cumulative to 700 hours.

d. Starting at the beginning of the 16th year of service: 8.31 hours for each biweekly pay period (equivalent to 27 eight-hour days each 52 weeks), cumulative to 700 hours.

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e. For employees represented by the Municipal Employees Association, AFSCME Local 127, and all Unrepresented and Unclassified employees hired after July 1, 1993, the maximum accumulation of annual leave is 350 hours.

f. For all employees hired after July 1, 1994, the maximum accumulation of annual leave is 350 hours.

2. One-half and three-quarter time employees: Permanent and limited employees, otherwise eligible, who are regularly paid one-half or three-quarter time, shall earn prorated hours of annual leave credits based on hours worked each pay period, but shall earn no more than one-half or three-quarter credits, respectively.

3. Provisional employees: Provisional employees, otherwise eligible, earn annual leave credits during a provisional appointment only if they become permanent or limited without break in service.

4. Hourly employees: Hourly employees are not eligible to earn annual leave credits.

5. Credits accumulated during leave: Total annual leave granted may not exceed the amount posted to an employee's account as of the last day worked preceding leave. Annual leave credits will continue to be added to the employee's account while the employee is on paid leave, but these additional credits may only be used after the employee returns to active duty. For accrual purposes, time off without pay taken as part of a work furlough program authorized by the City Manager will be counted as though it was paid leave.

6. Unpaid leave: Annual leave credits are not earned during periods of unpaid leave, unless specifically authorized in paragraph 5 above.

7. Annual leave during first year: Employees employed less than one full year shall accrue and may use annual leave earned on a prorated basis if approved by the employee's appointing authority.

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8. Maximum accumulation: Annual leave credits may be accumulated over the 600 hours (or 700 hours for eligible employees) shown above until an employee's annual "accrual date" (which is normally the day and month when originally hired). For employees who go beyond the maximum accrual limit, refer to the provisions of current management policies or ratified memoranda of understanding for each employee representation unit.

    a. For unclassified employees and employees in classes in the Administrative Support and Field Service Unit, Professional Unit, Supervisory Unit, Technical Unit, and the No Representation Unit, if a department should approve a scheduled leave request and subsequently deny it, resulting in the employee losing leave credits because of going beyond the accrual limit, credits lost would be reinstated for a period of three months during which time the department would mandate a leave for the employee.

B. Annual Leave Usage:

1. Appointing authorities are responsible for arranging leave schedules so that adequate personnel are available to carry on necessary City work.

2. Insofar as practicable, employees should be permitted to schedule annual leave at times most acceptable to the employee. In large departments or divisions the choice of vacation times should be arranged according to seniority, some other equitable method, or in accordance with the provisions of a current ratified Memorandum of Understanding.

3. Employees desiring to use annual leave time, which has not been previously scheduled, for illness or family emergency, shall report to their Department to obtain authorization for the absence. The appointing authority may require the employee to furnish satisfactory evidence justifying any such request.

PERSONNEL MANUAL

Leaves of Absence

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4. If, in the opinion of the department head, an employee is physically unable to safely perform his or her duties the employee should be encouraged to use leave credits in order to seek medical attention to fit himself or herself for the proper performance of assigned duties. If the employee declines the use of leave credits and does not take corrective action the department head should consider the options presented under Compulsory Leave. (See Index Code I-6, Compulsory Leave.)

5. Medical examination by the City's examining physician may be requested by the appointing authority, with the approval of the Personnel Director, after prolonged, serious, or repetitious illness, injury, or major surgery.

   a. An employee's return to duty following illness or injury is subject to the approval of the Personnel Director based upon medical information supplied by the employee's physician and/or the City's examining physician. (See Index Code C-4, Medical Examinations.)

6. Cases of leave abuse should be discussed with the Office of the City Manager and/or the assigned Personnel Liaison Analyst so that appropriate disciplinary action may be taken in accordance with Index Code L-2, Discipline.

7. Annual leave credits may not be used to supplement industrial leave or long-term disability payments.

C. <u>Annual Leave - Workers' Compensation</u>:

1. An employee who is absent from duty because of a temporary disability which is defined as industrial under the Workers' Compensation Act, but who is not granted industrial leave (or has exhausted the full year of industrial leave) may use accumulated leave credits.

2. An employee who is using leave credits to cover such an absence, and who is granted a temporary disability allowance under the provisions of the Workers' Compensation Act, shall not receive compensation in excess of his or her regular full salary for this period.

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a. The absence shall be charged against the employee's accumulated leave credits.

b. However, leave credits equal to the amount of the temporary disability allowance shall be reimbursed to the employee's leave account.

D. Holidays During Annual Leave:

1. Eligible employees shall be entitled, without loss of pay, to the holidays defined in Section 21.04 of the Municipal Code, or to compensatory time off. All eligible employees shall be entitled to the same number of holidays. (See Index Code H-2, Holidays.)

2. If a City holiday falls on a scheduled day of annual leave, it shall be counted only as a holiday observed, not as a leave day used, except for uniformed police and fire classes, in which case the holiday will be counted as a leave day and the employee will be credited with eight hours of compensatory time.

a. Full-time, three-quarter time, and one-half time employees are entitled to eight, six, and four hours holiday credit, respectively.

b. When a holiday causes a one-half time or three-quarter time employee to receive less than his or her normal paycheck, the employee may use either compensatory time or annual leave credits to make up the difference.

E. Pay in Lieu of Annual Leave:

1. The following pay-in-lieu policy applies unless otherwise provided in a current ratified memorandum of understanding or administrative policy.

2. Yearly:

Employees may make up to two requests for payment in lieu of annual leave each fiscal year. The total of both requests cannot exceed 125 hours each fiscal year. Requests for payment in lieu of annual leave may be made if the employee has sufficient hours of earned leave credits unless pay-in-lieu payments are superseded by restrictions in current ratified memoranda of understanding.

In addition, employees in the Fire Representation Unit must meet the

Leaves of Absence

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following conditions:

a. have taken at least one week of annual leave during the calendar year; and

b. after receiving the requested number of hours of pay in lieu of annual leave retain at least 40 hours of earned leave credits.

c. The provisions of paragraphs (a) and (b) are waived for employees with 15 or more years of service.

3. Upon separation: An employee shall be entitled to pay in lieu of accumulated annual leave credits upon separation.

a. Annual leave pay in lieu is calculated at the rate of pay in effect on the employee's last day of work, including all regularly received extra pay and allowances, such as shift differentials but not including temporary or extra pay items such as out-of-class pay or stand-by pay.

b. Discharged employees, including those who have appealed the action to the Commission, shall be paid for accumulated leave credits.

4. Military Leave: Employees going on extended Military Leave who are otherwise eligible, may be paid for accumulated annual leave credits. (See Index Code I-10, Military Leave.)

F. Terminal Employees: Any eligible employee, as defined by Civil Service Rule X, section 3 (3), who elects to take terminal annual leave, prior to leaving City service for any reason, shall have his or her status changed to terminal leave (by processing Form CS-1522, Personnel Change Request), and will retain the same Standard Rate and pay step being received at the time.

1. Retiring Terminal Employees: Annual leave credits are earned during terminal annual leave and shall be used in computing the total annual leave period.

PERSONNEL MANUAL

Leaves of Absence

ANNUAL LEAVE

2. All Other Terminal Employees: Annual leave credits will continue to be added to the employee's account, but shall not be used or reimbursed, unless the employee first returns to active duty.

3. Employees on Terminal Sick Leave: Annual leave credits accrued during terminal sick leave may not be used or reimbursed unless the employee subsequently returns to active duty.

IV. PROCEDURE:

A. Annual Leave: See Index Code I-1, Leaves of Absence, for procedure for processing annual leave requests.

B. Pay in Lieu of Annual Leave:

1. Yearly pay in lieu: To receive pay in lieu, the employee must complete Form CS-14-25A as described below. This request must be received by the Auditor's Office at least 10 calendar days prior to the payday on which the employee wishes to receive payment. Such payments will be included in the employee's regular paycheck. Separate checks will not be issued for payments in lieu of annual leave.

a. Form CS-14-25A shall be completed for annual leave pay in lieu.

(1) In the section "CHECK TYPE OF LEAVE REQUESTED" place an "X" in the box reserved for pay in lieu.

(2) Enter the number of hours for which pay in lieu is requested in the box titled "TOTAL WORK HOURS OFF" (no dates or number of days needed).

b. Payroll Clerks: For instructions regarding completion of Pay Off Identification, Form AC-423, and the Time Sheet, see the Auditor's Payroll Manual.

2. Termination and Indefinite Military Leave Pay in Lieu:

a. The request for pay in lieu shall be processed on Request for Leave of Absence, Form CS-14-25C.

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(1) In the section "CHECK TYPE OF LEAVE REQUESTED," place an "X" in the "ANNUAL LEAVE WITH PAY" box.

(2) Enter the total number of accrued annual leave credits in the box titled "TOTAL WORK HOURS OFF" (no dates or number of days needed).

(3) In the section "I REQUEST LEAVE FOR THE FOLLOWING REASONS," enter "Annual leave pay in lieu - termination" (or "...indefinite military leave").

b. Payroll Clerks: For instructions regarding completion of Pay Off Identification, Form AC-423, and the Time Sheet, see the Auditor's Payroll Manual.

3. Temporary Military Leave: Annual leave pay in lieu shall not be granted.

C. Pregnancy:

1. As soon as pregnancy is certain, the employee shall notify her supervisor of the expected date of delivery, and her preliminary plans, so that arrangements may be made to train a replacement.

2. The beginning date of annual leave usage shall be at the employee's discretion, with the concurring written advice of her personal physician.

3. If the employee exhausts her annual leave credits, or chooses not to use them, and will be absent without pay for more than 30 days, she must submit a request for Special Leave Without Pay. (See Index Code I-7.)

4. Date of return to duty shall be determined by the Personnel Department, based upon the written recommendation of the employee's physician and when necessary, the concurrence of the City's examining physician.

Leaves of Absence

SICK LEAVE

I. AUTHORITY:

A. Civil Service Rule X, Section 4. SICK AND EMERGENCY LEAVES.

II. POLICY:

A. Intent:

1. The intent of this Policy is to allow continued use of sick leave credits accrued prior to September 4, 1981, for those employees who are unable on account of illness or injury to perform the duties of their positions or who would expose fellow workers or the public to contagious disease and are thereby forced to be absent from employment, and to provide necessary time off from work for medical and dental care, subject to administrative regulations designed to prevent malingering or abuse of these privileges.

B. Sick Leave Usage:

1. Accumulated sick leave credits should be regarded by all supervisors and employees as valuable, free health and welfare insurance which, in the best interests of all employees, should not be dissipated or abused. Sick leave is not a "right." Sick leave is a privilege, to be used carefully.

2. Sick leave credits may not be used to supplement industrial leave or long-term disability payments.

C. Departmental Control:

1. Each department head is responsible for controlling the use of sick and emergency leave within his/her department. Records of individual sick leave usage should be maintained so that corrective measures may be taken when improper, repetitious, or inappropriately prolonged uses of sick or emergency leave are discovered. Excessive sick leave for personal illness which interferes with the employee's proper performance of duties should be reflected on the employee's Performance Reports, with appropriate explanation and comment.

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2. The appointing authority may require the employee to furnish satisfactory evidence substantiating the facts justifying any sick or emergency leave request.

3. If, in the opinion of the department head, an employee is unable to safely perform his or her duties the employee should be encouraged to use sick leave credits in order to seek medical attention to fit himself or herself for the proper performance of assigned duties. If the employee declines the use of sick leave credits and does not take corrective action, the department head should consider the options presented under Compulsory Leave. (See Index Code I-6, Compulsory Leave.)

4. Medical examination by the City's examining physician may be requested by the Appointing Authority, with the approval of the Personnel Director, after prolonged, serious, or repetitious illness, injury, or major surgery.

   a. An employee's return to duty following sick leave is subject to the approval of the Personnel Director based upon medical information supplied by the employee's physician and/or the City's examining physician. (See Index Code C-4, Medical Examinations.)

5. Cases of sick leave abuse should be discussed with the Office of the Mayor and/or the assigned Personnel Liaison Analyst so that appropriate disciplinary action may be taken in accordance with Index Code L-2, Discipline.

D. <u>Sick Leave - Workers' Compensation</u>:

1. An employee who is absent from duty because of a temporary disability which is defined as industrial under the Workers' Compensation Act, but who is not granted industrial leave (or has exhausted the full year of industrial leave) may use accumulated sick leave credits.

2. An employee who is using sick leave credits to cover such an absence, and who is granted a temporary disability allowance under the provisions of the Workers' Compensation Act, shall not receive compensation in excess of his or her regular full salary for this period.

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a. The absence shall be charged against the employee's accumulated sick leave credits.

b. However, sick leave credits equal to the amount of the temporary disability allowance shall be reimbursed to the employee's sick leave account.

E. Changing Scheduled Annual Leave to Sick Leave: An eligible employee who, while on scheduled annual leave, has suffered a serious disability due to injury or illness requiring professional medical treatment, and who by order of an attending physician has been confined to bed, or been seriously restricted in mobility for five or more consecutive days may request use of sick leave credits in substitution for scheduled annual leave during each full day of said serious disability and/or serious restriction. Such substitution of sick leave for annual leave shall not be made for periods of recuperation, during which time the employee has a reasonable degree of mobility and freedom from pain, or because of illness or death in the immediate family.

1. The appointing authority shall be notified by the employee of any request to change scheduled annual leave to sick leave as soon as possible and no later than the first day after return to work.

2. The appointing authority shall provide the employee a copy of Form CS-14-25A, Request for Leave of Absence, and request full written information to include a medical report signed by the treating physician.

3. The employee shall submit the completed Form CS-14-25A and a written statement giving the dates and full details of the disability and restriction to the appointing authority.

4. The appointing authority shall review the request to assure it is in compliance with this policy. In questionable cases, the appointing authority should consult with the assigned Personnel Department liaison analyst.

5. Upon endorsing a request, the appointing authority shall send all appropriate information to the Personnel Director for approval or denial. If the request is denied by either the appointing authority or the Personnel Director, the employee shall be informed of the reason(s) for denial.

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F. Terminal Sick Leave:

1. An employee who is totally unable to work, because of illness or injury, and who has made application and is being considered for disability retirement or termination, due to the medical prognosis as to length or permanency of his/her total inability to work, may be granted the terminal use of sick leave credits.

2. An employee who is able to return to light duty immediately prior to retirement or termination shall not be granted the terminal use of sick leave credits.

3. An employee who has applied for normal retirement, and who subsequently becomes totally unable to work because of illness or injury, may be granted the terminal use of sick leave credits upon transfer to the class of Terminal Employee.

4. Annual leave credits accrued during terminal sick leave may not be used or reimbursed unless the employee subsequently returns to active duty.

G. Sick Leave Reimbursement: See Administrative Regulation 95.90.

H. Emergency Leave: The term "emergency leave" as used in Rule X, Section 4, was devised to make a clear differentiation between sick leave credits used by the employee for personal illness and sick leave credits used for family emergency.

1. An eligible employee may be granted emergency leave with pay, chargeable to accumulated sick leave credits, not to exceed a total of 40 work hours (30 hours and 20 hours respectively for three-quarter and half-time employees) for each instance of emergency or critical illness or death of an immediate family member. In the case of illness immediately followed by death, an employee may be granted a maximum of 80 consecutive work hours (60 hours and 40 hours respectively for three-quarter and half-time employees) of emergency leave.

   a. A brief explanation of the circumstances and family relationship in each case of emergency leave shall be shown on the Request for Leave of Absence, Form CS-14-25A.

Leaves of Absence

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b. Substantiation of the necessity for emergency leave may be required at the discretion of the appointing authority.

2. It is Civil Service Commission policy to construe "attendance of the employee" to include passive presence with a critically ill family member when justified by humanitarian considerations.

3. The term "immediate family" as used in this section shall mean:

The employee's spouse; children (including stepchildren and foster children); grandchildren; grandparents; parents (including stepparents and foster parents); brothers; sisters; domestic partners and any member of the employee's household.

III. PROCEDURE:

A. See Index Code I-1, Leaves of Absence, for information on processing routine sick leave requests.

1. Appointing authorities and payroll clerks must be extremely careful not to report injuries - particularly potentially controversial cases such as back and knee injuries - as off the job, unless all facts are carefully checked and the injury is definitely not compensable under Workers' Compensation rules. For on-the-job injuries see Administrative Regulation 63.00.

a. The employee's sick leave credits will not be charged for the amount of temporary disability payments under Workers' Compensation Act provisions.

2. Pregnancy:

a. As soon as pregnancy is certain, the employee shall notify her supervisor of the expected date of delivery, and her preliminary plans, so that arrangements may be made to train a replacement.

b. The beginning date of sick leave usage shall be at the employee's discretion, with the concurring written advice of her personal physician.

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c. If the employee exhausts her sick leave credits, or chooses not to use them, and will be absent without pay for more than 30 days, she must submit a request for Special Leave Without Pay. (See Index Code I-7.)

d. Date of return to duty shall be determined by the Personnel Department, based upon the written recommendation of the employee's physician and when necessary, the concurrence of the City's examining physician.

Leaves of Absence

COMPULSORY LEAVE

I. AUTHORITY: Civil Service Rule X, Section 8 . COMPULSORY LEAVE.

II. POLICY:

A. This policy applies only to non-service-connected disability. (For service-connected disability, see Administrative Regulation 63.00.)

B. Compulsory leave shall be used only if the employee can reasonably be expected to recover the fitness necessary to perform the duties of the position, but cannot be persuaded to request a leave of absence.

C. In most instances, full performance of regular duties assigned to the class should be a basic requirement.

1. Assignment to limited or light duty should be of short duration, generally not more than three or four weeks.

2. Limited or light duty assignments should be approved only when it is clearly evident that such duty would not aggravate the employee's disability.

3. If limited or light duty assignments extend beyond three or four weeks, and the possibility of complete recovery within an additional short period of time is not readily predictable, the appointing authority shall request the Personnel Director to study the employee's limited duties so as to assign proper classification and compensation to the work. If this action results in demotion, the employee may request a Special Leave Without Pay from the higher class (see Index Code I-7).

D. The employee's return to duty shall be determined by the appointing authority, based upon reliable medical information and the advice of the Personnel Director.

E. Compulsory leave without pay shall not exceed one year.

Leaves of Absence

COMPULSORY LEAVE

III. PROCEDURE:

A. Appointing Authority Action:

1. When it is clearly evident that the employee cannot perform the regular or approved limited duties with safety (to the employee, co-workers, and/or the public), the appointing authority should persuade the employee to request appropriate leave and seek proper medical attention.

2. If the employee refuses to request appropriate leave and to seek proper medical attention, the appointing authority should immediately contact the Assistant Personnel Director to discuss scheduling the employee for a Fitness for Duty examination. The appointing authority will provide a written statement describing the employee's regular duties and the facts that cause the appointing authority to be concerned about the employee's ability to safely perform them. This will be provided to the examining physician by the Assistant Personnel Director.

