



CIVIL SERVICE RULES

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CHAPTER 1.00 - ADMINISTRATIVE RULES

1.01 DEFINITIONS – The definitions set forth in this section apply throughout these rules unless the context requires another meaning.

A. DEFINITION OF TERMS

ABSENCE – Any period away from work, excused or not.

ADVANCEMENT means a salary increase within a range of compensation provided for each classification. Advancement is conditioned on a given minimum term of meritorious service in the same position and is made without examination.

APPLICANT means a person who has applied for employment with the City.

APPOINTING AUTHORITY means the department head or designee having the authority to make appointments, promotions, or disciplinary decisions for the department.

CFRA means California Family Rights Act and authorizes eligible employees to take up a total of 12 weeks of unpaid job-protected leave during a 12-month period. While on leave, employees keep the same employer-paid health benefits they had while working and can use available leave balances. ([Cal. Gov't Code §§ 12945.1 to 12945.2.](#))

CLASS means a group of positions with such similarity in respect to their duties, responsibilities and requirements that the same title, minimum qualifications, and salary range may apply to these positions.

CLASSIFIED SERVICE means all positions of employment in the City of Chula Vista except those expressly designated as unclassified in the City Charter sections creating the Civil Service System or any ordinance adopted pursuant to Charter Section 500 (a) adding unclassified positions.

COMMISSION when used alone, means the City of Chula Vista Civil Service Commission.

COMPENSATION means any salary, wage, fee, allowance or other consideration paid to an employee for performing the duties and exercising the responsibilities of a position.

DEPARTMENT means an administrative branch of City service under the immediate charge of a chief executive officer who is known as the Appointing Authority.

DIRECTOR OF HUMAN RESOURCES means the Head of the Department of Human Resources or his or her designee.

ELIGIBILITY LIST means a list established either through an open competitive or closed promotional examination.

Examinations shall be divided into two categories:

1. Open competitive examination means an examination for a position open to any person who meets the minimum qualifications for the position.
2. Closed Promotional examination means an examination for a position open only to current employees of the City who meet the minimum qualifications.

EMPLOYEE subject to these rules means a person who is legally an incumbent in a position in the classified service unless indicated otherwise.

INTERIM APPOINTMENT means an appointment made from an eligibility list to a position not permanent unless and until the City Council designates the position as permanent.

FMLA means Family and Medical Leave Act and authorizes eligible employees to take up a total of 12 weeks of unpaid job-protected leave during a 12-month period. While on leave, employees keep the same employer-paid health benefits they had while working and can use available leave balances. (29 U.S.C. 2601, et. seq.; 29 C.F.R. Part 825.)
PDL means Pregnancy Disability Leave and authorizes employees to take up to four months of unpaid job-protected leave when disabled by pregnancy or childbirth. (Government Code Section 12945.)

PERMANENT STATUS means the permanent appointment earned by and conferred on a classified employee upon completion of the required probationary period.

POSITION means a specific office or employment, whether occupied or vacant, consisting of duties and responsibilities performed by one individual, either on a full-time or part-time basis.

PROBATIONARY STATUS means service in a permanent position prior to completion of the probationary period. Probationary status can apply to new hire positions or promotional positions.

REEMPLOYMENT LIST means a list created by the Human Resources Department as a result of a layoff of employees.

REINSTATEMENT LIST means a list created to allow employees who voluntarily leave City employment in good standing to have their name placed on a list should they decide to return to City employment.

SATISFACTORY means that the employee's performance is fully satisfactory. He/she demonstrates the necessary skills and knowledge to achieve results, and is productive, and may occasionally exceed expectations.

SWORN PUBLIC SAFETY – Employees that fall within the meaning of Public Safety

Officers Bill of Rights Act (PBOR) (Govt. Code Section 3301) and Firefighters Procedural Bill of Rights Act (FBOR). (Govt. Code Section 3251.)

TEMPORARY STATUS means service under a temporary appointment of no longer than six months.

UNCLASSIFIED HOURLY means at-will employees paid on an hourly or per diem basis. Hours worked may not exceed 999 hours per fiscal year. Hourly employees shall not be eligible for benefits or be subject to Civil Service Rules. However, hourly employees are subject to all other city policies and procedures.

UNCLASSIFIED SERVICE means all offices, positions and employments specifically designated as unclassified in the City Charter creating the Civil Service System and in any ordinance adopted pursuant to Charter Section 500 (a) designating additional unclassified positions.

“Y” RATE means a salary paid above the maximum salary of a range when an incumbent employee is moved from one class to a lower class, but retains his or her current rate of pay at the time he or she is moved from one class to a lower class as the newly assigned class has a maximum salary rate which is lower than the salary the employee was receiving in the previous class.