3. The appointing authority will receive a report giving the employee's medical limitations and an estimated date when the employee can be expected to recover.

4. If the appointing authority determines that the employee's limitations cannot be accommodated and preclude the employee from working, and the employee still cannot be persuaded to request proper leave, the appointing authority, subject to approval of the Commission, may compel the employee to take Compulsory Leave pending recovery of the fitness necessary to perform the duties of the position.

B. Assistant Personnel Director:

1. The Assistant Personnel Director will review the request for consistency with applicable City policy and State and Federal law.

2. If approved, the Assistant Personnel Director will schedule the examination with an examining physician in the appropriate specialty.

Leaves of Absence

COMPULSORY LEAVE

3. Once the examining physician's report is received, the Assistant Personnel Director will advise the appointing authority and the employee regarding their respective rights and responsibilities.

C. Examining Physician:

1. The City's examining physician will perform an appropriate medical examination, with or without laboratory tests, as determined by the facts in each case.

2. The examining physician will promptly report the results of the examination, by telephone, to the Assistant Personnel Director or the assigned alternate, followed by a written report.

   a. The examining physician will report only medical limitations, not a diagnosis.

   b. This report will either include a medical opinion as to the date the employee may safely return to regular duty, or the examining physician will request that the Assistant Personnel Director schedule the employee for a medical recheck at a later date, before a final decision is reached.

   c. The employee will be instructed to contact the appointing authority to obtain the administrative decision as to return to duty.

Leaves of Absence

SPECIAL LEAVE WITHOUT PAY

I. AUTHORITY:

A. Civil Service Rule X, Section 9. SPECIAL LEAVE WITHOUT PAY.

B. Civil Service Rule XI, Section 3. CAUSE FOR REMOVAL OR SUSPENSION.

II. POLICY:

A. Special leave without pay must be formally approved by the Civil Service Commission for any unpaid absence of more than 30 consecutive calendar days, except in those cases where the employee is receiving Workers' Compensation or Long Term Disability benefits.

B. The Commission encourages the use of leaves of absence and other appropriate measures which are designed to result in tangible benefits to the City in terms of increased efficiency, technical knowledge, the creation of shortage-occupation skills, and the enhancement of executive development in the City's career system.

C. Special leave without pay is approved for specific inclusive dates, during which the employee must return to active City employment or request and be granted extension of leave by the Commission.

D. The maximum period of leave, exclusive of extension, shall be one year, except when a classified employee requests indefinite leave to enter the Unclassified Service.

E. Prior to approving special leave, the Commission may require presentation of documentary proof of the conditions upon which the employee has based his/her leave request.

F. Any material change in the conditions upon which approval for a special leave was based may be cause for cancellation of leave.

III. PROCEDURE:

A. Original Leave Request

1. When it is known that the employee will be or desires to request to be absent without pay for more than 30 consecutive calendar days, the

Leaves of Absence

SPECIAL LEAVE WITHOUT PAY

employee shall submit Form CS-14-25D, Request for Special Leave Without Pay, detailing thereon the specific reasons the leave is needed, the inclusive dates of the leave, and whether he/she wishes the job to be saved or to be placed on the eligible list. If the request is for placement on the eligible list, the employee may specify the (a) current class; (b) and/or any equal or lower classes in the same occupational group for which he/she meets the current minimum requirements; (c) and/or any equal or lower class in which he/she has served satisfactorily subsequent to any break in City service. When the employee is so incapacitated as to be unable to initiate the leave request personally, initiation may be performed by a personal representative.

2. The Form CS-14-25D, when completed by the employee, shall be given to his/her supervisor for transmittal via department head or designee and, when required, the Mayor to the Civil Service Commission.

3. The department head or designee shall attest on the Request for Special Leave Without Pay, to the current level of the employee's work performance and shall recommend approval, denial, or specific modification of the request. If denial or modification is recommended, the specific reasons must also be stated.

4. If the appointing authority and/or Mayor recommends modification or denial of the employee's request or if the request is denied by the Personnel Director, the Personnel Department shall notify the employee, appointing authority, and Mayor of the date, time, and location of the Civil Service Commission meeting at which the request will be considered. All affected parties will be afforded an opportunity to provide appropriate additional information for consideration by the Commission at that meeting. A final decision shall be made by the Civil Service Commission and results of that decision shall be transmitted to all affected parties by the Personnel Director.

5. Employees who move directly from the Classified Service to the Unclassified Service without a break in City employment will be considered to be on indefinite leave from the Classified Service for the duration of their unbroken employment in the Unclassified Service.

6. An employee granted special leave without pay shall not be terminated,

Leaves of Absence

SPECIAL LEAVE WITHOUT PAY

except for cause. His/her name shall remain on the payroll so as to protect his/her continuity of service, retirement, and other job rights.

7. The employee must return to work prior to the expiration date of the leave, unless the leave is extended by the Commission.

B. Extension or Termination of Special Leave:

1. Approximately one month prior to the expiration date of a leave of absence, the Personnel Department will send a reminder to the employee, with a copy to the appropriate department head, that the leave will soon expire and that the employee must either apply for and be granted an extension, resign from leave, apply for and be granted retirement, or be discharged. Appropriate forms will be forwarded to assist the employee in implementing his/her decision.

2. Upon receipt of this written notice and forms, and prior to expiration of the leave, the employee must determine whether or not to request an extension. Requests for extension shall be processed as outlined in III. A. above.

3. An employee who desires to resign shall complete the Resignation Form and submit it directly to his/her department.

4. An employee who desires to retire shall apply directly to the City Retirement Board.

5. An employee who fails, prior to leave expiration, to return to work, request extension of leave, resign, or retire shall be terminated and his/her Employment Record shall be noted “Leave Expired.”

C. Return to Duty:

1. An employee on special leave without pay shall promptly notify his/her supervisor and the Personnel Department of any significant change in intention to return to work, in order to have his/her eligibility activated.

2. An employee whose job is saved shall notify his/her supervisor and the Personnel Department at least three weeks before the date he/she wishes

Leaves of Absence

SPECIAL LEAVE WITHOUT PAY

to return to work. This must be done regardless of whether the proposed date of return is prior to or the same as the expiration date of the leave.

3. If the leave was taken for medical or other physical reasons, or if it is so requested by the appointing authority and it is appropriate, the Personnel Department shall schedule a medical examination and the employee's eligibility for return to duty shall be determined by the Personnel Department based on the report of the City's Examining Physician.

4. Certification to positions:

   a. An employee whose name is on the eligible list, but whose job is not saved, may request certification to all appropriate employment opportunities or restrict certification to specific opportunities.

   b. Certification shall be made in accordance with Civil Service Rule VI.

   c. An employee appointed to a limited or part-time position shall have his/her name retained on the eligible list for certification to other appropriate opportunities in the class to which he/she returned until permanent appointment in that class or normal expiration of the leave, whichever comes first.

5. The probationary period upon appointment to a permanent position shall be in accordance with Index Code G-2.

   a. An employee who had attained permanent status in the same class to which he/she is appointed shall return to work with permanent status.

   b. A probationary employee appointed to the same class held when he/she commenced leave shall have his/her probationary period automatically extended for the amount of time on leave of absence.

6. When the employee's job has been saved, he/she shall return at a salary step no lower than that held when the leave commenced.

7. When the employee's job has not been saved, his/her salary shall be

Leaves of Absence

SPECIAL LEAVE WITHOUT PAY

determined as though it were a voluntary class transfer or demotion, in accordance with Index Code H-9.

Leaves of Absence

COURT LEAVE

I. AUTHORITY:

A. Civil Service Rule X, Section 10. COURT LEAVE.

B. California Code of Civil Procedure, Section 218: The jury commissioner shall hear the excuses of jurors summoned, in accordance with standards prescribed by the Judicial Council. It shall be left to the discretion of the jury commissioner to accept an excuse .... without a personal appearance. All excuses shall be in writing setting forth the basis of the request and shall be signed by the juror.

II. POLICY:

A. Proof of Required Court Service: Before the appointing authority approves the request of an employee to be absent from duty because of an order to serve as a juror or court witness, the appointing authority or alternate shall, if possible, personally check the order and the employee's interest in the case, if any.

1. A properly executed subpoena, summons, or the verified request of competent authority, is necessary. When the foregoing requirement has been fulfilled, the appointing authority will place the employee on Court Leave with pay, according to the procedures which follow.

2. In cases where it would constitute a hardship to the City if the employee were required to be absent from work, the Appointing Authority should discuss the situation with the employee and attempt to arrive at a mutually convenient time for the employee's Court duty. If agreement can be reached, the employee should request the Jury Commissioner to postpone the court duty until the more convenient time or request to be excused from court duty. If agreement cannot be reached or the Jury Commissioner will not postpone the period of court duty, or excuse the employee the employee must be released from work to perform his/her legally required court duty.

B. Eligibility: Only full-time or part-time salaried employees who would have been at work in a paid status during the period of court duty shall be eligible to receive Court Leave with pay.

1. Hourly employees are not eligible to receive Court Leave.

Leaves of Absence

COURT LEAVE

2. Employees who are on leave (other than vacation) or are receiving LTD or Worker's Compensation benefits are not eligible to receive Court Leave.

3. Employees who are on vacation may elect to change their vacation to Court Leave with pay.

C. Limitations: The appointing authority shall approve Court Leave with pay only when the employee is eligible, and only for the number of days and/or hours of court attendance actually required of the employee.

1. An employee serving less than a normal work day on court duty may reasonably be required, at the discretion of the appointing authority, to report to work for completion of the normal work day or otherwise make up the remaining work hours by either using vacation or compensatory time credits, if any, at the discretion of the employee. (It would in general not be reasonable to require completion of the work day or make up time if less than one hour remained to be worked.)

2. For employees working on second or third shift, leave for day-time court duty shall be applied only to the next regular work shift falling in the same 24 hour period.

3. Reasonable travel time from the court back to work shall be allowed if the employee has served only a partial day of court duty and can reasonably be expected to return to work.

4. For employees in classifications represented by the Municipal Employees Association, the Mayor's designee will review and resolve disputes regarding reporting to work and the application of leave or rescheduling for Court duty purposes.

D. Collection of Fees: The employee may collect jury and witness fees from the party requiring a court appearance, except when the employee is appearing for the City. Witness fees for federal and civil action subpoenas are paid by the process server at the time the papers are served. These fees are offered to the witness being served a federal subpoena, but must be requested by the witness being served a civil action subpoena. Employees are not required to deposit these fees with the City Auditor.

Leaves of Absence

COURT LEAVE

E. On-Duty Court Appearances: An employee who appears in court in connection with City employment and official responsibilities is on duty; therefore, no leave is required.

III. PROCEDURE:

A. Preliminary Request for Court Leave: An employee who receives notice of required court duty which will conflict with the City work schedule shall notify his/her appointing authority at once.

1. For verification, the employee shall present to the appointing authority or alternate the subpoena or other official request.

2. If the employee is a party to the action, he/she shall request and be granted leave without pay for personal absence, or leave chargeable to vacation or compensatory time credits, if any.

3. If the employee is not a party to the action, court leave for verified court duty shall be granted.

B. Proof of Court Service: The employee shall obtain proof of court attendance for each day, or any portion thereof, for which Court Leave is requested.

C. Request for Leave of Absence: Civil Service Form CS-14-25A, shall be completed and processed.

1. Employee Action:

a. For leave with pay, the box titled "Court Leave" shall be checked.

b. On all copies of the Form CS-14-25A, in the reason for leave space write, "Court Leave, summoned as juror," or "Subpoenaed as witness; employee not a party."

c. Three copies of Request for Leave of Absence Form CS-14-25A shall be completed for each day's, or any portion thereof, absence. The exact date and hours of attendance shall be recorded on the leave request. The employee's court attendance must be verified by the Clerk of the Court's signature on the CS-14-25A, or other official attendance document. This may vary depending on the

Leaves of Absence

COURT LEAVE

Court. Employees should check with the Clerk of the Court on the first day of Court duty to determine what attendance documentation is provided by that Court.

2. Appointing Authority's Action:

   a. Before approving a Court Leave, the appointing authority shall determine that all necessary facts are properly presented, and that total hours or days of Court Leave with pay requested by the employee are correct.

   b. Other items on Form CS-14-25A shall be completed, as necessary, and the form shall be processed in the usual manner as describe in Index Code I-1.

Leaves of Absence

MILITARY LEAVE

I. AUTHORITY:

A. Civil Service Rule X, Section 6. MILITARY LEAVE

B. California Military and Veterans' Code:

1. Section 394. Discrimination against members of armed forces: Misdemeanor... No member of [the] military reserves or militia forces shall be prejudiced or injured... with respect to his employment, appointment, position or status or... discharged from his employment or position by virtue of his membership or service in the military forces of this State of the United States....

2. Section 395. Public Employee on military duty: Absence on temporary military leave. Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of active military training, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty, and provided that military leave of absence is not authorized for periods of inactive military duty.

   He shall have an absolute right to be restored to his former office or position and status formerly had by him in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of such temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated to a position of like seniority, status, and pay if such position exists, or if no such position exists he shall have the same rights and privileges that he would have had if he occupied the position when it ceased to exist and had not taken temporary military leave of absence.

   Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which his temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges, and the same rights and privileges to promotion, continuance in office, employment,

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reappointment to office, or reemployment that he would have enjoyed had he not been absent therefrom; excepting that an uncompleted probationary period if any in the public agency must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency all service of said public employee in recognized military service shall be counted as public agency service.

3. Section 395.01. Same: Right to salary or compensation for first 30 days: Salary, etc., not to exceed 30 days a year: Military service deemed public agency service.

Any public employee who is on temporary military leave of absence and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day upon which the absence begins, shall be entitled to receive his salary or compensation as such public employee for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of said public employee in the recognized military service shall be counted as public agency service.

4. Section 395.02. Same. Absence on military leave other than temporary military leave: Right to salary, etc., for first 30 days when in public service for not less than one year: ”Officer” and “employee” defined.

Every officer and employee of a public agency who is on military leave other than temporary military leave of absence who has been in the service of such public agency for a period of not less than one year immediately prior to the date on which the absence begins, shall be entitled to receive his salary or compensation as such officer or employee for the first 30 calendar days while engaged in the performance of ordered military duty.

As used in this section only, the terms “officer” and “employee” mean an officer or employee who

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(a) Is ordered into active military duty as a member of a reserve component of the armed forces of the United States;

(b) Is ordered into active federal military duty as a member of the National Guard or Naval Militia; or

(c) Is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

5. Section 395.03. Same. Pay not to exceed 30 days a year. No more than the pay for a period of 30 calendar days shall be allowed under the provisions of Sections 395.01 and 395.02, or both, for any one military leave of absence or during any one fiscal year.

6. Section 395.05. Public employee on military or naval duty as member of National Guard during state of extreme emergency, etc.: Right to absent himself from duties without regard to length of public service:

Right to salary, etc., not exceeding 30 days: Right to same vacation and holiday privileges, promotion, etc.

Any public employee who is a member of the National Guard shall be entitled to absent himself from his duties or service, without regard to the length of his public service, while engaged in the performance of ordered military or naval duty and while going to and returning from such duty, provided such duty is performed during such time as the Governor may have issued a proclamation of a state of extreme emergency. ...During the absence of such officer or employee... and for a period not to exceed 30 calendar days, he shall receive his salary or compensation as such officer or employee and shall not be subjected by any person directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office, employment, reappointment to office, or reemployment.

7. Section 395.1 Public employee on military duty: Reentry upon office or position: Time limit: Rights and privileges: Abolition of office or position: Discharge: Participation in insurance and other benefits.

(a) Notwithstanding any other provision of law to the contrary, any public

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officer... or employee of any city... who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act., to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within six months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and reenter upon the office or position shall not extend to or be granted to such... public officer... or employee... who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state. He shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and reentry to the office or employment, the officer or employee shall have all of the rights and privileges in, connected with, or arising out of he office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such

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officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States. If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under the provisions of this code if he voluntarily elects to complete the period of such duty.

8. Section 395.3. <u>Reentry into public office or employment after resignation to serve in armed forces.</u>

In the event that any public officer or employee who resigns or has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this state, he shall have a right to return to and reenter the office or employment prior to the time at which his term of office or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces; provided, that such right to return and reenter upon the office or position shall not extend to or be granted to such public officer or employee, who shall fail to return to and reenter upon his office or position within 12

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months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state.

As used in this section, "public officers and employee" includes all of the following:...

(d) All officers and employees of any... city,... or other public agency within this state.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his rights to restoration as provided for herein.

This section does not apply to any public officer or employees to whom the rights to reenter public office or employment after service in the armed forces has been granted by any other provision of law....

9. Section 395.4 <u>Leave of absence of... city... employee or officer entering national armed forces.</u>

Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, any employee or officer, other than an elected officer, of a... city... who enters the armed forces of the United States shall be entitled to a leave of absence for service with such armed forces for the duration of the war or until the Governor finds and proclaims that the emergency no longer exists, and for 90 days thereafter, or until 90 days after the termination of such service.

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MILITARY LEAVE

C. Attorney's Opinions:

1. The City is required to approve the use of leave for non-active duty, such as weekend or week-night duty but is not obliged to grant paid military leave for such drills.

2. The City may not require that an employee's work schedule be adjusted so that days off coincide with weekend military obligations.

3. An employee injured or exposed to disease in the course of military duty is not eligible for paid military leave to visit a military or non-military doctor or to recuperate unless ordered to active duty.

4. The City is not required to schedule or re-schedule examinations for employees on military leave.

II. POLICY:

A. Paid Military Leave Entitlement: Any employee who has been in the service of a public agency for a period of not less than one year immediately prior to the date on which the prolonged active military duty or annual extended reserve duty starts shall be entitled to paid military leave. Service with the City and in the military constitute service in a public agency, and may be combined for the one-year requirement. The maximum paid military leave entitlement during any one fiscal year shall be no more than the pay for a period of 30 calendar days, unless otherwise provided in a current ratified Memorandum of Understanding or unless additional benefits are authorized by specific action of the City Council. Paid military leave shall not be granted for attendance at non-active duty such as weeknight or weekend training drills.

B. For purposes of this benefit, Calendar days will be counted by identifying the first and last work days missed for a "set of military orders" and counting those days and all of the intervening days. If the employee has two or more "sets of military orders" (with less than a 24-hour gap between sets of orders) which represent one continuous period of time, then they shall be treated as one "set of military orders" for purposes of counting the length of Military Leave used.

Leaves of Absence

MILITARY LEAVE

III. PROCEDURE:

A. Reserve or National Guard Inactive Training Drill:

1. Employees shall notify their appointing authorities, through supervisory channels, as soon as they receive notice of the dates they are to report for inactive drill training duty.

2. If an employee's inactive drill training conflicts with the City work schedule, the employee may request that the schedule be adjusted to allow the employee to fulfill military obligations on days off, or to use accrued annual leave or overtime credits.

3. If the employee does not request adjustment of the work schedule or the appointing authority does not adjust the work schedule and the employee's inactive drill training conflicts with the work schedule, the employee shall be granted leave without pay, or if requested and approved, use of accrued annual leave or overtime compensation credits.

a. Prior to the unpaid leave or annual leave, the employee shall submit a Request for Leave of Absence, Form CS-14-25C, showing "Inactive Drill Training" as reason for the request.

b. Upon completion of the required inactive drill training, the employee shall submit to the supervisor written confirmation of attendance, certified by the employee's commanding officer.

B. Prolonged Active Duty and Annual Extended Reserve Duty:

1. An employee who is about to enter the armed forces for prolonged active duty or annual extended reserve duty under conditions which will qualify for paid military leave and the 30 calendar day separation pay mentioned above, shall submit a Request for Leave of Absence, Form CS-14-25A, and shall forward a copy of the military orders to the Personnel Department's Records Section as soon as possible.

a. If an employee's normal merit increase eligibility date falls within the period of paid military leave, the employee is eligible for consideration for a step increase; if granted, the effective date of the

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increase is the first day of the period and the employee receives pay for the full period at the advanced step. (See Index Code H-8)

b. Paid military leave for part-time employees will be based on the average number of hours worked by the employee during the six pay periods immediately prior to the beginning of such leave and/or such average the employee was scheduled to work (as certified by the appointing authority and approved by the Commission) during the six pay periods immediately following such leave.

2. The employee will be given a Verification of Active Military Service, Form CS-ML-1, which must be completed by the commanding officer of the employee's military unit, following the employee's 30 days of active duty in the armed service, in order for the employee to receive separation pay as provided in the California Military and Veterans' Code.

3. An employee may elect to receive pay in lieu for unused annual leave credits if eligible as defined below, or these benefits may be left intact.

   a. An employee who has completed one year of continuous service during which the employee was eligible to earn annual leave credits, shall be entitled to pay in lieu for unused annual leave credits. (See Index Code I-2)

   b. An employee hired prior to July 1, 1975, shall be reimbursed for unused sick leave credits subject to the provisions in Administrative Regulation 95.90.

4. The City Attorney has opined that, upon return within the allowable time parameters of the Military and Veterans' Code, an employee who received pay in lieu for unused sick and/or annual leave credits has the right to reimburse the City that amount received via payoff and have those credits which were accrued prior to departure for military leave reinstated to the account.

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C. Return After Prolonged Active Duty Military Leave:

1. Upon return from prolonged active duty military leave under the conditions prescribed above, the employee shall report to the Personnel Department Records Section, and present military separation papers.

2. Following medical examination by the City's Examining Physician and approval by the Personnel Department, the employee shall be returned to the position the employee left, or to a comparable position for which the employee is qualified.

3. A probationary employee's probationary period will be extended automatically by the Personnel Department for the amount of time on prolonged military leave.

Leaves of Absence

HOURLY SICK LEAVE (A.B. 1522)

I. AUTHORITY: Civil Service Rule X, Section 12. HOURLY SICK LEAVE (A.B. 1522).

II. DEFINITION:

Hourly Sick Leave (A.B. 1522) is a compensated benefit intended to be consistent with the paid sick leave benefit provided by State of California Assembly Bill 1522 (A.B. 1522), which enacted the Healthy Workplaces, Healthy Families Act of 2014, set forth at California Labor Code, Division 2, Part 1, Chapter 1, Article 1.5, sections 245 through 249. The Hourly Sick Leave (A.B. 1522) benefit is available for use on or after July 1, 2015, under the conditions approved by the City Council, which are set forth in this Regulation.

III. POLICY:

A. The Hourly Sick Leave (A.B. 1522) benefit is for those hourly, non-benefitted employees referred to as Eligible Employees in this Regulation, who, regardless of classification, do not receive paid Annual Leave or other paid leave that can be used for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, the Eligible Employee or the Employee's family member; or

2. If the Eligible Employee is a victim of domestic violence, sexual assault, or stalking, to take time off from work to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; obtain or attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his or her child; seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; obtain psychological counseling services related to an experience of domestic violence, sexual assault, or stalking; or participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Leaves of Absence

HOURLY SICK LEAVE (A.B. 1522)

3. A family member, as used in paragraph A.1 above, is

   a. the Eligible Employee's biological, adopted, or foster child, stepchild, legal ward, or a child to whom the Eligible Employee stands in loco parentis regardless of age or dependency status of the child;
   b. the Eligible Employee's biological, adoptive, or foster parent, stepparent, or legal guardian of an Eligible Employee or the Eligible Employee's spouse or registered domestic partner, or a person who stood in loco parentis when the Eligible Employee was a minor child;
   c. the Eligible Employee's spouse;
   d. the Eligible Employee's registered domestic partner;
   e. the Eligible Employee's grandparent;
   f. the Eligible Employee's grandchild; or
   g. the Eligible Employee's sibling.

4. An Eligible Employee who receives compensation for Military Leave or Industrial Leave under City authorized leave programs does not lose eligibility for this benefit.

B. Accrual: Effective July 1, 2015, Eligible Employees will accrue Hourly Sick Leave (A.B. 1522) at a rate of one hour for every 30 hours worked, up to a maximum accrual of 48 hours. Eligible Employees begin accruing Hourly Sick Leave (A.B. 1522) on July 1, 2015, or at the commencement of employment, whichever is later, but may not use the accrued leave until the 90th day of employment, which is measured by 90 actual days worked. Any amount of time spent working on a day counts as one day toward the 90-day employment period.

C. Use: Eligible Employees may use up to 24 hours on Hourly Sick Leave (A.B. 1522) in any fiscal year for permitted use as outlined in the Personnel Manual, Civil Service Rule X, Section 12(3), and Paragraph III.A above.

D. Carry-Over: Any unused accrued Hourly Sick Leave (A.B. 1522) will carry over to the following fiscal year, up to a maximum accrual of 48 hours.

Leaves of Absence

HOURLY SICK LEAVE (A.B. 1522)

E. Separation from City Service: If an Eligible Employee separates from employment with the City and is rehired within one year from the date of separation, previously accrued and unused Hourly Sick Leave (A.B. 1522) will be reinstated. Eligible Employees may use the previously accrued and unused Hourly Sick Leave (A.B 1522) and accrue additional Hourly Sick Leave (A.B. 1522) immediately upon rehire.

F. No Cash Value: Eligible Employees may not cash out Hourly Sick Leave (A.B. 1522) at any time.

G. Forfeiture: If an Eligible Employee does not return to City service within one year from the date of separation, all accrued and unused Hourly Sick Leave (A.B. 1522) will be forfeited.

H. Memorandum of Understanding: This regulation is intended to be consistent with any memorandum of understanding or other collective bargaining agreement approved by the City Council related to leave benefits. If any provision in this regulation conflicts with any provision in a collective bargaining agreement in effect at the time this regulation is adopted or that is approved after the regulation's adoption, then the approved collective bargaining agreement will control.

IV. PROCEDURE:

A. If an Eligible Employee moves into a position or status, which entitles him or her to paid annual leave, the employee will no longer be an Eligible Employee for Hourly Sick Leave (A.B. 1522). The accrued, unused Hourly Sick Leave (A.B. 1522) will be held during employment but not available for use, unless the employee returns to a position or status in which he or she is no longer eligible for paid annual leave.

B. To use accrued Hourly Sick Leave (A.B. 1522), Eligible Employees must do the following:

1. Provide their supervisors with reasonable written or verbal advance notice of their request to use Hourly Sick Leave (A.B. 1522), if the leave is foreseeable. If the need for the leave is unforeseeable, they must provide notice as soon as practicable.

Leaves of Absence

HOURLY SICK LEAVE (A.B. 1522)

2. Complete Civil Service Form CS 14-25A, Request for Leave of Absence to use Hourly Sick Leave (A.B. 1522), by checking the box marked Hourly Sick Leave (A.B. 1522). Enter absence type 1005 on the time card in SAP Employee Self Service (ESS) Time Management.

C. Department Payroll

1. Must process Civil Service Form CS 14-25A, Request for Leave of Absence. See Index Code I-1, Leaves of Absence, for leave request forms processing.

2. Eligible Employees may use Hourly Sick Leave (A.B. 1522) upon the 90th day of employment, which is measured by 90 actual days worked. The City will track each hour worked by an Eligible Employee using the attendance type input on the time card in SAP Employee Self Service (ESS) Time Management.

3. Eligible Employees will be paid for use of Hourly Sick Leave (A.B. 1522) at the same hourly rate of pay as the Eligible Employee normally earns during regular work hours at the time the Hourly Sick Leave is taken, not including overtime pay. If an Eligible Employee in the 90 days of employment before taking accrued Hourly Sick Leave (A.B. 1522) had a different rate of pay, the City will pay the benefit at the highest pay rate earned in the prior 90 days of employment, as documented in the City's electronic payroll system.

4. The City will maintain records, specifically written leave slips and electronic payroll records, for three years documenting the hours worked and Hourly Sick Leave (A.B. 1522) accrued and used by an Eligible Employee, and will make these records available to the Eligible Employee or the State of California Labor Commission as required or permitted by California law.

Employer – Employee Relations

DISCLOSURE OF PERSONAL INFORMATION

I. AUTHORITY:

A. Charter Section 215: PUBLICITY OF RECORDS.

B. California Government Code:

1. Section 6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every citizen has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section...

2. Section 6254. ...nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, ...any state or local police agency, or any such investigatory or security files compiled by any other state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes,...

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination,...

C. California Penal Code:

1. Section 832.7...Peace officer personnel records...or information obtained from such records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Section 1043 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of police officers or a police agency conducted by a grand jury or a district attorney's office.

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2. Section 832.8...As used in Section 832.7, "personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to:

   a. Personal data, including marital status, family members, educational and employment history, or similar information;

   b. Medical history;

   c. Election of employee benefits;

   d. Employee advancement, appraisal, or discipline;

   e. Complaints, or investigations of complaints, concerning an event or transaction in which he participated, or which he perceived, and pertaining to the manner in which he performed his duties; or

   f. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

D. California Evidence Code:

1. Section 1043. Peace officer personnel records; discovery or disclosure; procedure.

   a. In any case in which discovery or disclosure is sought of peace officer personnel records or records maintained pursuant to Section 832.5 of the Penal Code or information from such records, the party seeking such discovery or disclosure shall file a written motion with the appropriate court or administrative body upon 10 days' written notice to the governmental agency which has custody and control of such records. Upon receipt of such notice the governmental agency served shall immediately notify the individual whose records are sought.

   b. Such motion shall include:

      (1) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace officer whose records are sought, the governmental

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agency which has custody and control of such records, and the time and place at which the motion for discovery or disclosure shall be heard;

(2) A description of the type of records or information sought; and

(3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that such governmental agency identified has such records or information from such records.

c. No hearing upon a motion for discovery or disclosure shall be held without full compliance with the notice provisions of this section except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of such hearing by the governmental agency identified as having such records.

II. POLICY:

A. It shall be the responsibility of each Department Head to control access to personnel and other records maintained on City employees in order to safeguard employees against unwarranted invasions of privacy. These provisions apply to all records containing information which is individually identifiable.

1. Only information needed for the administration of City employment shall be collected or maintained.

2. Access to such records will be limited to City employees who have a need for the records in the performance of their duties, except as provided below.

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B. Access by Employees: Each employee shall have the right to examine all records and personnel files pertaining to that employee (unless otherwise prohibited by law) during regular business hours. Each employee requesting such access must first present appropriate identification and must also specify the type of material to be examined.

1. If requested by the employee, copies of the record, or any portion thereof, may be provided to the employee, or anyone designated by the employee. Charges for these copies may be made in accordance with Administrative Regulation 95.20, Pricing and Furnishing City Documents.

2. This section does not apply to records or files consisting solely of Civil Service examination materials.

C. Access by Others to Employee Records (excluding Peace Officers): Personal information about an employee (excluding peace officers) may be disclosed upon request:

1. To other City departments with a legitimate business need for the information.

2. To law enforcement agencies (such as the District Attorney's Office, Sheriff's Department, Probation Department, and/or Federal Bureau of Investigation). Information disclosed shall be limited to the employee's job classification, dates of employment, work location, gross pay, and home address. Representatives of these agencies requesting such information must first present suitable identification.

3. To local, state, and federal revenue agencies (such as the County Revenue and Recovery Department, State Franchise Tax Board, and/or Internal Revenue Service). Information disclosed shall be limited to the employee's job classification, dates of employment, work location, gross pay, and home address. Representatives of these agencies requesting such information must first present suitable identification.

4. To other local, state, and federal public agencies such as the County Welfare Department. Information disclosed shall be limited to the employee's job classification, dates of employment, and gross pay. Representatives of these agencies requesting such information must first present suitable identification.

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(For disclosure of employee information to the State Employment Development Department for unemployment compensation purposes, see Personnel Manual Index Code L-6).

5. To prospective employers, but limited to a confirmation of an employee's classification and dates of employment. (The department or division head may make a statement concerning the reason for an employee's resignation or discharge if, in his or her opinion, such disclosure is necessary to protect the public interest. Such disclosures shall be limited to cases where the reason for the termination has a direct effect on the employee's suitability for the new job.)

6. To any other third person, agency, organization when:

   a. Requested in writing by the employee to whom the records pertain.

   b. Required by subpoena.

   c. Released with the specific approval of the Personnel Director or the department or division head after:

      (1) Considering the City's responsibility to safeguard individuals against unwarranted invasions of privacy, and

      (2) Conferring with the City Attorney, when necessary, to determine the necessity and legality of the disclosure.

D. Access by Others to Peace Officer Employee Records: Personal information about an employee who is a peace officer may be disclosed upon request:

1. To other City departments with a legitimate business need for the information.

2. To any third person, agency, organization when:

   a. Requested in writing by the employee to whom the records pertain.

   b. Required by court order.

   c. Released with the specific approval of the Personnel Director or the

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department or division head after:

(1) Considering the City's responsibility to safeguard individuals against unwarranted invasions of privacy, and

(2) Conferring with the City Attorney, when necessary, to determine the necessity and legality of the disclosure. (For disclosure of employee information to the State Employment Development Department for unemployment compensation purposes, see Personnel Manual Index Code L-6.)

Grievances, Hearings and Investigations

GRIEVANCE PROCEDURES

I. AUTHORITY:

Council Policy 300-6, Employer-Employee Relations Policy.

II. POLICY:

The provisions of the following grievance procedure apply to employees in all classes which are not in a representation unit and all classes in representation units which are not covered by a ratified memorandum of understanding.
Employees in classes in representation units which are covered by a ratified memorandum of understanding shall have access to the grievance procedure provision contained therein.

A. Employees have the right to file grievances without jeopardizing their positions.

B. Employees may represent themselves or select whomever they wish to represent them at any or all steps in the grievance procedure as outlined below.

1. The employee has the right to the assistance of a representative of his/her choosing in the investigation, preparation, and presentation of a written grievance with the exception that supervisory, management, or confidential employees as determined under the City's Employer-Employee Relations Policy may not represent non-supervisory, non-management or non-confidential employees.

2. Employees may have no more than one City employee and one non-City employee as representatives for grievance hearings.

C. The employee's first contact regarding job and working conditions is with the immediate supervisor and supervisors shall attempt to settle grievances informally at this level.

D. A grievance will normally be presented and processed on City time, and a grievant attending a grievance meeting in his/her own behalf on City time will not lose pay. In scheduling the time, place and duration of any grievance meeting, the employee, his/her representative and management will give due consideration to all participants' responsibilities in the essential operations of the department. Management has the unequivocable right to schedule grievance hearings as convenient. Hearings may or may not be held during an employee's normal shift. No overtime pay will be given to the grievant. Representatives, witnesses, or

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other participants will receive overtime pay if ordered to be present by the appointing authority.

E. Waivers and Time Limits:

1. Failure by management to reply to the employee's grievance within the time limits specified automatically processes the grievance to the next level.

2. Any level of review, or any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing.

3. If an employee fails to appeal from one level to the next level within the time limits established in this grievance procedure, the grievance shall be considered settled on the basis of the last decision and the grievance shall not be subject to further appeal or reconsideration.

4. By mutual agreement, the grievance may revert to a prior level for reconsideration.

5. If a grievant fails to appear for a scheduled grievance meeting, such failure without an excuse approved by the appointing authority shall entitle management to decide on the grievance without the presence of the grievant, or to schedule another meeting at that level (in which case the time requirements for hearing and decision are automatically waived). Failure to appear at two meetings on the same grievance without an approved excuse automatically terminates that grievance and it is deemed denied. The grievance shall then not be subject to further appeal or reconsideration.

6. When a grievant is on approved leave the time limits established in this procedure shall be suspended for the period of the leave.

7. No grievance shall be finally dismissed for an unexcused failure to appear at a scheduled hearing unless the grievant had been given 24 hours notice of the hearing.

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III. DEFINITIONS:

A. A grievance is a claim or charge of misunderstanding, or difference in interpretation, or violation of provisions of the Civil Service Rules, the Personnel Manual, or management policy or regulations including but not limited to Administrative and Departmental Regulations which affect wages, hours, or other terms and conditions of employment.

B. Whenever applicable, the term "working days" means the actual work days of the individual on whom the time limits are imposed.

C. City Rights as expressed in the City's Employer-Employee Relations Policy and actions covered by another appeals process as described in the Civil Service Rules or Personnel Manual are not grievable and shall not be processed through this grievance procedure.

IV. PROCEDURES:

A. General.

1. Management of the department has the responsibility to inform an employee of any limitation of a given level of management's authority to fully resolve the grievance. In this regard, management shall:

a. Supply the employee with the necessary information to process the grievance to the proper agency or authority.

b. Advise an employee when any matter under submission is determined by Management as not grievable according to the definitions in Section III above. The "grievance" paperwork submitted by the employee shall be returned to the employee along with a memorandum explaining why the matter is not grievable and what alternative procedures, if any, the employee may follow to process his/her complaint. If a grievance is determined to be non-grievable, that decision may be grieved. A decision favorable to the employee in this latter grievance shall serve to reinstate the original grievance in whole.

2. When a group of identical grievances develops, only one grievance form shall be submitted. The grievants may select not more than two (2)

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spokespersons who thereafter will be their representative "grievants." The acceptance of the decision by the spokespersons at any step (or final decision if the grievance moves to the fifth step) will be binding on all parties.

3. A grievance shall be recognized if it is brought to the attention of the immediate supervisor either informally or formally within ten (10) working days of the incident's occurrence.

4. If the grievance is between the employee and the immediate supervisor, the initial step may be to the next higher level or second level supervisor.

5. If the grievance system is abused by an unreasonable number of submittals by one individual or group obviously designed to thwart orderly processing, or if the grievances are patently irrelevant, or incomprehensible, they shall be rejected as "nongrievable" and returned to the grievant.

6. To be recognized, a grievance must state which policy, rule, regulation, etc., is involved in the matter and the nature of the remedy sought by the employee or employee's representative.