1.02 GENERAL PROVISIONS

A. GENERAL PROVISIONS

1. These rules are adopted pursuant to Charter section 610. All Civil Service Rules shall be recommended to the City Council by the Civil Service Commission. The adoption, amendment or repeal of any Civil Service Rule shall become effective upon adoption.
2. Preparation of Classification Plan: The Director of Human Resources will ascertain and record the duties and responsibilities of all positions in the City service. The Director of Human Resources will recommend the plan to the Civil Service Commission for adoption. All positions in the City service will be grouped into classes. Each class includes those positions sufficiently similar in respect to their duties, responsibilities, and requirements that the same salary range may be made to apply with equity to all positions in the same class.

The classification plan consists of a list of titles of the classes with a written class specification describing each class. The class specification is descriptive and explanatory but not restrictive. The listing of examples of duties in the class specification does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and for use in determining the relative value of positions in one class with positions in other classes.

In the preparation of the classification plan the Director of Human Resources will allocate every position in the classified service to one of the classes established by the plan.

3. Adoption of Plan: Before any additions or deletions of classes to the classification plan become effective it shall first be approved in whole or in part by the Civil Service Commission.
4. Revisions of the Classification Plan: The Director of Human Resources will review and amend the plan so that the classification plan is kept current and changes in existing classes, the establishment of new classes, or the abolition of classes are properly reflected in the classification plan. The Civil Service Commission will adopt all changes or amendments to the classification plan. Revisions of the Classification Plan are subject to final approval of the City Council.

The Director of Human Resources will provide for the reallocation of any position from one class to another class whenever a change in the duties and responsibilities of a position makes the class to which the position was previously allocated no longer applicable. Any proposed reallocation to be made will only be made with the knowledge of the employee concerned and with the knowledge and consent of the employee's Appointing Authority. A reallocation will take into consideration the following factors: kinds of duties to be performed, the degree of difficulty and complexity of the duties, the level of responsibility of the position, and the basic skills, knowledge and abilities required to perform the work. When a position includes duties and responsibilities of two or more classes, the final determination may take into consideration (a) allocation of the position in accordance with the duties and responsibilities which occupy the major part of the working time; (b) allocation of the position in accordance with the highest essential group of duties and responsibilities of the position.

5. Compensation at time of reclassification will be that higher rate of pay, which is at least 5% higher than the employee's current base rate before the reclassification.

If demoted through reclassification (non disciplinary) the employee will be placed at the step closest to their current base rate not to exceed step E of the new classification.

1.03 APPLICATIONS FOR ORIGINAL EXAMINATIONS

A. FILING OF APPLICATIONS

No person will be admitted to an open examination unless the person has filed an application for the examination on the form furnished by the Human Resources Department. The Director of Human Resources will review the application to determine if the applicant must be rejected for cause pursuant to the provisions of these rules. If no cause for rejection is found, the Director of Human Resources will approve and accept the application. Applicants must file applications no later than the final filing date and time set by the Human Resources Department. No applications will be accepted after the filing date and time have passed. The applicant must certify that the information provided on the application is true.

B. CRIMINAL BACKGROUND CHECK

The City will conduct criminal background checks on all applicants in accordance with local, state, and federal law.

C. MEDICAL AND PSYCHOLOGICAL EXAMINATIONS

Every applicant who is given a conditional offer of employment may be required to submit to a medical (which may include an alcohol or drug screen) and/or psychological examination (for sworn public safety or those required to submit to psychological testing by law, including POST requirements) by a physician and/or psychologist designated by the Human Resources Department. The physician and/or psychologist selected by the City will submit a written statement regarding applicant's ability to perform the duties of the position for which he or she seeks appointment. The name of any applicant who is deemed to be unfit to perform the duties of the position by the examining physician and/or psychologist will be rejected for the examination. If the applicant is disabled and requests an accommodation and the City can reasonably accommodate the applicant's disability, the applicant may be accepted for employment.

D. SPECIAL QUALIFICATIONS

The Director of Human Resources may demand evidence of an educational degree, training, experience, certificates of competency, or the possession of any license required by law or the position. The Director of Human Resources may reject applicants who fail to provide appropriate evidence or certificates or who do not possess necessary licenses. Educational degrees, certificates, or licenses required for a position will be set forth in the public notice of the position.

E. VETERAN'S PREFERENCE

In every open competitive examination for entry into the classified service, the Civil Service Commission will give a credit of five percent (5%) of the maximum rating prescribed for the examination to any applicant, male or female, who has been engaged in the military service of the United States, including services in any uniformed auxiliary, and who has been honorably discharged or retired from such service within five years of his or her application for the examination. The credit shall not allow the total score to exceed 100.

The 5% credit in open examinations will also be given to the spouse of any person who has been engaged in military service and has a service-connected disability of 100%. The 5% credit in open examinations will also be given to the spouse of any person who died while engaged in military service. Eligibility for this credit will be for life.