B. Steps.

Step 1: At the employee's or his/her representative's sole option, grievances may be presented to the supervisor either orally or in writing. If the complaint is presented orally, the procedure is informal and may be settled by an oral answer given within five (5) working days. If the grievance is presented in writing, the procedure is formal and the answer must be given in writing within five (5) working days after submission.

Step 2: If the problem cannot be solved at Step 1, the employee or his/her representative may present the complaint in writing to the second level supervisor (if not done as Step 1) within five (5) working days. Within ten (10) working days of the receipt of the grievance, a hearing shall be held and the management representative shall give a written decision to the employee and/or to the employee's representative.

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Step 3: If the problem is not resolved at Step 2, the employee or his/her representative may submit the grievance to the division head within five (5) working days. Within ten (10) working days of the receipt of the grievance, a hearing shall be held and the division head shall give a written decision to the employee and/or to the employee's representative. In smaller departments, this step is deleted.

Step 4: If the dispute is not solved in Step 3, the employee or his/her representative may present the grievance to the Department Head within five (5) working days. Within ten (10) working days of the receipt of the grievance, a hearing shall be held and the Department Head or his/her designee shall give a written decision to the employee or to the employee's representative. In non-mayoral departments this shall constitute the final resolution of a grievance involving management policy or regulations.

Step 5: Final Resolution of Grievance: If the grievance is still in dispute after Step 4, the employee or his/her representative may request a further hearing, which at the discretion of the Management Team will take place before the Civil Service Commission, on matters over which the Commission has authority, or before the Mayor or his/her designee, by submitting the grievance within five (5) working days. (If it is determined that the hearing should be held before the Civil Service Commission, a fact-finding hearing to define the issues in the grievance will be held by the Personnel Director with the employee and/or employee's representative prior to the date set for the Commission hearing. The grievance may be settled during such fact-finding hearing, if a mutually acceptable solution is developed.) A time shall be set for the hearing. The decision of the Commission or the Mayor shall be issued after the hearing. The employee or employee's representative may only request a hearing before the Civil Service Commission in matters solely involving Civil Service Rules or the Personnel Manual.

Grievances, Hearings and Investigations

NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

I. AUTHORITY:

A. The U.S. Equal Employment Opportunity Act of 1972 (Title VII of the Civil Rights Act of 1964, as amended), Section 703 (a) (42 USC 2000e-2(a))., as amended. Section 701(k) (42 USCS 2000e), and Section 704(a) (42 USCS 2000e-3).

B. State of California Fair Employment Practices Act Part 2.8, Division 3, Title 2: effective January 1, 1991.

1. Section 12941. Discrimination on the basis of Age.

C. The U.S. Age Discrimination in Employment Act (29 USC) Section 623, as amended. Prohibition of age discrimination.

1. Section 631, as amended. Age Limits.

D. Rehabilitation Act of 1973, as amended (29 USCS 794 (a), as amended).

1. Section 504.

2. Section 706(8)(A).

E. The Americans With Disabilities Act of 1990

1. Section 12112(a).

2. Section 12111(8).

F. Family and Medical Leave Act (FMLA).

1. 29 USCS 2612(a).

2. Section 2614. Employment and benefits protection.

G. The Human Dignity Ordinance (Chapter 5, Article 2), San Diego Municipal Code, Division 96 (4/16/90). Prohibition of Sexual Orientation Discrimination.

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NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

1. Section 52.9603.

H. Aids Policy (Chapter 5, Article 2), San Diego Municipal Code, Division 95 (2/22/88). Prohibition of AIDS, ARC or ARS Related Discrimination.

1. Section 52.9504.

I. City Charter Section 37. PERSONNEL DIRECTOR.

J. City Charter Section 128. INVESTIGATIONS.

K. Civil Service Rule XVI. DISCRIMINATION COMPLAINTS.

II. POLICY:

A. EQUAL TREATMENT

All employees shall be treated equally without regard to race, color, sex, creed religion, national origin, age, marital status, ancestry, medical condition (i.e., AIDS/HIV, history of cancer), pregnancy, disability, or sexual orientation in all employment matters, including, but not limited to, promotions, transfers, job rotation, training, work assignments, hiring, merit increases, overtime, awards and discipline. It is the expectation that every employee will support the principles of equal opportunity and equal treatment and that every City employee is provided a discrimination-free environment.

B. HARRASSMENT-FREE WORK ENVIRONMENT

All employees shall be provided a work environment free from harassment. Harassment creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Harassment includes any unwelcome, unsolicited and/or unwanted behavior towards coworker, subordinates, supervisors, or volunteers, that offends, humiliates, embarrasses, intimidates, or otherwise causes distress because of a person's race, color, sex creed, religion, national origin, age, marital status, ancestry, medical condition (i.e., AIDS/HIV, history of cancer), disability, or sexual orientation. Examples include the use of derogatory comments, slurs,

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NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

jokes, or derogatory pictures, cartoons, or posters.

The City has a Zero Tolerance Policy on harassment. This means the City will not condone, permit, or tolerate harassment of employees in any manner whatsoever. It is the intention of the City to ensure that this policy is fully enforced and that every City employee is provided a harassment-free environment.

III. PROCEDURE:

A. Filing Complaints:

1. A complaint of discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, medical condition (history of cancer only), marital status, sexual orientation, or physical or mental disability may be initiated by an employee, former employee, or applicant for employment concerning an employment practice of the City.

a. Employees may choose to file a complaint with the Department Equal Opportunity Liaison who serves as an initial point of contact for employees and management regarding the early resolution of issues pertaining to sexual harassment, biases, or discrimination in the workplace.

b. Complainants may represent themselves or be represented by another person at the presentation of their complaint and/or throughout the investigative and resolution process.

c. An employee may meet with the Personnel Department's Equal Employment Investigative Officer (E.E.I.O.) regarding a complaint during regularly scheduled work hours. For the purposes of coordination between the work schedule or duties of the complainant and the operational demands of that department, requests to meet with the E.E.I.O. during working hours must be approved by the employee's supervisor. An employee who requests it shall be granted reasonable time off for this purpose.

2. Complaints should always be filed within the time frame established by

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NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

State and Federal investigative agencies which is one year from the occurrence.

B. Notice to Department Head:

The appropriate managerial or nonmanagerial department head and the City Manager will be notified in writing within five working days of receipt of a formal complaint. Such notice shall include the name of the complainant, and the alleged discriminatory employment practice.

C. Acceptance or Rejection of Complaints:

1. Upon receipt of a complaint, the E.E.I.O. shall make whatever inquiries are necessary to establish:

   a. whether the complaint is within the authority of the E.E.I.O., and
   b. whether reasonable grounds exist to establish the possible validity of the complaint.

   The E.E.I.O. shall also advise the complainant of rights to pursue the complaint through the appropriate State or Federal agencies.

2. If the E.E.I.O. determines that the complaint does not fall within the authority of the E.E.I.O. or sufficient grounds do not exist to establish the possible validity of the complaint, the complaint will be rejected. If a complaint is rejected, the E.E.I.O. shall so notify the complainant and shall inform the complainant of rights to pursue the complaint through the appropriate State or Federal agencies.

3. If the E.E.I.O. determines that the complaint falls within the authority of the E.E.I.O. and reasonable grounds exist to establish the possible validity of the complaint, the E.E.I.O. must accept the complaint.

D. Investigation:

1. The E.E.I.O. shall promptly conduct an investigation of the complaint, including:

Grievances, Hearings and Investigations

NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

a. a thorough review of the circumstances under which the alleged discriminatory act occurred,

b. the treatment of the complainant as compared with the treatment of other employees in the organizational unit in which the alleged discriminatory act occurred, and

c. any policies and practices, verbal or written, related to the work situation which may constitute, or appear to constitute, discrimination because of race, color, religion, sex, national origin, ancestry, age, medical condition, marital status, physical or mental disability, or sexual orientation.

2. A complainant may withdraw a complaint at any time by notification to the E.E.I.O. The E.E.I.O. may cancel a complaint by written notification to the complainant under the following circumstances:

a. the complainant is unavailable, or

b. the complainant refuses to pursue the complaint, or

c. the complainant files a lawsuit, with similar allegations against the City, in a State or Federal court.

E. Determination and Mediation:

1. "No Cause" Findings.

a. If, following an investigation, the E.E.I.O. finds that there is no substantiating evidence for a charge of discrimination, the E.E.I.O. shall discuss this finding with the Personnel Director.

b. If the Personnel Director concurs in the findings of the E.E.I.O., the E.E.I.O. shall notify the complainant and, as appropriate, the City Manager and/or non-managerial Department Head of the decision.

c. In the event of a "no cause" finding, the complainant or respondent

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NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

may appeal the finding to the Civil Service Commission within ten (10) working days of being notified of the finding. Appeal requests must be in writing and based on one or more of the following reasons:

(1) The investigation was incomplete and/or improperly conducted.

(2) The conclusions of the investigation are incorrect based on the evidence.

(3) The conclusions of the investigation are incorrect based on the law.

The notice of appeal must provide specific information in support of the appeal based on one or more the above reasons.

d. The Personnel Director or his/her designee shall acknowledge all appeals and inform the Appellant whether the appeal meets the requirements prescribed above. If the appeal meets the requirements, the EEIO will respond with a written report within ten (10) working days.

e. The appeal and the EEIO response will be considered by the Civil Service Commissioner acting as a single Hearing Officer who will be assigned in the manner prescribed for a suspension appeal in Personnel Manual Index Section L-3. The appeal will be limited to issues raised in the notice of appeal. The Hearing Officer will then give a written response to the appeal request either (1) accepting the appeal, (2) denying the appeal, or (3) asking one or both parties to provide more information.

f. If the appeal is accepted, the Hearing Officer will determine the manner in which to conduct the appeal. In the case of an appeal based upon the assertion that “the conclusions of the investigation are incorrect based on the law”, the Hearing Officer shall determine whether the appeal will be conducted by convening a hearing or may require written briefs and decide the matter on the

Grievances, Hearings and Investigations

NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

briefs alone.

g. If a hearing is convened, the E.E.I.O. and then the appellant will present evidence and testimony concerning those issues accepted as the basis of the appeal. Upon conclusion of the hearing or upon conclusion of the review of the briefs:

(1) If the Hearing Officer concurs with the "no cause" findings, the E.E.I.O. shall notify the appellant of his of her rights to pursue the complaint through the appropriate State or Federal agencies.

(2) If the Hearing Officer does not concur with the "no cause" findings, then he or she may order any remedy provided in the Civil Service Commission Rules.

(3) In all cases the Hearing Officer's decision will exhaust the employee's administrative remedies within the City of San Diego's Discrimination Complaint Procedure. No further review by the Civil Service Commission will be permitted.

In the event that a disciplinary appeal hearing related to the matter comes before the Civil Service Commission, the Commissioner acting as the Hearing Officer in the prior Ano cause@ appeal shall not participate in any disciplinary appeal or in the ratification of any finding(s) from an appeal.

2. "Cause" Findings.

a. If, following an investigation, the E.E.I.O. finds that there is reasonable cause for a charge of discrimination, the E.E.I.O. shall discuss this finding with the Personnel Director, and, as appropriate, the City Manager and/or non-managerial department head.

b. If the Personnel Director concurs in the finding of the E.E.I.O., the E.E.I.O. shall attempt to mediate the complaint to the mutual satisfaction of both the complainant and the appropriate

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department head.

c. The E.E.I.O. will submit any mediation agreement to the Personnel Director and, as appropriate, the City Manager and/or non-managerial department head for review. If the Personnel Director concurs with the agreement and the actions required are within the administrative discretion of the Personnel Director, the Personnel Director will sign the agreement and it will be binding on the parties. If a mediation agreement requires action outside of the administrative discretion of the Personnel Director, the agreement will be brought before the Civil Service Commission for review.

d. If mediation is not possible, the complainant or respondent may appeal to the Civil Service Commission within ten (10) working days of being notified of the failure of the mediation process. Appeal requests must be in writing and based on one or more of the following reasons:

1. The investigation was incomplete and/or improperly conducted.

2. The conclusions of the investigation are incorrect based on the evidence.

3. The conclusions of the investigation are incorrect based on the law.

The notice of appeal must provide specific information in support of the appeal based on one or more of the above reasons.

e. The Personnel Director or his/her designee shall acknowledge all appeals and inform the Appellant whether the appeal meets the requirements prescribed above. If the appeal meets the requirements, the EEIO will respond with a written report within ten (10) working days.

f. The appeal and the EEIO response will be considered by the Civil

Grievances, Hearings and Investigations

NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

Service Commissioner acting as a single Hearing Officer who will be assigned in the manner prescribed for a suspension appeal in Personnel Manual Index Section L-3. The appeal will be limited to issues raised in the notice of appeal. The Hearing Officer will then give a written response to the appeal request either (1) accepting the appeal, (2) denying the appeal, or (3) asking one or both parties to provide more information.

g. If the appeal is accepted, the Hearing Officer will determine the manner in which to conduct the appeal. In the case of an appeal based upon the assertion that "the conclusions of the investigation are incorrect based on the law", the Hearing Officer shall determine whether the appeal will be conducted by convening a hearing or may require written briefs and decide the matter on the briefs alone.

h. If a hearing is convened, the E.E.I.O. and then the appellant will present evidence and testimony concerning those issues accepted as the basis of the appeal. Upon conclusion of the hearing or upon conclusion of the review of the briefs:

(1) If the Hearing Officer concurs with the AcauseA finding, the E.E.I.O. shall notify the appellant of his or her rights to pursue the complaint through the appropriate State or Federal agencies.

(2) If the Hearing Officer does not occur with the Acause@ finding, he or she may order any remedy provided in the Civil Service Commission Rules.

(3) In all cases the Hearing Officer's decision will exhaust the employee=s administrative remedies within the City of San Diego=s Discrimination Complaint Procedure.

The findings of the Hearing Officer will be considered administratively final. No further Civil Service Commission review will be permitted.

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NON-DISCRIMINATION POLICY ANDCOMPLAINT PROCEDURE

In the event that a disciplinary appeal related to the matter comes before the Civil Service Commission, the Commissioner acting as the Hearing Officer in the prior "cause" appeal shall not participate in any disciplinary appeal or in the ratification of any finding(s) from an appeal.

F. Compliance Reviews:

In cases where the Civil Service Commission makes a determination that an employment practice was discriminatory and orders that practice to be corrected, the E.E.I.O. will conduct periodic compliance reviews to ensure that corrected action is taken.

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ADDENDUM TO PERSONNEL MANUAL INDEX CODE K-2

NON-DISCRIMINATION POLICY AND COMPLAINT PROCEDURE

I. AUTHORITY:

A. The U.S. Equal Employment Opportunity Act of 1972 (Title VII of the Civil Rights Act of 1964, as amended), Section 703 (a) (42 USC 2000e-2(a))., as amended. Section 701(k) (42 USCS 2000e), and Section 704(a) (42 USCS 2000e-3).

1. Section 2000e-2(a) - Employer Practices.

It shall be an unlawful employment practice for an employer---

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, religion, sex, or national origin.

2. Section 2000e(k)

The terms "because of sex" or "on the basis of sex" include, but are not limited to, ... pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes ...

3. Section 2000e-3(a)

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, ... because he has opposed ... an unlawful employment practice ..., made a charge, testified, assisted, or participated in any manner in an

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NON-DISCRIMINATION POLICY AND COMPLAINT PROCEDURE

investigation, proceeding, or hearing.

B. State of California Fair Employment Practices Act Part 2.8, Division 3, Title 2: effective January 1, 1991.

1. Section 12940. ...; Unlawful employment practices.

It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

a. For an employer, because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, mental condition, marital status, or sex of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions or privileges of employment.

(1) Nothing in this part shall prohibit an employer from refusing to hire or discharging an employee with a physical or mental disability, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee with a physical or mental disability, where the employee, because of his or her physical or mental disability, is unable to perform his or her essential duties... or cannot perform those duties in a manner that would not endanger his or her health or safety or the health and safety of others...

(2) Nothing in this part shall prohibit an employer from refusing to hire or discharging an employee who, because of the employee's medical condition, is unable to perform his or her essential duties... or cannot perform those duties

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in a manner that would not endanger the employee's health or safety or the health or safety of others.... Nothing in this part shall subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee who, because of the employee's medical condition, is unable to perform his or her essential duties, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others....

(3) Nothing in this part relating to discrimination on account of marital status shall do either of the following: (A) affect the right of an employer to reasonably regulate, for reasons of supervision, safety, security, or morale, the working of spouses in the same department, division, or facility, consistent with the rules and regulations adopted by the Commission, (B) prohibit bona fide health plans from providing additional or greater benefits to employees with dependents than to those employees without or with fewer dependents….

b. For any person to discriminate against another person in the selection or training of that person in any apprenticeship training program or any other training program leading to employment because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or sex of the person discriminated against.

c. For any employer or employment agency, unless specifically acting in accordance with Federal Equal Employment Opportunity guidelines and regulations approved by the Commission, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental

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disability, medical condition, marital status, or sex, or any intent to make that limitation, specification or discrimination. Nothing in this subdivision shall prohibit any employer from making, in connection with prospective employment, an inquiry as to, or a request for information regarding, the physical fitness, medical condition, physical condition or medical history of the applicant if that inquiry or request for information is directly related and pertinent to the position the applicant is applying for or directly related to a determination of whether the applicant would endanger his or her health or safety or the health or safety of others.

d. For any employer, labor organization, employment agency, or person, to discharge, expel or otherwise discriminate against any person because the person has opposed any practices forbidden under this part or because the person has filed a complaint, testified or assisted in any proceeding under this part.

e. For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

2. Section 12941. Discrimination on the basis of Age.

a. It is an unlawful employment practice for an employer to refuse to hire or employ, or to discharge, dismiss, reduce, suspend, or demote, any individual over the age of 40 on the ground of age, except in cases where the law compels or provides for such action. This section shall not be construed to make unlawful the rejection or termination of employment where the individual applicant or employee failed to meet bona fide requirements for the job or position sought or held, ...nor shall this section preclude such physical and medical examinations of applicants and employees as an employer may make or have made to determine fitness for the job or position sought or held.

b. Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority

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and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities, and trade schools shall not, in and of themselves, constitute a violation of this section.

c. This section shall not limit the right of an employer...to select or refer the better qualified person from among all applicants for a job. The burden of proving a violation of this section shall be upon the person or persons claiming that the violation occurred.

C. The U.S. Age Discrimination in Employment Act (29 USC) Section 623, as amended. Prohibition of age discrimination.

1. It shall be unlawful for an employer-

a. to fail or refuse to hire or discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

b. to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age...

2. It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment...because such individual ... has opposed any practice made unlawful by this section, or because such individual ... has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this chapter.

3. It shall be unlawful for an employer ... to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer ... indicating any preference, limitation, specification, or discrimination, based on age.

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4. It shall not be unlawful for an employer ... to observe the terms of a bona fide seniority system that is not intended to evade the purposes of this chapter, except that no such seniority system shall require or permit the involuntary retirement of any individual ... because of the age of such individual; or to observe the terms of a bona fide employee benefit plan:

   a. where, for each benefit or benefit package, the actual amount of payment made or cost incurred on behalf of an older worker is no less than that made or incurred on behalf of a younger worker...; or

   b. that is a voluntary early retirement incentive plan consistent with the relevant purpose or purposes of this chapter.

5. Section 631, as amended. Age Limits.

   a. The prohibitions in this chapter shall be limited to individuals who are at least 40 years of age.

D. Rehabilitation Act of 1973, as amended (29 USCS 794 (a), as amended).

1. Section 504.

   No otherwise qualified individual with a disability in the United States, as defined in Section 7(8)[29 USCS 706(8)], shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...

2. Section 706(8)(A).

   a. Except as otherwise provided in subparagraph (B), the term "individual with a disability" means any individual who (i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment and (ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided...

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b. The term "individual with a disability" means... any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

c. For purposes of Sections 503 and 504 of this title as such sections relate to employment, the term Aindividual with a disability@ does not include any individual who is an alcoholic or whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

E. The Americans With Disabilities Act of 1990

1. Section 12112(a).

a. No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

b. As used in subsection (a), the term "discriminate" includes--

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee...;

(2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this subchapter (such relationship includes a relationship with an employment or

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referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);

(3) utilizing standards, criteria, or methods of administration:

(a) that have the effect of discrimination on the basis of disability; or

(b) that perpetuate the discrimination of others who are subject to common administrative control;

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of a known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity ...

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2. Section 12111(8).

a. The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

b. The term "reasonable accommodation" may include --

(1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

F. Family and Medical Leave Act (FMLA).

1. 29 USCS 2612(a).

a. Entitlement to leave. An eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following:

(1) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

(2) Because of the placement of a son or daughter with the employee for adoption or foster care.

(3) In order to care for the spouse, or a son, daughter, or

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parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

(4) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

b. Expiration of entitlement. The entitlement to leave ... for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

2. Section 2614. Employment and benefits protection.

a. Restoration to position.

(1) In general ... any eligible employee who takes leave ... for the intended purpose of the leave shall be entitled, on return from such leave --

(a) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(b) to restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave. . .shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced ...

b. Maintenance of health benefits.

(1) During any period that an eligible employee takes leave..., the employer shall maintain coverage under any "group health plan" . . . for the duration of such leave at the level and under the

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conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

G. The Human Dignity Ordinance (Chapter 5, Article 2), San Diego Municipal Code, Division 96 (4/16/90). Prohibition of Sexual Orientation Discrimination.

1. Section 52.9603.

a. Employers -- Discrimination. It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis (in whole or in part) of such individual's sexual orientation.

b. Employer -- Segregation. It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status on the basis (in whole or in part) of such individual's sexual orientation.

H. Aids Policy (Chapter 5, Article 2), San Diego Municipal Code, Division 95 (2/22/88). Prohibition of AIDS, ARC or ARS Related Discrimination.

1. Section 52.9504.

a. Unlawful employment practices. It shall be an unlawful employment practice for any employer ... to do any of the following:

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(1) Fail or refuse to hire or to discharge any person or otherwise to discriminate against any person with respect to compensation, terms, conditions or privileges of employment, including promotion, on the basis (in whole or in part) that such person has AIDS, ARC or ARS.

(2) Limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any person of employment opportunities or adversely affect his or her employment status on the basis (in whole or in part) that such person has AIDS, ARC or ARS.

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EMPLOYEE COUNSELING

I. POLICY:

A. On the job counseling is an important part of a supervisor's duties. Supervisors should be aware of any personal or job-related problems that interfere with an employee's work performance. The supervisor should only be concerned with the employee's job performance and should limit advice to ways the employee may improve performance on the current job or eligibility for advancement.

B. Supervisors should not involve themselves in an employee's life outside of work, unless asked by the employee. A supervisor may effectively assist in solving the employee's non-job related problem by referring the employee to the City's Employee Assistance Program or other outside program. Personal counseling, adjustment, evaluation, treatment and other such services will be the responsibility of the program the employee selects.

C. In no case should a supervisor attempt to make a personal decision for someone else. Whether the employee uses the services of any program is entirely the employee's responsibility.

D. Payment for any services related to this program will be the responsibility of the employee.

II. PROCEDURE:

A. <u>Job Counseling:</u>

1. Routine job-related difficulties should be answered by the immediate supervisor, or, if necessary or requested, should be referred to a higher level supervisor.

2. For specific advice on educational and training opportunities, an employee should be referred to:

a. the departmental training program for training that is directly related to the current job or advancement in the current job family, and/or;

b. the City's Career Development Program for information on career opportunities throughout the city.

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EMPLOYEE COUNSELING

3. Employees who are interested in promotional opportunities or transfers, or who have questions on personnel matters under the purvue of the Civil Service Commission should be referred to the Personnel Analyst assigned to their department. (See also Personnel Manual Index Code E-7, Transfers and Demotions.)

B. Personal Counseling:

1. When an employee's job performance has deteriorated due to an apparent personal problem, the supervisor should suggest the employee contact the Employee Assistance Program or other program for assistance.

2. In any case, the supervisor shall inform the employee that utilization of any program is purely voluntary on the employee's part and that costs, if any, for such service are borne by the employee.

3. If no improvement occurs as a result of assistance, or if the employee rejects assistance and job performance continues to be unacceptable, the supervisor shall follow appropriate disciplinary procedures to address the issue of poor job performance. (See Personnel Manual Index Code L-2, Discipline, and Index Code I-6, Compulsory Leave.) Mere refusal by the employee to seek assistance is not a valid reason for disciplinary action.

C. Financial Counseling:

If an employee's supervisor receives notification from a firm, collection agency, or other source that a debt is owed by the employee, the information should be immediately turned over to the employee. The supervisor should not attempt to ascertain the validity of the debt, collect the money, or determine the method of payment. This is a personal matter between the employee and the creditor. The supervisor may suggest that the employee seek financial counseling, if necessary, and refer the employee to the Employee Assistance Program for appropriate community resources for financial counseling.

D. Retirement Counseling:

An employee who is planning retirement, or who is leaving the City employment, should consult the Retirement Department to discuss available retirement benefits.

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I. AUTHORITY:

A. Civil Service Rule XI. RESIGNATION, REMOVAL, SUSPENSION, REDUCTION IN COMPENSATION, DEMOTION

B. Council Policy 300-6, Employer-Employee Relations, Section VI, City Rights:

"The rights of the City include but are not limited to the exclusive right to...determine the procedures and standards of selection for employment and promotion; direct its employees, take disciplinary action for just cause; relieve its employees from duty because of lack of work or for other legitimate reasons;...."

II. POLICY:

A. Policy Statements: Departmental policy on discipline should be published and made known to all employees.

1. Such a policy declaration should state the conditions under which corrective actions will be taken, what they consist of, and the City's position regarding fairness, consistency, adequate investigation, and review or appeal rights.

2. There must be a clear-cut definition of the responsibilities of all who are concerned with disciplinary matters. Special emphasis must be given the role of the supervisor at each level of the hierarchy, the limits within which each must operate, the sphere of interest of top management, and the role of the Personnel Department and the Civil Service Commission.

B. Records: Complete records of corrective actions are necessary. Records must include identification of the employee, the nature of each offense, a description of the investigation, the facts discovered by investigation, the action taken, and the results of the action.

C. Employee Representation: The provisions of the following employee representation policy apply to employees in all classes which are not in a representation unit and all classes in representation units which are not covered by a current ratified memorandum of understanding. Employees in classes in representation units which are covered by a current ratified memorandum of understanding shall be entitled to representation and appeal rights and procedures

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as provided therein, with the stipulation that a nonsupervisory employee may not select a supervisory employee as his/her City employee representative unless specifically granted this right by a current ratified Memorandum of Understanding. An employee may request representation, not to exceed one City employee and one non-City employee, to be present:

1. at any investigatory or fact-finding meeting which may directly result in reduction in compensation, suspension, discharge or demotion, except in cases requiring immediate removal or suspension as defined in Civil Service Rule XI, Sections 4 and 6 and Personnel Manual Section L-2, III, E.;

2. during the required discussion of any document, including an "Unsatisfactory", "Improvement Needed", or "Below Standard" Performance Evaluation, written warning, or reprimand which is to be made part of the employee's permanent record and/or which may be used as a basis for subsequent discipline, provided, however, that the "City employee representative" shall not be an employee subject to the same investigation or fact finding. The employee may appeal for cause the placement of such document in his/her permanent record by submitting an appeal letter, within 10 working days of the employee being notified that any such document is to be placed in his or her file, containing pertinent details of the basis for the appeal, to the Department Head. As soon as possible after receiving the appeal letter, which becomes an attachment to the document in question, the Department Head or designee will schedule a hearing on the matter. The employee is entitled to representation at such hearing. After the hearing the Department Head or designee will make a final decision as to whether the written document will be retained in or removed from the employee's record.

In all other instances, Management has the right to counsel employees as it deems appropriate without employee representation being present.

D. Nonpaid extra duty shall not be levied against any employee in lieu of discipline.

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III. TAKING CORRECTIVE ACTION:

A. Supplemental Performance Report: A supplemental performance report should be used to notify an employee that his or her overall performance is below standard. This form should be filled out in accordance with Personnel Manual Section G-7.

NOTE: For departments that have not yet been provided training on the use of the new Employee Performance Review Program, Supplemental Performance Reports should be completed in accordance with Personnel Manual Section G-5.

B. Warning: As opposed to a supplemental performance report, the use of a warning should be limited to a specific incident or aspect of the employee's performance. It is less serious than a reprimand in that it may be issued by an immediate supervisor. A warning must be in writing and inform the employee that there must be improvement or more serious disciplinary action will be taken. Because there is this possibility of further disciplinary action, the employee does have the right to have a representative present.

1. If appropriate, the supervisor should specify a date on which the employee's performance will again be reviewed.

2. If at the time the warning is being issued the employee requests representation, the meeting should be terminated and rescheduled at the earliest possible date.

3. Sufficient copies of the record of warning should be prepared for the files. The employee and the supervisor should sign and date the official record copy to indicate receipt of the warning. If the employee refuses to sign, this should be noted by the supervisor on the record.

C. Reprimand: A reprimand is a more serious disciplinary action than a warning and can only be issued by a division head or higher authority. It must be in writing and must notify the employee that unless there is immediate improvement suspension, reduction in compensation, or termination will result.

1. If appropriate, a date should be specified on which the employee's performance will again be reviewed.

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2. If at the time the reprimand is being issued the employee requests representation, the meeting should be terminated and rescheduled at the earliest possible date.

3. Sufficient copies of the record of reprimand should be prepared for the files. The employee and the authority issuing the reprimand should sign and date the official record copy to indicate receipt of the report. If the employee refuses to sign, this should be noted on the record by the issuing authority.

(NOTE: The Memoranda of Understanding covering represented employees contain provisions limiting the consideration of reprimands and written warnings for purposes of promotion, transfer, special assignments and disciplinary actions. The Memorandum of Understanding for each unit should be consulted to determine the appropriate retention and use of such documents.)

D. Reduction in Compensation: The compensation of an employee may be reduced within the salary range of the employee's classification whenever the employee's performance is below the standards established for the employee's position. Such reduction in compensation can only be ordered by a division head or higher authority.

1. The procedures and appeal rights provided below apply to all City employees unless provided otherwise in a current ratified Memorandum of Understanding. The compensation of such employees may be reduced a maximum of 2 steps within the salary range of the employee's current classification.

a. Procedure for Reduction in Compensation: An employee's compensation shall be reduced only upon the completion of the following steps:

(1) The employee receives an unsatisfactory performance report.

(2) At the time the employee is notified of such action, the employee will be informed of his/her representation and appeal rights.

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(3) Upon being notified of the proposed action to reduce the employee's compensation, such employee shall, within five working days, have the right to respond orally or in writing to the appointing authority.

(4) After giving due consideration to the information provided by the employee, the appointing authority may elect to reduce the compensation of such employee.

(5) At the end of 90 days the employee's job performance must be reevaluated by the appointing authority. If the employee's performance is unsatisfactory, the reduction in compensation will continue. If the employee's performance is better than unsatisfactory, the employee shall be reinstated to the previous salary step in the job classification.

(6) The reduction in compensation may be in effect for a maximum of six months. At the end of that time the employee shall be reinstated to the previous salary step in the job classification or some other type of disciplinary action shall be taken.

b. Appeal of Reduction in Compensation: Within 10 working days of receipt of notice of reduction in compensation, an employee may file a written appeal with the City Manager's Office or nonmanagerial department head. The decision of the City Manager or nonmanagerial department head or designee will be final.

2. The procedures and appeal rights provided below apply to employees in all classes in the Fire representation unit. The compensation of such employee may be reduced to any step within the range of that employee's classification.

a. The employee's most recent performance report must be "Unsatisfactory."

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b. The employee shall be given prior notice of the proposed reduction in compensation and five days to respond in accordance with the procedures for suspension outlined below in Paragraphs E-6 through E-8.

c. Appeal rights to the Civil Service Commission are the same as those for suspension.

d. Such reduction in compensation will remain in effect until the employee's performance improves to meet appropriate standards. At the time of such reduction in compensation, a date within ninety days shall be specified on which the employee's performance will again be reviewed.

(1) Upon the employee's performance returning to "Satisfactory," his/her compensation shall be restored by the appointing authority to the step from which it was reduced. (See Index Code H-8, Step Increases to determine eligibility and timing of normal merit increase.)

(2) If the employee's performance has not improved to "Satisfactory" by the date established for review, the reduction in compensation may be continued and/or additional, more serious disciplinary action taken.

E. Suspension: An employee may be suspended only by the department head or higher authority. Suspensions are appealable pursuant to Civil Service Rule XI.

1. A department head and all those supervisors he or she may designate, shall have the power to immediately suspend an employee if it is deemed necessary in order to maintain the safety of the community or the reputation, morale and harmony of the organization. Such suspensions may be made for purposes of:

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a. Immediate removal when the employee's continued presence at the work site could have detrimental consequences. Such suspensions shall be limited to the remainder of the regularly scheduled work day. Employee representation is not required when immediate removal is effected.

b. Nondisciplinary removal pending investigation into charges of misconduct against the employee. Investigation shall be made as quickly and as thoroughly as possible. In no case shall such suspension exceed thirty (30) calendar days.

(1) Suspensions pending investigation are not subject to appeal before the Civil Service Commission.

(2) If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with the remaining provisions of this Manual Section; including the requirements of notices and opportunity to respond granted to the employee. The term of suspension pending investigation shall be considered by the appointing authority when taking disciplinary action.

(3) If the charges are not proved by the investigation or if the investigation is not completed within 30 days, the employee will be returned to work with back pay and all rights and benefits restored.

2. Any suspension order made under the above authority shall be in writing and shall be handed to the employee immediately. If applicable, the order shall specify the exact number of unworked hours remaining in the workday after said suspension. A general reference to Civil Service Rule XI shall be made and copies of said suspension order shall be promptly forwarded through channels to the department head and the Personnel Director.

3. The concurrence of the City Manager (for managerial departments) must be obtained for any suspension, whether for purposes of discipline or investigation, which is for six or more work days.

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4. Suspensions may be made for "one or more periods aggregating not more than 90 days in a calendar year." (Quoted from Rule XI.)

5. Prior to making a decision to suspend an employee for disciplinary purposes, the department head or designee shall first conduct a complete investigation and gather all of the facts and materials upon which the proposed charges are to be based.

6. The employee shall then be interviewed by the department head or designated alternate and shall have the right to be accompanied by a representative. The purpose of the interview is to:

   a. discuss the proposed charges and any action that may reasonably be anticipated;

   b. provide the employee with a written copy of all charges and, if possible, copies of any materials to be used to support the charges;

   c. provide an opportunity for the employee to respond to the charges. The employee may respond either orally or in writing and must be given time to repair the response. The amount of time given should be commensurate with the complexity of the charge, the severity of the proposed action, and the urgency of the situation.

7. The department head shall advise the employee that all facts and information will be evaluated and, if necessary, investigated further prior to a determination being reached on action, if any, to be taken.

8. The employee shall be notified in writing of the final decision. This notice shall put any disciplinary action into effect and will include: a statement of charges upon which the action is based, and notice of the employee's right to appeal to the Civil Service Commission.

   a. Notice of suspension must be signed by the <u>department head</u>, prepared in sufficient copies for <u>immediate</u> and <u>direct</u> distribution <u>without delay</u> to the Personnel Director and (for managerial departments) to the City Manager.

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b. Notice shall also show distribution of copies and, in two footnotes on all copies, show the following statements:

(1) "This notice of disciplinary action was handed to (employee's name) in the presence of (witness) on (date)."

(2) "Receipt of this memorandum is acknowledged." (To be signed on all copies by the employee.)

NOTE: If the employee should refuse to sign such receipt, a signed notation to that effect on official copies of the notice shall suffice.

c. Notice of suspension should be handed to the employee, whenever feasible, before the employee has left the work premises. In any event, proof of delivery and the date of delivery is mandatory so there will be no doubt as to the beginning of the appeal period in the event that the employee wishes to appeal to the Commission. If the notice cannot be given to the employee before leaving the work premises or cannot be delivered by the supervisor at the employee's home, a postal return receipt for certified mail must be used.

9. If the employee wishes to enter a formal appeal to the Civil Service Commission, it must be done within five working days after receipt of written notice of suspension.

a. Demand for formal hearing shall be in writing and must be delivered to the Personnel Director, or designated alternate, within the five-day appeal period.

b. The Personnel Director will arrange for any feasible informal discussion, or a public hearing whenever the employee wishes to carry the appeal to the Commission.

F. Demotion or Discharge: The City Manager (for managerial departments) or the department head (for nonmanagerial departments) is the only authority who may discharge or force the demotion of a permanent employee.

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1. These actions are appealable; they are governed by Civil Service Rule XI, Section 4 and Section 10.

2. The employee shall have the right to be represented at any time by a representative of his/her choosing as shown in Section II, C, preceding.

3. The employee considered for demotion or discharge shall be given full explanation as to the employee's appeal rights, with instructions on how to proceed.

    a. Only permanent employees have the right to appeal demotion or discharge o the Civil Service Commission. It is important, however, that the appointing authority take a judicious approach to any of these actions which affect other employees. The reputation of the City can be jeopardized seriously by careless personnel action.

    b. The specific procedures necessary to support a discharge or demotion are the same as those outlined above for suspension; they must be followed even more meticulously in these more serious actions.

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HEARINGS

I. AUTHORITY:

A. City Charter Section 129. REMOVALS.

B. Civil Service Rule XI, Section 4. PROCEDURE FOR REMOVAL.

C. Civil Service Rule XI, Section 5. APPEAL OF REMOVAL.

D. Civil Service Rule XI, Section 6. PROCEDURE FOR SUSPENSION.

E. Civil Service Rule XI, Section 7. APPEAL OF SUSPENSION.

F. Civil Service Rule XI, Section 9. REDUCTION IN COMPENSATION.

G. Civil Service Rule XI, Section 10. DEMOTION.

II. POLICY:

A. All disciplinary actions against City employees shall be taken in accordance with the provisions of Civil Service Rule XI and Personnel Manual Sections L-2 (DISCIPLINE) and G-2 (PERMANENT APPOINTMENT PROBATIONARY PERIODS).