An additional credit will be given in any open examination to any applicant, male or female, who has been engaged in military service and been honorably discharged or retired from the military, if the applicant has a service-connected disability which has been duly established pursuant to Federal law. This credit will be awarded on the basis of ½% credit for each 10% of disability provided the disability is at least 30%. Eligibility for the base 5% credit will be for life so long as it is granted in conjunction with a lifetime disability credit.

Any applicant seeking the benefits of this section must first attain a passing grade in the examination in order to receive any credits. Any applicant seeking the benefits of this section must submit proof of his or her eligibility for the credit at the time of application.

F. DISQUALIFICATION

The Human Resources Department may refuse to examine an applicant, or may, after examination, refuse to certify an applicant, who:

1. is found to lack any of the requirements for the position for which he or she applied; or
2. is physically or mentally unfit to perform the essential functions of the job, and if disabled, cannot be reasonably accommodated; or
3. is a current user of non-prescribed controlled substances; or
4. subject to review pursuant to local, state (AB 1008), and federal law, as applicable, has been convicted of a criminal offense: (1) with a nexus to the position applied for; (2) that is a felony; (3) that is statutory bar to employment for the position; (4) involves violence, theft/fraud, or a registration as a sexual offender; or (5) involving moral turpitude. For purposes of these rules the word "convicted" means a conviction by verdict, by plea of guilty or nolo contendere, or upon a judgment of a court, without regard to subsequent disposition unless the conviction has been overturned by law. The words "moral turpitude" means any act of baseness, vileness or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives; or
5. has been dismissed for good cause from the public service; or
6. has used or attempted to use any personal or political influence to further his or her eligibility or appointment; or
7. has knowingly made a false statement of any material fact in the application or selection process; or
8. has committed or attempted to commit any deception or fraud in his or her application or examination, or in securing his or her eligibility or appointment.
9. Unable to provide proof of eligibility to work in the Unites States.

Any of the foregoing disqualifications will be deemed sufficient cause to exclude an applicant from examination, or to remove an eligible person from any eligibility list, or from the classified service after appointment. Whenever an applicant is excluded from any examinations, or has an application rejected, or has his or her name stricken or erased from any eligibility list for any of the causes enumerated in this rule, he may by petition make a statement of the facts involved and ask for appropriate action by the Commission; and the Commission shall investigate the petition and enter in its minutes a finding thereon within thirty days.

G. APPLICATIONS NOT TO BE RETURNED

Applications, whether accepted or rejected, remain on file in the Human Resources Department for one year, and will not be returned to the applicant. Minor defects or omissions in any application on file may be corrected with permission of the Director of Human Resources. The date of receipt of an application by the Human Resources Department will be recorded. Applications of persons who fail to appear for examination

cannot be used for any later examination. The names of applicants will not be disclosed to the public.

H. OATH OF ALLEGIANCE

No person shall be eligible for employment with the City of Chula Vista until the person has subscribed to the oath or affirmation as set forth in Charter Section 512 of the City Charter. The oath or affirmation must be taken before a person authorized to administer oaths, and an affidavit of the oath will be filed with the Director of Human Resources. Any person who refuses or neglects to file an affidavit, or who violates any of the terms of the oath or affirmation filed by that person may be dismissed for cause in accordance with these Civil Service Rules. The requirement of an oath of allegiance may be waived when administration of the oath is precluded by law.

1.04 EXAMINATIONS

A. CALL FOR EXAMINATIONS

The Director of Human Resources will call for open or closed promotional examinations to fill vacancies in the classified service or to provide eligibility lists for classes or positions where vacancies are likely to occur by posting a public notice. The notice shall contain job related criteria and information pertaining to the position.

Whenever tests are to be held to establish an eligibility list for any class, the Director of Human Resources will determine whether a closed promotional examination or an open examination is to be held.

B. OPEN EXAMINATIONS

1. All open examinations held under these rules, will be competitive and open to all persons who have not been disqualified.
2. In the event of the creation of a new position or in the case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for the position are impracticable and that the position can best be filled by the selection of a person of recognized attainments, the Director of Human Resources may waive the requirement for a competitive examination.

C. PROMOTIONAL EXAMINATIONS

The Director of Human Resources will decide whether to give a test to establish an eligibility list for any class and whether the test will be open or closed promotional.

Closed promotional examinations will include an appraisal of the qualifications of eligible employees. Candidates who attain the required standard in a closed promotional examination will have their names placed on an eligibility list, and appointments from the list will be made in the same manner as original appointments.

When closed promotional examinations are held, they will only be open to probationary and permanent employees in the classified service as described in section 1.07, subdivision A, paragraph 3. The Director of Human Resources may establish the

minimum qualifications for taking closed promotional examinations.