B. Appeals must be made in writing and postmarked or hand delivered and time stamped within five (5) working days after receipt of the notice of the disciplinary action.

C. The statement of charges in the written notice which puts the disciplinary action into effect shall be the official statement of charges upon which an appeal shall be based.

D. The Civil Service Commission may appoint, at its discretion, individual Commissioners to hear appeals of removals, demotions, suspensions, and reductions in compensation. The Civil Service Commission may, at its discretion, assign a quorum of Commissioners to hear such appeals.

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III. PROCEDURE:

A. The Personnel Director shall acknowledge all appeals by certified mail and inform the appellant whether the appeal meets the requirements prescribed by Rule XI.

B. A public hearing shall be scheduled before the Civil Service Commission as follows:

1. The appellant shall be notified of the date by certified mail not less than 30 days prior to the scheduled date. Upon agreement by both parties, the notice hereunder can be reduced from 30 days to that which is agreeable by the parties. Copies of the notice of hearing date shall be sent to the appropriate representatives of the appellant and the appointing authority.

2. A public notice shall be posted on the Personnel Department bulletin board at least 72 hours before the hearing is to take place.

3. The Commission strongly disfavors requests for continuances less than 30 calendar days prior to the hearing date for reasons other than exigent, unforeseen circumstances such as illness or accident.

C. Hearings of appeals of terminations, demotions, suspensions and compensation reductions will be assigned to individual Civil Service Commissioners on a rotating basis at the time of the pre-hearing conference with the appellant, his/her representative, the appointing authority, and the Civil Service Commission's staff. Based upon the order of rotation, the next two Commissioners available for hearings will be identified. The appellant will be allowed to select one of the two identified Commissioners as the Hearing Officer.

D. If the appellant or the appointing authority has an objection for cause to a specific Commissioner acting as the Hearing Officer that objection is to be made prior to the identification of the next two Commissioners in the rotation. The objection must be based on a conflict of interest or other legally recognizable good cause. If the individual Commissioner agrees to being removed, the next Commissioner in rotation will be identified and may be selected. If the individual Commissioner does not agree to being removed, the objecting party may request that the Civil Service Commission remove the individual Commissioner from the rotation. The

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decision of the Civil Service Commission in this matter is the final administrative resolution.

E. If the appellant or the appointing authority requests that an appeal be heard by a quorum, the Commission will consider the request and based on good and sufficient cause, assign additional Commissioners to hear the appeal. Such request shall be made prior to the two potential Hearing Officers being identified.

F. Notwithstanding the provisions of the foregoing, and with or without requests or objections by the appellant or the appointing authority, the Civil Service Commission retains at its discretion, the authority to assign additional Commissioners to a hearing, or replace in rotation any Hearing Officer based upon good factual cause. The timing and procedures for this will be at the discretion of the Commission and will be done at a noticed public hearing.

G. The Commission will provide an opportunity to schedule and complete appeal hearings within ninety days of the Commission's receipt of the appeal request. The decision of the Commission will be released within the same time period. If ninety days is exceeded in the completion of a hearing, the appellant or the appointing authority may request a written explanation for the delay. A delay in scheduling may also be requested by either the appellant or the appointing authority and will be considered by the Commission. The provision relating to the 90-day period for a decision may be waived by the employee, but if not so waived, a failure to render a timely decision is an exhaustion of all available administrative remedies.

H. When an objection arises as to the admissibility of peace officer personnel records during the conduct of a disciplinary appeal hearing, it is the policy of the Commission to conduct an in camera review of such records to determine the relevancy of the records offered for admission prior to ruling on the objection. The Commissioner(s) hearing the appeal shall determine the specific method and timing of the in camera review and the manner in which the records, if any, shall be admitted into the record of the hearing.

I. The final written report on the findings and conclusions of the hearing will be released within forty five days of the announced decision.

J. The Commission shall make its findings of fact and final decision in closed session.

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1. The final report shall include a list of the parties involved, a statement of charges and concise summary of the relevant evidence presented. The conclusion shall state the final decision of the Commission.

2. All parties shall be notified of the Commission's final decision, and a copy of the final report shall be filed as a public record in the office of the Civil Service Commission.

3. The Commission as a whole shall review the Hearing Officer's report and based on the findings of fact shall ratify or may modify the Hearing Officer's decision.

K. The Commission's decision shall be administratively final.

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LAYOFF

I. AUTHORITY:

A. Charter Section 129. REMOVALS SUSPENSION AND LAYOFFS.

B. Civil Service Rule V. LAYOFF AND RE-EMPLOYMENT.

II. DEFINITIONS:

A. Continuous Service is the length of time an individual has been employed with the City without a break in service.

B. Equal or Higher Ranking Class is the relative position of a class based on its maximum salary level as determined by the current Salary Ordinance.

III. PROCEDURE:

A. Preliminary Action: When it becomes necessary to effect a reduction in the number of employees, a coordinated effort between the Personnel Department, Mayor and appropriate department and division heads is required in order to avoid disruption of morale, loss of employment and unproductive compilation of layoff lists.

1. Before requesting a layoff list the necessity for and the timing of the layoff should be determined with certainty.

2. Depending on the scope of the reduction in force, a survey of possible future vacancies in the same or related classes should be conducted within the affected department, division and/or on a City-wide basis.

3. For possible use in voluntary transfers or demotions in lieu of layoff, vacancies in similar and lower classifications should be held unfilled until final layoff actions have been concluded.

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B. Request for Layoff List:

1. The department head shall prepare, in memorandum form addressed to the Personnel Director via the Mayor, a request for an official layoff list specifying:

   a. the authority and reason for the layoff,

   b. the program, classifications and the number of positions in each class affected,

   c. the effective date of the layoff.

2. When a function is transferred from one department to another department, the incumbents of all positions transferred shall remain in the original classifications, for purposes of seniority determination, until final layoff actions have been concluded.

3. The Mayor will record a final decision on the need for and the effective date of the layoff and will approve, disapprove, or amend the request accordingly, with appropriate notice to the departments concerned.

C. Promulgation of Layoff List: Upon receipt of an approved layoff list request, the Personnel Director shall compile a list of all regular City employees in the affected class in the appropriate order of layoff.

1. The order of layoff for a class is Provisional, Limited, Probationary, and Permanent. All employees in each category of the class are to be laid off before progressing to the next category.

2. Within each Provisional, Limited, and Probationary category, the order of layoff is determined by the appointing authority.

3. The order of layoff for permanent employees in a class or subdivision thereof is determined by City-wide seniority. Seniority shall be computed according to the length of last continuous service in the class or subdivision thereof or an equal or higher ranking class; except that for classifications in the Fire representation unit, seniority shall be computed according to the length of last continuous service in the class or

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subdivision thereof, or an equal or higher ranking class in the same occupational group. However, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of the last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I. Ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority, who shall take into consideration documented employee performance, special qualifications and other job-related factors.

4. A reduction in force in a class designated by the Civil Service Commission as part of a Career Advancement training system shall be effected in the lowest class possible in the career series.

5. The effect of a layoff on employees employed by grant or federally funded programs will be subject to terms of the appropriate contract.

6. The layoff list will be sent to the requesting department head, via the Mayor's office, with copies to the heads of any other departments affected.

7. The appropriate appointing authority shall inform all personnel affected by the layoff and, if appropriate, shall post the official layoff list.

8. Whenever possible, affected employees should be counseled individually and/or collectively as to the possibility of transfer or demotion, and as to their re-employment rights.

D. Transfer/Demotion in Lieu of Layoff:

1. The Personnel Director shall survey all departments to determine whether there are vacancies in the affected class or classes of equal or lower rank to which employees may transfer or demote.

2. When the Personnel Director certifies such a transfer is necessary to avoid layoff, the appointing authority with such a vacancy must appoint the employee(s).

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E. Bump Rights: If employees affected by the layoff have bump rights, it may be necessary for an employee to "bump" an employee with less seniority in the class. An employee exercising bump rights replaces the employee with the least seniority in the class.

1. A permanent employee who is bumped may in turn exercise bump rights and compete for a position in classes of equal and successively lower rank in which he or she has served satisfactorily.

2. A probationary employee who has previously attained permanent status without a break in service, may exercise bump rights and compete for a position in the class in which permanent status was attained or equal and successively lower classes in which he or she has served satisfactorily.

3. A limited employee who has previously obtained permanent status without a break in service, may exercise bump rights and compete for a position in the class in which permanent status was attained or equal and successively lower classes in which he or she has served satisfactorily. A limited employee, who has served satisfactorily at least six months in limited status, and who, without fault or delinquency on his or her part, resigns, is demoted, or is terminated due to lack of funds or work, may request reinstatement to the eligible list. (See Index Code E-3, Reinstatement.)

F. Individual Notice of Layoff: If transfer or demotion is not possible and a final decision is reached to lay off one or more employees, the following action shall be taken:

1. Each affected employee shall receive written notice from the appointing authority specifying the exact date termination is to be effective; when possible, at least one week's notice should be given.

2. A copy of the termination notice showing effective date shall be sent immediately to the Personnel Department so as to establish the beginning date of the rights of the employee.

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3. The Personnel Director shall notify the employee in writing of reemployment or eligible list rights and the duration of these rights and the right, if eligible, to compete in City promotional examinations. See Personnel Manual Section E-3, Reinstatement for reinstatement rights of employees affected by an official layoff.

4. Supervisors shall complete a Supervisor's Employee Separation Reporting Form (see Personnel Manual Section L-6).

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LAYOFF, OTHER THAN POLICE OR FIRE UNITS

NOTE: The following provisions apply to all employees whose classifications are in the Supervisory, Technical, Administrative Support and Field Service, Professional, Skilled Trades and Equipment Operator, Maintenance and Labor, and No Representation Unit.

I. AUTHORITY:

A. Charter Section 129. REMOVALS SUSPENSION AND LAYOFFS.

B. Civil Service Rule V. LAYOFF AND RE-EMPLOYMENT.

II. DEFINITIONS:

A. Continuous Service is the length of time an individual has been employed with the City without a break in service.

B. Equal or Higher Ranking Class is the relative position of a class based on its maximum salary level as determined by the current Salary Ordinance.

III. PROCEDURE:

A. Preliminary Action: When it becomes necessary to effect a reduction in the number of employees, a coordinated effort between the Personnel Department, Mayor and appropriate department and division heads is required in order to avoid disruption of morale, loss of employment and unproductive compilation of layoff lists.

1. Before requesting a layoff list the necessity for and the timing of the layoff should be determined with certainty.

2. Depending on the scope of the reduction in force, a survey of possible future vacancies in the same or related classes should be conducted within the affected department, division and/or on a City-wide basis.

3. For possible use in voluntary transfers or demotions in lieu of layoff, vacancies in similar and lower classifications should be held unfilled until final layoff actions have been concluded.

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LAYOFF, OTHER THAN POLICE OR FIRE UNITS

B. Request for Layoff List:

1. The department head shall prepare, in memorandum form addressed to the Personnel Director via the Mayor, a request for an official layoff list specifying:

   a. the authority and reason for the layoff,

   b. the program, classifications and the number of positions in each class affected,

   c. the effective date of the layoff.

2. When a function is transferred from one department to another department, the incumbents of all positions transferred shall remain in the original classifications, for purposes of seniority determination, until final layoff actions have been concluded.

3. The Mayor will record a final decision on the need for and the effective date of the layoff and will approve, disapprove, or amend the request accordingly, with appropriate notice to the departments concerned.

C. Promulgation of Layoff List: Upon receipt of an approved layoff list request, the Personnel Director shall compile a list of all regular City employees in the affected class(es) in the appropriate order of layoff.

1. The order of layoff for a class is Provisional, Limited, Probationary, and Permanent. All employees in each category of the class are to be laid off before progressing to the next category.

2. Within each Provisional, Limited, and Probationary category, the order of layoff is determined by the appointing authority.

3. The order of layoff for permanent employees in a class or subdivision thereof is determined by City-wide seniority. Seniority shall be based upon the employee's most recent hire date with the City without a break in service. Ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority, who shall take into consideration documented employee performance, special qualifications and other job-related factors.

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4. A layoff in a class designated by the Civil Service Commission as part of a Career Advancement training system, shall be effected in the lowest class possible in the career series.

5. The effect of a layoff on employees employed by grant or federally funded programs will be subject to terms of the appropriate contract.

6. The layoff list will be sent to the requesting department head, via the Mayor's office, with copies to the heads of any other departments affected.

7. The appropriate appointing authority shall inform all personnel affected by the layoff and, if appropriate, shall post the official layoff list.

8. Whenever possible, affected employees should be counseled individually and/or collectively as to the possibility of transfer or demotion, and as to their re-employment rights.

D. Transfer/Demotion in Lieu of Layoff:

1. The Personnel Director shall survey all departments to determine whether there are vacancies in the affected class or classes of equal or lower rank to which employees may transfer or demote.

2. When the Personnel Director certifies such a transfer is necessary to avoid layoff, the appointing authority with such a vacancy must appoint the employee(s).

E. City-Wide Bump Rights: If employees affected by the layoff have bump rights, it may be necessary for an employee to "bump" an employee with less seniority in the class. An employee exercising bump rights replaces the employee with the least seniority in the class.

1. A permanent employee who is bumped may in turn exercise bump rights and compete for a position in classes of equal and lower rank in which he or she has served satisfactorily.

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2. A probationary employee who has previously attained permanent status without a break in service, may exercise bump rights and compete for a position in the class in which permanent status was attained or equal and lower classes in which he or she has served satisfactorily.

3. A limited employee who has previously obtained permanent status without a break in service, may exercise bump rights and compete for a position in the class in which permanent status was attained or equal and lower classes in which he or she has served satisfactorily. A limited employee, who has served satisfactorily at least six months in limited status, and who, without fault or delinquency on his or her part, resigns, is demoted, or is terminated due to lack of funds or work, may request reinstatement to the eligible list. (See Index Code E-3, Reinstatement.)

F. Department/Division Bump Rights: A permanent employee whose position is eliminated may exercise the right to bump the least senior employee in his/her same classification or subdivision thereof, if that employee has less seniority or a lower level employment status. In career advancement situations a permanent employee whose position is eliminated may bump an employee in a lower level classification in that career advancement series. The employee to be bumped will be the person with the lowest level employment status or the least seniority if a permanent employee. Department Bump Rights may be exercised only within the employee's department or major division and only if there are no vacant positions in the employee's same classification or subdivision thereof in the department or major division. Department Bump Rights must be exercised within a reasonable time period as determined by the Personnel Director so as not to interfere with any subsequent layoff actions.

G. Individual Notice of Layoff: If transfer or demotion is not possible and a final decision is reached to lay off one or more employees, the following action shall be taken:

1. Each affected employee shall receive written notice from the appointing authority specifying the exact date termination is to be effective; when possible, at least one week's notice should be given.

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LAYOFF, OTHER THAN POLICE OR FIRE UNITS

2. A copy of the termination notice showing the effective date shall be sent immediately to the Personnel Department so as to establish the beginning date of the rights of the employee.

3. The Personnel Director shall notify the employee in writing of reemployment or eligible list rights and the duration of these rights and the right, if eligible, to compete in City promotional examinations. See Personnel Manual Section E-3, Reinstatement for reinstatement rights of employees affected by an official layoff.

4. Supervisors shall complete a Supervisor's Employee Separation Reporting Form (see Personnel Manual Section L-6).

Separation and Disciplinary Action

UNEMPLOYMENT COMPENSATION PROCEDURES

I. AUTHORITY: California Unemployment Insurance Code

II. DISCUSSION: The California unemployment security system, based on the Unemployment Insurance Code, is designed to assist the prompt reemployment of persons seeking work and to reduce the hardship of the involuntarily unemployed. The City is required to fund the cost of unemployment compensation benefits for qualified claimants. Every separating employee may be eligible for up to several thousand dollars in benefits payments. Consequently, supervisors, department heads and the Personnel Department must implement and diligently maintain procedures which will assure the successful challenge of improper claims and thereby minimize the City's liability.

III. POLICY:

A. The Personnel Department is responsible for administering the City's participation in the Unemployment Compensation Program, including processing benefit claims and presenting appeals to the California Unemployment Insurance Appeals Board.

B. Department Heads are responsible for establishing and maintaining staffing patterns and personnel practices which minimize the City's exposure to benefit payment liability. This responsibility should be performed consistent with the need to provide necessary service to the public. The Personnel Department will assist in providing counsel concerning potential liability.

C. Department Heads or their designees on request of the Personnel Department or on their own initiative are responsible for providing claimant information to the Personnel Department unemployment insurance representative which may be used to minimize the City's liability.

D. Department Heads or their designees are responsible for originating and maintaining limited availability forms, CS-40(LAF), for all hourly and other part-time employees.

E. Individual supervisors are responsible for investigating the reasons for all separations from City service and reporting that information to the Personnel Department in an expeditious manner on the Supervisor's Employee Separation Reporting Form, CS-40(UI).

F. Hourly employees who refuse work are not eligible for unemployment compensation benefits. Individual supervisors are responsible for keeping records of all work refusals made by hourly employees in order to avoid unwarranted payments to employees who have refused work. See "Supervisor's Instructions," Limited Availability Form, CS-40 (LAF).

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UNEMPLOYMENT COMPENSATION PROCEDURES

G. Occasionally, the State Employment Development Department may verbally request claimant information directly from City supervisors. In responding to these oral requests, supervisors shall first consult with a Personnel Department's unemployment insurance representative for authorization and shall then fully provide the State with information needed. Written claimant information shall be provided to the Employment Development Department only by the Personnel Department's unemployment insurance representative.

IV. SUPERVISOR'S EMPLOYEE SEPARATION REPORTING PROGRAM: (Form CS-40-(UI))

A. In order to successfully administer this program, considerable information is required about all separating employees, classified and unclassified. Supervisors or others designated by their Department Head shall:

1. Complete a Supervisor's Employee Separation Reporting Form on all separating employees. For purposes of this program, separation means:

(a) Quit - When an employee has resigned voluntarily, or when an individual resigns in lieu of being discharged.

(b) Discharge - When an employee has been fired or terminated from City employment, including failing the initial probationary period.

(c) End of Limited Appointment - When an employee is separated at the time a job of specific duration comes to an end. This should not be used in the case when an employee is discharged before the job ends.

(d) Layoff - When an employee is separated from City employment because of lack of work or funds. This should not be used in the case when an employee is discharged.

(e) Failed Probation (Involuntary) - When an employee is involuntarily returned to a prior City job. (see discharge).

(f) Failed Probation (Voluntary) - When an employee voluntarily chooses to return to a prior City job.

(g) Disability Retirement - When an employee retires on a disability pension as approved by the City's Retirement Board.

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UNEMPLOYMENT COMPENSATION PROCEDURES

(h) Service Retirement - When an employee separates from the City on a pension, but has not reached the mandatory retirement age and is not on a disability pension. (For unemployment compensation purposes, this type of retirement is considered a voluntary quit.)

(i) Other Absence of More Than 5 Workdays - When an employee is on unauthorized leave or suspension.

(k) Deceased - Self-explanatory.

2. Compile all data which may be useful in constructing a complete story leading up to the separation. See suggested areas of inquiry in the Addendum to this section.

3. Make available to separating employees Form CS-40(UI-1), which gives information concerning unemployment compensation and the City's official address.

4. Forward all reports immediately to the Personnel Department, Records Section.

B. If appropriate, a blue resignation form (CS-P-2) shall be completed by all resigning employees. This form should be attached to the Supervisor's Employee Separation Reporting form, CS-40(UI).

V. RECEIPT OF UNEMPLOYMENT COMPENSATION CLAIMS AND RELATED FORMS:

A. All correspondence from the State of California or any other State to the City of San Diego related to the Unemployment Compensation Program is to be addressed to the Personnel Department's unemployment insurance representative.

B. When any correspondence is sent to any other department, it shall be forwarded immediately to the Personnel Department's unemployment insurance representative. Call your assigned Personnel Department Liaison Analyst for assistance. (The State has a 10-day response deadline from time of mailing; late response can automatically cause unemployment compensation costs to be assessed against the City.) If at all possible, hand deliver or fax such correspondence. Use of interoffice mail is often too slow.

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UNEMPLOYMENT COMPENSATION PROCEDURES

VI. ATTENDANCE AT HEARINGS:

A. If an unemployment compensation claim is appealed by the City or the claimant, it will be necessary for persons with firsthand knowledge of the case to appear at a hearing before an administrative law judge. When this occurs, all witnesses required for the case shall be made available for the hearing.

B. The Personnel Department's unemployment insurance representative may schedule and conduct a pre-hearing conference when a hearing is to be held.

VII. CLAIMS FOLLOW UP PROCEDURES:

A. Periodically, the Personnel Department's unemployment insurance representative will provide claimant information to department heads or their designees who are then responsible for providing timely information in return concerning:

a. Claimants who have waived certification or failed to report for job interviews; and

b. Claimants who have declined job offers, and for hourly employees, refused offers of increased work hours.

Separation and Disciplinary Action

ADDENDUM TO PERSONNEL MANUAL – INDEX CODE L-6

UNEMPLOYMENT COMPENSATION PROCEDURES

Instructions: Facts concerning the reason for separation are essential in the processing of unemployment compensation claims. Supervisors should seek responses to the questions listed below and note them on the Supervisor's Employee Separation Reporting Form (CS-40 (UI)).

REASON FOR SEPARATION	INFORMATION REQUIRED
1. Other job	Name and address of company, rate of pay, and starting date.
2. Dissatisfaction	
a. Rate of pay	a. Did employee have a better job lined up? If so, apply Item 1.
b. Hours or shift	b. Why could employee not work these hours? What hours were employees scheduled? Why were hours scheduled disagreeable? Did employee select own hours? Did employee restrict hours or days at time of application for work? Was a change in hours requested? Suggested? Discussed? Denied? Available? Refused by employee? Why?
c. Supervision	c. What were the complaints?
d. Job assignment, co-workers, etc.	d. Did employee tell the supervisor? Did the supervisor take any action to satisfy the complaint? Did the employee request a transfer?
e. Future of job	e. Was employee subject to layoff at a definite future time? Had employee been told this or was it personal speculation? Did employee have another job?

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ADDENDUM TO PERSONNEL MANUAL – INDEX CODE L-6

UNEMPLOYMENT COMPENSATION PROCEDURES

REASON FOR SEPARATION	INFORMATION REQUIRED
f. Living conditions, housing, climate, etc.	f. Was it a matter of personal preference or was there a serious effect on health and welfare?
g. Transportation	g. How long had employee been commuting to work? Length of time required to commute? Distance? How traveled? How long had these facilities been used? What brought about the inability to continue commuting as before? What means of transportation was used and relied upon at time the job was accepted? What effort has been made to obtain other transportation? Ride pools? Advertising? Bulletin board? Did employee live at present address at time of employ? Did the employee move away from the area of work? Why? How long ago did move take place? Was a transfer to a work location closer employee's home requested? Suggested? Offered? When? Denied? Why?
3. Personal Reasons	
a. Illness or death in family	a. Who was ill in family? Closeness of relationship? Nature of illness? How much time will be required in caring for ill person? How long has present condition existed? Why must employee take responsibility? When does employee anticipate returning to the labor market? Was a leave of absence requested? Suggested? Discussed? Denied? Refused by employee? Why?

Separation and Disciplinary Action

ADDENDUM TO PERSONNEL MANUAL – INDEX CODE L-6

UNEMPLOYMENT COMPENSATION PROCEDURES

REASON FOR SEPARATION		INFORMATION REQUIRED
b.	To be married	b. When will marriage take place? Where? Will employee move from area? Where? When? Were reinstatement rules discussed? Does employee plan to work after marriage?
c.	Returning home	c. Does the employee have a prospect of a job there?
d.	To remain home	d. Is presence at home required? Is employee staying home to care for children because of preference? Necessity? What effort has employee made to secure adequate child care? Inquiries? Advertised? How much effort put forth? Was a leave of absence requested? Suggested? Discussed? Denied? Refused by employee? Why? What was previous child care arrangement? For how long? What happened to terminate it? Matter of preference? Necessity? Why? Domestic duties? Why?
e.	Business for self	e. Type of business? Expected to be a permanent venture? Expected income?
f.	Resigned to join spouse	f. Has spouse established a permanent domicile elsewhere? Is spouse employed at new location? Is spouse temporarily transferred? For how long? What living arrangements have been made? Does employee plan to seek work? Was a transfer or leave of absence requested? Suggested? Discussed? Denied? Refused by the employee? Why?
4.	Pregnancy	When is baby due? How long will doctor allow employee to work? Was a leave of absence requested? Suggested? Discussed? Denied? Refused by employee? Why? If leave of absence is not going to be requested who determined the date of employee's resignation? How was it agreed upon? What was said?

Separation and Disciplinary Action

ADDENDUM TO PERSONNEL MANUAL – INDEX CODE L-6

UNEMPLOYMENT COMPENSATION PROCEDURES

	REASON FOR SEPARATION	INFORMATION REQUIRED
		Does employee plan to work after birth of child? Doctor's written statement regarding length of time employee can work is of prime importance.
5.	Health reasons	On doctor's advice? Reason illness necessitates termination of work? Name and address of doctor? Proof of doctor's advice to quit-letter? Estimated period of time before able to work again? Entitled to sick leave? How long? Expired? Entitled to Industrial Leave? Requested? Refused? Suggested? Discussed? Was leave of absence refused by employee or City? Why?
6.	Unreported or continued absence proceeded by leave	Reason for leave. Was extension requested?
7.	Voluntary retirement	Reason for decision. Eligible for pension?
8.	Resigned to enter military service	Was employee drafted, enlisted, reserve call-back or anticipation of call to duty? Does the order instruct employee to report for physical exam or for induction? Date of induction - where? For how long?
9.	Resigned because of Union reasons	What were they? What was the employee's responsibility?
10.	Job abandonment or reasons unknown	Background details that may have motivated abandonment. Is address known where a letter of inquiry can be sent? Was a letter sent? Response received?
11.	Layoff	Was other job offered? If so, state occupation, rate of pay and shift. Reason for rejection if known. If no offer made, so state. Did employee accept offer, then change mind? Did employee try other job, then decide to reject?
12.	End of limited employment	Limited (temporary) employee? Period of specific work? Other type of work requested? Other type of work offered? Refused by employee? Why? Transfer requested or discussed?

Separation and Disciplinary Action

ADDENDUM TO PERSONNEL MANUAL – INDEX CODE L-6

UNEMPLOYMENT COMPENSATION PROCEDURES

	REASON FOR SEPARATION	INFORMATION REQUIRED
13.	Discharge (or voluntary quit in lieu of discharge) for violation of rule, insubordination, falsification of documents, sub-standard attendance, etc.	Full statement of facts, especially the act which brought about the decision to discharge and when it occurred. Applies to probationary employees as well. What excuse did the employee give for the actions? If dishonest act or violation of rule, be specific. What? Where? When? How? Did employee know of rule or that act was dishonest? Prior acts of similar misconduct? When? Was the employee reprimanded? Warned? When? How often? How severely? A general warning or a final warning? If because of attendance or punctuality, set forth specific attendance record and pattern. Was employee warned? Severity general or final? What was cause of problem? Was help suggested? What? Was it in employee's power to reasonably control poor attendance? How? What efforts were made? Other reasons — be specific. Outline steps taken by employee to appeal the discharge.
14.	Resigned because of incarceration	What was nature of offense? When incarcerated? For how long? Where?

CITY OF SAN DIEGO CIVIL SERVICE COMMISSION

SUPERVISOR'S EMPLOYEE SEPARATION REPORTING FORM

REFERENCE: PERSONNEL MANUAL INDEX CODE L-6.

INSTRUCTIONS: THIS FORM IS TO BE COMPLETED BY THE SEPARATING EMPLOYEE'S FIRST LEVEL (IMMEDIATE) SUPERVISOR AND IMMEDIATELY SENT THROUGH THE CHAIN OF COMMAND TO THE PERSONNEL DEPARTMENT (M.S. 6A). SUPERVISORS MUST PERSONALLY INTERVIEW EACH SEPARATING EMPLOYEE, IF POSSIBLE, TO FULLY DEVELOP THE REASONS FOR SEPARATION. SUGGESTED QUESTIONS BASED ON THE REASON FOR SEPARATION ARE FOUND AS ADDENDUM A(1) IN THE PERSONNEL MANUAL. FOR FURTHER ASSISTANCE, CALL YOUR PERSONNEL DEPARTMENT LIAISON ANALYST.

DEPT./DIVISION _____

SUPERVISOR'S NAME _____ WORK PHONE _____

NAME OF EMPLOYEE _____ CLASSIFICATION _____

FORWARDING ADDRESS OF EMPLOYEE _____

SOCIAL SECURITY NUMBER _____ - _____ - _____ DAYS OF WORK _____ HOURS OF WORK _____

EFFECTIVE DATE OF SEPARATION: _____ REASON FOR LEAVING (ATTACH EXTRA PAGES IF NECESSARY):

☐ QUIT ☐ DISCHARGE ☐ LEAVE OF ABSENCE ☐ END OF LIMITED EMPLOYMENT OR LAYOFF

NARRATIVE - (FULLY DESCRIBE REASON FOR TERMINATION): _____

COPY OF RESIGNATION FORM ATTACHED: ☐ YES ☐ NO IF NO, WHY NOT? _____

FINAL OVERALL EVALUATION ☐ SUPERIOR ☐ ABOVE AVERAGE ☐ AVERAGE ☐ IMPROVEMENT NEEDED ☐ UNSATISFACTORY

RECOMMENDATION FOR REHIRE: ☐ YES ☐ NO

REMARKS: _____

EMPLOYEE WAS GIVEN FORM CS-40 (1-1) - NOTICE TO EMPLOYEE ABOUT UNEMPLOYMENT COMPENSATION

_____ (DATE)

SIGNED - SUPERVISOR _____ DATE: _____

DIV. SUPT./DEPT. HEAD _____ DATE: _____

FOR PERSONNEL DEPARTMENT USE

VACATION PAYOFF _____ SICK LEAVE PAYOFF _____ COMP TIME PAYOFF _____

CS-40 (UI) (REV. 10-79)

Addendum B

SAN DIEGO CIVIL SERVICE COMMISSION
Personnel Department

LIMITED AVAILABILITY FORM

Reference: Personnel Manual Index Code L-6

Instruction: Applicants for hourly work or hourly employees are to complete and file this form as often as is necessary to maintain up-to-date information. (See additional instructions on reverse.)

NAME:_____ SOCIAL SECURITY NUMBER:_____

ADDRESS:_____DATE:_____

I, _____ am only available for part-time employment.
(Print Full Name)
Due to the above reason, I am only available on the following days of the week at the hours specified:

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
_____	_____	_____	_____	_____	_____	_____
hours	hours	hours	hours	hours	hours	hours

Additional comments: (E.G: specific times, dates, or other exceptions) _____

I understand that if any of the above conditions change, it is my responsibility to immediately notify my immediate supervisor and/or Personnel Department. This would include a desire to change to fewer hours or a greater number of hours, including the opportunity to be considered for a full standard work week.

_____

APPLICANT/EMPLOYEE SIGNATURE DATE

Completion Instructions

1. All applicants who desire to work less than a full 80-hour pay period must complete this from as a supplement to the Employment Application.

2. All full-time employees who desire to reduce their working hours to less than an 80-hour pay period must complete this form as a formal notice to their supervisor.

3. In identifying the days and hours of availability, it is important to state the specific hours, i.e., Sunday, 10:00 a.m. - 2:00 p.m. In the event that a person has no preference as to specific hours but wants to work a limited number of hours per day or week, it should be specified by shift, i.e., Monday - 3 hours, p.m. shift. Each day in this case must be identified with a shift preference and a number of hours from 0 hours to 8 hours of availability.

NOTICE TO EMPLOYEE ABOUT UNEMPLOYMENT COMPENSATION

This form has been given to you because (1) you have been separated from your job, or (2) you are expected to be in nonpay status for more than 5 consecutive work days.

City workers have unemployment compensation rights similar to those of workers in private industry. If you become unemployed or are in nonpay status for more than 5 consecutive work days and you want to **FILE A CLAIM**, go to the Employment Development Department Office nearest your home address.

TAKE WITH YOU —

1. Your **SOCIAL SECURITY ACCOUNT NUMBER CARD.**

2. The **OFFICIAL NOTICE** of your most recent **SEPARATION** or of your present **NONPAY** status if you have received it.

3. **THIS FORM**. The office where you file your claim will obtain information needed for your claim from:

CITY OF SAN DIEGO
Personnel Department
202 C Street
San Diego, CA 92101

KEEP THIS FORM. It is important to have it if you file a claim for unemployment compensation.

CS 40.0 UI (1)

QUESTIONS MOST OFTEN ASKED

1. Who will pay unemployment benefits?

   If you are eligible, you will be paid by the State Employment Development Department under the provisions of California's unemployment compensation law. The amount of your weekly benefits and the period for which benefits will be paid will generally be determined by the State. The City of San Diego actually funds these benefits.

2. Under what conditions will I be eligible?

   State law requires that:

   a. You must be unemployed, able to work, and available for any suitable work;

   b. You must file a claim and must register for work at the local Employment Development Department Office and must continue to report to that office as directed; and

   c. You must have had the employment or wages in a base period as specified in the State law.

   You will be disqualified for such reasons as the following:

   a. Quitting your job voluntarily without good cause or being discharged for misconduct connected with your work; or

   b. Refusing an offer of a suitable job without good cause.

3. Do I have the right of appeal?

   Yes. If a determination is made that you are ineligible for or are disqualified from benefits, you have the right to appeal provided in the State law.

4. Are there any penalties?

   Yes. If you willfully make a fraudulent claim, you are subject to a fine or imprisonment, or both. If you made a mistake in giving information when you filed your claim, notify the local employment office as soon as you discover the mistake, in order to avoid penalty.

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APPRENTICESHIP TRAINING

I. AUTHORITY:

A. Council Resolution No. 87898, adopted December 16, 1947: "...BE IT RESOLVED, By the Council of The City of San Diego, as follows:

That an apprenticeship training plan under the general supervision of the Civil Service Commission of The City of San Diego, and subject to the rules of said Civil Service Commission is hereby adopted in the following trades:

Auto Mechanic; Blacksmith; Carpenter; Electrician; Painter; Plumber; Machinist, and Radio Technician; and
IT IS HEREBY FURTHER RESOLVED, That the City Manager of The City of San Diego be, and he is authorized and empowered to sign the necessary contracts and standards on behalf of The City of San Diego, necessary to establish and put in effect said apprenticeship training plan."

B. 1961 Revised Apprenticeship Standards of the San Diego City Civil Service Joint Apprenticeship Committee approved by the Administrator of Apprenticeship for the State of California:

II. POLICY:

A. Joint Apprenticeship Committee:

1. Membership:

a. Voting members: 4 members nominated by the City as an employer; 4 members nominated by the employee organization formally recognized to represent the Skilled Trades and Equipment Operator Unit.

(1) All voting members of the Joint Apprenticeship Committee shall be permanent City employees.

(2) All members of the Committee nominated by the formally recognized employee organization shall be journey level personnel in the trades having an apprenticeship program.

(3) Three regular and three alternate members shall be nominated by the City Manager and shall be supervisory employees from departments designated by the Personnel Director. One regular

Special Programs

APPRENTICESHIP TRAINING

and one alternate member, who will serve as Secretary to the Committee, shall be nominated by the Personnel Director from among the non-represented employees of the Personnel Department staff.

(4) Nominating letters of regular and alternate members proposed by the formally recognized employee organization, the City Manager, and the Personnel Director shall be sent to the Civil Service Commission.

(5) The employees nominated will be reviewed for appointment by the Civil Service Commission. Upon Commission approval, a letter of appointment will be sent to the appointed member.

b. Non-voting advisory members: The San Diego Community College District and the State Division of Apprenticeship Standards will each provide one representative to furnish information to the Committee concerning their respective specialties.

c. Observer: An Apprentice Representative, who is the most senior apprentice in training, with at least six months remaining for completion of apprenticeship. The Secretary will determine seniority by hiring date. In cases of equal seniority, ties will be broken by the determination of original date of City employment, rank on eligible list, and time of application, in that order.

(1) The Alternate Apprentice Representative will be the next most senior apprentice, with at least one year remaining for completion of apprenticeship. It is the responsibility of the Apprentice Representative to inform the alternate to appear, when necessary.

(2) The Apprentice Representative shall not serve more than two six-month periods in office, unless the number of apprentices in training does not allow representation as indicated above.

(3) The Secretary will announce in the minutes of meetings any changes in Apprentice Representative and Alternate Apprentice Representative assignments.

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(4) It shall be the duty of the Apprentice Representative to check apprentices' record books and record cards.

2. Responsibilities:

On behalf and by virtue of the authority delegated by the Civil Service Commission to

a. Supervise and enforce the training provisions of the Apprenticeship Standards.

b. Adopt rules and regulations for the conduct of its affairs.

c. Serve in an advisory capacity for the school program.

d. Indenture apprentices.

e. Review apprentice work and school records at six-month advancement periods and advance apprentices as appropriate up to and including the journey level class.

f. Investigate the training provided apprentices and recommend appropriate action.

g. Keep records and make reports.

h. Establish approved curricula for each apprenticeship.

3. Meetings:

a. The Committee usually meets on the second Wednesday afternoon of each month. Time, date, and place of meetings will be announced in the monthly agenda.

b. Special meetings may be called by the Committee, or by any Committee member, whenever an urgent matter requires consideration by the Committee.

B. Apprenticeship Standards:

1. General: The apprentice training standards are:

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a. Each apprentice must complete approved classes each year at the San Diego Community Colleges, or other colleges and technical schools, or take approved correspondence course lessons. The minimum number of hours or correspondence course lessons, and specific classes or lessons required each year shall be as determined by the Committee.

b. Each apprentice must complete the number of hours for each work process as listed in the applicable trade standards.

2. Training Periods:

Trade	Years of Training
Refrigeration Mechanic	4
Building Inspector	3
Building Inspector/Fire Prevention Inspector	4
Carpenter	4
Cement Finisher	3
Communications Technician	4
Electrician	5
Equipment Mechanic	4
Equipment Operator	2
Equipment Painter	4
Heating Technician	4
Machinist	4
Painter	3
Plumber	4
Roofer	3
Welder	4

3. Maximum Number of Apprentices to Journey Level Workers:

For each trade in the City's Apprenticeship Training Program, the following ratios shall apply:

a. For the first apprentice hired in a given trade, there shall be one journey level worker to assist in training the apprentice.

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b. For each additional apprentice hired in that trade, there shall be three journey level workers to assist in training.

It is the policy of the Civil Service Commission to maximize utilization of the Apprenticeship Training Program, as much as feasible, within the above listed ratios. In order to assure that the utilization of apprentices is maximized for each trade, the Commission shall request the City Manager to annually establish goals for the coming year and to quarterly report on the state of attainment of those goals.

III. PROCEDURE:

A. Steps In Becoming An Apprentice:

1. Have application accepted for examination.

2. Pass all required tests; placed on eligible list.

3. When reachable on eligible list, interviewed by appointing authority; and if tentatively selected, pass medical examination if required, and report for work on the agreed upon day.

4. Orientation and presentation of a copy of Apprenticeship Training Program instructions and work processes by the Secretary.

5. Appear at next Committee meeting for indenture.

6. Enroll at the San Diego Community Colleges, or other approved colleges or technical schools, for related technical classes, or take approved correspondence courses.

7. Veterans may apply to Veterans' Administration for training allowance.

8. Enter active on-the-job training.

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B. Indenture:

1. Under direction of the Apprenticeship Committee Secretary, the apprentice prepares a Form DAS-1 which identifies the apprentice and indicates Committee action. The form is supplied by and returned to the Apprentice Consultant, State Division of Apprenticeship Standards.

2. At the meeting of the Apprenticeship Committee when the apprentice is to be indentured, the Secretary relates personal background history of the apprentice.

3. The apprentice is directed to report to the office of the Coordinator of Technical Education, San Diego Community Colleges, or other approved colleges or technical schools, to prepare the application for technical instruction. This application is supplied by and returned to the Coordinator of Technical Education. If a correspondence course is the source of training, enroll in that course, upon Divisional approval.

4. In original indentures, the date of hire shall be used as the date for commencement of apprenticeship training.

C. Meetings: The apprentice presents a completed Apprentice, Record Book, and Training Record Card to the Committee. The Committee reviews the apprentice's previous training period, and decides eligibility for advancement.

D. Prior Experience Credits:

1. Credit for Prior Training and Experience:

a. Apprentices may be allowed advanced standing in training for verified prior experience and education (education alone will not be approved for advance standing) equivalent to training received in the City of San Diego Apprenticeship training program. Advanced standing will be granted only in six month increments.

b. Before indenture, the Secretary will explain to the apprentice the requirements and procedures for obtaining advanced standing. An indentured apprentice who wishes to request advanced standing shall, during the first month of training:

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(1) File a memorandum with the appointing authority and the Secretary, giving formal notice of intent to seek advanced standing, including an estimate of the amount of reduction the apprentice intends to seek.

(2) Be given Forms CS-AT-1, Apprentice Training and Experience, and copies of work processes, to be forwarded to former employers to substantiate any prior work experience applicable to the training received in the City of San Diego apprenticeship program.

(3) Prepare a personal resume, listing prior work experience and education (including college transcripts), stating how they relate to the program to which the apprentice is indentured.

(4) When the forms and the resume have been completed, the apprentice shall forward them to the appointing authority for verification, evaluation, and comment. The appointing authority shall forward the material to the Secretary.

(5) The Committee will review the appointing authority's recommendation, and appraise the apprentice's experience and education. The Committee may allow credits judged to be "equivalent" to training and education received in the City of San Diego Apprenticeship Program.

E. Apprentice Record Books:

1. A new apprentice record book is issued to the apprentice at the beginning of each six-month period of training. Apprentices will use the books to keep an accurate record of their training in proper work processes, class attendance, and school grades or correspondence course progress.

2. The apprentice and the appointing authority make entries in the apprentice record book each month. College or school instructors make monthly entries for school attendance and grades.

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a. The apprentice:

(1) Enters actual work hours worked for each day and totals them for the month on the daily calendar provided.

(2) Enters the number of hours spent performing each work process.

(3) Obtains a work grade, and supervisor's initials to confirm monthly entries.

(4) At the completion of each six-month training period, individually enters on the last page of the book hours of work performed under each work process during the six months. The total of work hours and school hours or lessons completed for the period are entered on the inside back cover in the spaces provided.

(5) The apprentice has final responsibility for all entries made by all parties in the record book. Prior to presenting the record book for review at the end of each training period, the apprentice should be sure that it is complete in all respects. On meeting dates, before submitting the book to the Committee, the apprentice shall first present it to the Apprentice Representative to check.

b. The college or school instructor or correspondence course coordinator each month:

(1) Enters the apprentice's hours of class attendance or number of lessons completed and totals them in the space provided.

(2) Enters the apprentice's grade for the month and initials this entry.

c. The appointing authority, or delegated representative, each month:

(1) Verifies that the apprentice's entries are accurate.

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(2) In the space "Grade," rates the apprentice's work during the month as follows: A = Outstanding, B = Above Standard, C = Competent, D = Below Standard, F = Unsatisfactory.

(3) Makes appropriate comments in the space provided.

(4) Signs the book in the space "Supervisor."

3. When the record book of an apprentice indicates insufficient on-the-job training in a work process designated by the Standards for the trade, and it appears that such training will only be available in another department or major division, the appointing authority may arrange a transfer.

F. Advancement of Apprentices:

1. At the close of each six-month training period, the apprentice is required to report to the Committee for review of work record and school grades. Advancement is made upon the approval of the Committee without Civil Service examination.

2. Each successful six-month period of advancement in training is accompanied by a pay increase. Such increase shall be to the next percentage of the appropriate journey level worker's rate as shown in the City salary ordinance effective at the time of advancement. (Exception: In a 5-year Apprenticeship Program, advancement to Period 10 will not be accompanied with a pay increase.)

3. Many factors, in addition to completion of required school courses and the specified work processes, are evaluated in considering the advancement of an apprentice. These include cooperation, job interest, judicious use of sick leave, willingness to follow instructions, etc. If an apprentice is not fulfilling the obligations in these aspects, the appointing authority should advise the Committee in writing immediately to assure that the Committee is fully informed of an apprentice's progress prior to consideration for advancement. Further, apprentices work under progressively less supervision as their progress allows.

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4. Communications Technician Apprentices must obtain or posses one of the following:

   a. Federal Communications Commission (FCC) General Radiotelephone Operators License, or higher; or

   b. National Association of Radio & Telecommunications Engineers, Inc. (NARTE) Second Class RF Technician Certification, or higher; or

   c. Associated Public-Safety Communications Officers, Inc. (APCO) RF Technician Certification; or

   d. National Association of Business & Educational Radio, Inc. (NABER) RF Technician Certification.

   Communications Technician Apprentices, especially those seeking a reduction of term, should attempt to obtain a license or certification as soon as feasible, but must obtain one or the other before advancement to the journey level.

5. The Committee will keep all affected apprentices informed of any licenses or certificates required by the State or other authority. As a condition to satisfactorily completing apprenticeship, the apprentice shall submit for Committee verification any such required licenses or certificates.

G. Reducing The Term Of Apprenticeship:

1. An apprentice's term may be shortened by up to 12.5% for merit, but may not exceed 26 weeks.

2. In order to apply this policy to the City program in a uniform and equitable manner, the following merit standards are established and the apprentice's record should indicate:

   a. Work grades averaging B or better over the complete term up to the date of request, with either A or B grades for each of the six monthly grades immediately prior to the request.

   b. Employee Performance Report ratings of "Satisfactory" or better.

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c. Satisfactory college attendance or correspondence course progress during each year of training.

d. College or correspondence course grades averaging B or better.

e. Record of successful training in all required major work processes and possession of all required licenses.

f. Completion of all college or correspondence courses, or successful completion of approved equivalency as determined and documented by the appointing authority.

g. Record free from major disciplinary actions.

3. An apprentice who meets the above requirements may apply for a reduced training period. The periods of training during which this application may be made, and the maximum length of time the training period may be reduced by, are:

LENGTH OF TRAINING PROGRAM	PERIOD OF TRAINING	MAXIMUM TRAINING REDUCTION
5 years	9th	26 weeks
4 years	7th	26 weeks
3 years	5th	19.5 weeks
2 years	3rd	13 weeks

4. Procedure:

a. An eligible apprentice prepares a written request for reduction in training time, including proof of completion of requirements “a” through “g” of “III, G, 2” above, and turns it in to the Appointing Authority a minimum of six weeks prior to the appropriate Committee meeting.

b. The Appointing Authority makes a recommendation and forwards the request to the Secretary a minimum of four weeks prior to the appropriate Committee meeting.

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c. The Secretary verifies that all requirements have been met and submits the request to the Committee.

d. The Committee interviews the apprentice, makes a final disposition of the request, and notifies the State Division of Apprenticeship Standards and the Personnel Department of its action.

e. The regular procedure for advancing a graduating apprentice to the journey level is then followed.

H. Completion Of Apprenticeship:

1. Upon successful completion of training, the Committee advances the apprentice to the journey level class.

2. The graduated apprentice is advanced to D Step of the pay rate for the journey level class. Except in a 5-year Apprenticeship Program, a graduated Apprentice shall be advanced to E Step of the journey level class.

3. Eligibility for a normal merit increase to E step will be one year from the date of advancement to the journey level class. (Except for Apprentices who graduated from a 5-year Apprenticeship Program.)

4. The apprentice receives a certificate from the State Apprenticeship Council with full recognition of having attained journey level status and a certificate of completion of related technical studies from the San Diego Community Colleges appropriate institution.

I. Associate In Arts or In Science Degrees:

1. Basic Requirements: An apprentice who has a high school diploma or its equivalent and completes certain requirements stipulated by the San Diego Community Colleges or other appropriate college may be eligible to receive an Associate in Arts or an Associate in Science degree. Apprentices should contact the appropriate school, directly.

Special Programs

PARTICIPATION IN FEDERAL OR STATE FUNDED PROGRAMS

I. AUTHORITY: City Charter Section 115. CIVIL SERVICE COMMISSION.

II. POLICY: Frequently, the City is a participant in manpower, training, or similar human resource programs which are funded all or in part by the Federal or State government. These agencies may impose, as a stipulation for participation, certain requirements or guidelines on the selection of program participants. Since the Civil Service Commission is responsible for establishing the personnel rules, policies, and practices governing City employment, it is important that the Commission review these programs to determine their compatibility with the City's merit system, and to establish guidelines for the selection, promotion, and removal of employees in such programs.

III. PROCEDURE:

A. Upon notice from the Mayor or other appropriate authority of the City's intent to participate in federal or State funded programs which involves the employment of program staff and participants within the City's Classified Service, the Personnel Director shall review the program and report to the Commission on the compatibility of the program with the City's merit system.

B. The Commission shall establish the policies and guidelines it deems necessary for the implementation of the program. The Commission may delegate to the Personnel Director the responsibility for implementing such guidelines and policies in the selection of program participants.

C. The Personnel Director shall periodically report to the Commission on all Classified Service positions filled under these programs, and on any other matters deemed appropriate.

CLERICAL POOL

I. POLICY:

A. Intent:

The Clerical Pool is a temporary clerical support service intended to provide assistance to departments on an as-needed basis. The Personnel Department maintains this service as a source of on-call clerical personnel available for short-term needs. The Clerical Pool is staffed by limited, hourly clerical employees including Clerical Assistants and Stenographers. The purpose of the pool is to assist departments in maintaining a continued level of service and production when regular employees are absent and/or during periods of extra-heavy work loads.

It is not the intent of the City to utilize pool employees essentially as "regular" employees, yet deny them the fringe benefits of regular employees. Therefore, departments will not use clerical pool employees to avoid budgeting for adequate staffing or to fill vacant budgeted positions for the long term.

B. Duration:

1. Clerical Pool assignments may be approved by the Personnel Department for a variety of short-term needs, such as replacement of regular employees on vacation or sick leave, special help during brief periods of extra heavy work load, and temporary filling of vacant budgeted positions pending certification and selection from the eligible list.

   For the purpose of this section, "short-term" shall mean for a period not to exceed 30 calendar days.

2. The use of Clerical Pool employees for long-term appointments (those over 30 days in duration) will not be approved except as listed below.

   a. Pool assignments to fill vacancies in budgeted positions may be made as long as necessary to fill the position from the eligible list. A Requisition for Certification (Form CS-490) must be filed with the Personnel Department before these assignments will be approved.

   b. Under special circumstances, the Personnel Director may approve assignments longer than 30 days.

CLERICAL POOL

C. Generally, pool employees are paid by the using department from salary savings. If salary savings are not available, the request for pool help will require prior approval by the Mayor or non-mayoral department head. Each department is responsible for monitoring available salary savings and acquiring necessary approval when salary savings are not available.

D. Although pool employees do not earn vacation and sick leave while in an hourly status, they may be allowed to use previously earned credits.

If the department to which the employee is assigned approves, the pool employee may use previously earned credits for paid leave which falls within the pool assignment period.

II. PROCEDURE:

A. The Personnel Department Records Section should be contacted as soon as emergency needs are known. In the case of vacation relief and other anticipated needs, the Records Section should be given as much advance notice as possible.

1. The using department must provide the following information with the request:

a. Classification requested

b. Dates, work hours, and location of assignment

c. type of work to be performed

d. reason for request

B. Requests for assignment of pool personnel pending certification and selection from an eligible list must be accompanied by a Request for Certification (Form CS-490).

C. Initial assignments or extensions (for reasons other than a vacant position) beyond 30 calendar days must be approved in advance by the Personnel Director. Requests for approval are to be submitted by memorandum and must include the following information:

1. Nature of the work to be performed (work load, special project, etc.); and if the request is for sick or vacation relief, the name of the incumbent.

2. Description of the special circumstances which warrant a long term assignment.

CLERICAL POOL

3. The reason a limited appointment from the regular eligible list is not appropriate.

III. CLERICAL POOL EMPLOYEE EVALUATION REPORT:

Upon assignment of pool personnel, the Personnel Department will send a Clerical Pool Employee Evaluation form to the using department. This should be completed and returned at the end of the assignment or after 30 calendar days, whichever comes first. The information obtained from this report is used to evaluate the quality of service the Pool is providing and to assist in evaluating the performance of pool employees. The same care should be taken with these evaluations as is taken with regular Employee Performance Reports.

REVIEW OF CONTRACTS FOR SERVICES

I. AUTHORITY:

A. City Charter Section 28. DUTIES OF THE MANAGER. "(The City Manager) shall have the power, to employ experts, or consultants to perform work or give advice....

B. City Charter Section 35. PURCHASING AGENT. "The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance..."

C. City Charter Section 94. CONTRACTS. "In the construction, reconstruction or repair of public buildings, streets, utilities and other public works,...the same shall be done by written contract..."

D. City Charter Section 117(a). UNCLASSIFIED AND CLASSIFIED SERVICES. "The Unclassified Service shall include:...15. Persons employed in positions for expert professional temporary service when such positions are exempted from the Classified Service for a specified period of temporary service by order of the Civil Service Commission."

E. City Charter Section 117(b). UNCLASSIFIED AND CLASSIFIED SERVICES. "The Classified Service shall include all positions not specifically included by this section in the Unclassified Service...."

F. City Charter Section 118. RULES. "The Civil Service Commission shall recommend to the City Council all rules and amendments thereto for the government, supervision and control of the classified service."

G. Civil Service Rule XVII. REVIEW OF CONTRACTS FOR SERVICES. "All contracts for services shall be reviewed by the Civil Service Commission prior to execution to ensure compliance with the personnel-related provisions of the City Charter, Municipal Code, and the Civil Service Commission Rules and Regulations."

H. Council Policy 300-7. CONSULTANT SERVICES SELECTION. "The City requires services of a recurring nature or for a specific onetime project which cannot be routinely provided by City staff, either because of the expertise required or the ongoing work load. Consultants may be employed where City staff is unable to accommodate this requirement."

I. Administrative Regulation 25.01. ADVERTISING, BIDDING, AND AWARD OF CONSTRUCTION UNDER $25,000 IN VALUE.

J. Administrative Regulation 25.6. SELECTION OF CONSULTANTS FOR WORK REQUIRING LICENSED ARCHITECT AND ENGINEERING SKILLS.

REVIEW OF CONTRACTS FOR SERVICES

K. Administrative Regulation 25.7. HIRING OF CONSULTANTS OTHER THAN ARCHITECTS AND ENGINEERS.

II. POLICY:

A. The Civil Service Commission shall review all contracts for services with the City of San Diego regardless of monetary size, prior to execution. This includes those contracts which require City Council approval, as well as contracts requiring only City Manager approval; contracts under $3000 in a 12-month period that may be executed by purchase order only; and all extensions or substantive revisions to any contracts listed above.

B. Contracts for supplies, materials, equipment and insurance do not require review by the Civil Service Commission provided however that such contracts do not include provisions for contracting of services.

III. PROCEDURE:

A. A Department planning to contract for services should provide a copy of the contract specifications or documents describing the needed services immediately after the decision to request contract services has been made and prior to releasing Requests for Proposals, advertising, negotiating with outside personnel, or executing agreements. This document should include:

1. a description of the project and services required;

2. the number of contractual personnel required to perform said services;

3. the length of time for which these services will be required;

4. all significant terms of the contract including compensation, work review, selection process and extension or renewal clauses.

B. The Civil Service Commission or its designee will review these documents concerning proposed contract services to determine if said services meet the personnel-related provisions of the above City Charter, Rules and Regulations, and Policies. The Civil Service Commission or its designee shall initial and return to the originating department the documents provided concerning the proposed use o contractual services.

C. For all actual contracts for services, the originating department shall provide to the Civil Service Commission or its designee for review and signature:

REVIEW OF CONTRACTS FOR SERVICES

1. all Requests for Council Action (1472's) and attachments prior to being submitted to Council;

2. all written agreements for services prior to execution with the outside contractor.

D. The Civil Service Commission shall receive a monthly staff report on contracts reviewed.

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