D. SPECIAL EXAMINERS

The Director of Human Resources may designate and appoint special examiners to conduct any part of an examination.

E. EXAMINATION CONTENT

Examinations will test the ability of each applicant to fulfill the requirements of the position to which he or she seeks to be appointed. Examinations may also include, but are not limited to, tests of physical qualifications or manual skills.

F. EXAMINATION GRADES

Unless otherwise provided in notices published prior to holding the examination, applicants shall be graded on a scale in which 100 is the highest grade that can be expected and 70 is the lowest acceptable grade. Deviations from this grading scale may be established by announcing the different required minimum grade in the examination notice. Deviations designated by the Director of Human Resources may provide for a minimum grade in any part of the examination that would permit an applicant who scores below that grade to be disqualified from the remainder of the examination.

In examinations composed of several tests graded independently, the grade of each test will be added together to determine the overall grade for placement on the eligibility list. Applicants must pass each test component with a passing score to be placed on an eligibility list, unless otherwise noted.

G. NOTICE OF RESULTS OF EXAMINATIONS

When the rating of an examination has been completed and the eligibility list established, applicants will be notified by mail or electronic mail of the result of their examination. When an applicant has been successful, results will include the applicant's final grade and position on the eligibility list.

H. APPEAL

Within five (5) calendar days after receiving notice of the result of his/her examination, any candidate may review his/her examination papers. If in such review errors are discovered in the application of the answer key to his/her answers in the examination, the rating of the candidate may be adjusted accordingly by the Director of Human Resources. If the examination is validated, copy-righted or for some other reason inappropriate for review, the Director of Human Resources may waive the five-

day answer key appeal period. The reason for the waiver shall be announced at the examination.

I. ELIGIBILITY LISTS

1. **Order of Names:** Candidates who attain the required standard in an examination will have their name placed on the eligibility list of the class for which they were examined in the order of their relative final grades. All final grades will be shown as whole numbers -- the grade is unchanged when the remainder is less than one-half and raised if more than one-half. Candidates having the same final grade shall hold the same numerical position on the designated eligibility list. In the event of a large number of qualified applicants for a position, whose scores are clustered closely, the Director of Human Resources has the authority to place those scores in broad bands.
2. **Promulgation:** An eligibility list will be in effect from the date on which it is promulgated.
3. **Duration of List:** Eligibility lists shall remain in effect for one year unless a different effective period, not to exceed two years, is posted on the job announcement in advance. Prior to the expiration of the eligibility list the City Manager or a department head may request that an eligibility list be extended. The Director of Human Resources may extend the eligibility list for up to two additional years pursuant to a request or on his or her finding that the list should be extended. Reasons may include, but are not limited to, department director requests, MOU requirements, or likely vacancy in the near future. The Director of Human Resources may also request that the Civil Service Commission abolish a list upon a showing by the Director of Human Resources of practical or business necessity.
4. **Removal of Name:** The Director of Human Resources may remove the name of an eligible whose name appears on an eligibility list for any reason declared in Rule 1.03(F) to be cause for rejection of applications for examinations. The Director of Human Resources will remove from an eligibility list the name of any person who is dismissed for unsatisfactory service in his or her current class; or who is refused appointment after an interview by three Appointing Authorities after certification from the eligibility list; or failed to appear for an interview or refused an offer of employment (any combination) up to three times.
5. **Change of Address:** Applicants whose names are placed on an eligibility list must notify the Human Resources Department of any change of address.
6. **Series Examination:** A series of open examinations for the same class of positions (continuous recruitment) may be announced by a single notice as provided in Section A of Rule 1.04. The examinations may be administered from time to time as applicants are available or as appointments are necessary. The names of all applicants who qualify in any examination of the series shall be placed on one eligibility list in the order of their final grades regardless of examination dates. Each name will be removed from such eligibility list either six or twelve months as provided in Section 1.03 after the name is placed on the list unless the Director of Human Resources extends the period for not more than two additional years as provided for in Section 1.03.

7. Merging of Lists: The Director of Human Resources may merge two or more eligibility lists for a class by placing the names on the lists in the order of their final grades. The Director of Human Resources will determine the expiration dates of the names on the lists that have been merged. Eligibles will be notified of their standing on the merged list when the City's software permits.

J. OBJECTIONS TO DECISION

1. Limited review of examinations, announcements, and removal of name from eligibility lists.
 - a. In matters involving examinations, announcements, and removal of name from eligibility lists, approval given to those actions by the Director of Human Resources is final, unless an objection is made in writing to the Civil Service Commission, within 30 days of the Director of Human Resources' decision. An objection is limited to claims that Civil Service Rules or City policies or procedures were not followed in making the decision.
 - b. Upon receipt of the objection discussed above, the matter may be placed on the Civil Service Commission's agenda on the next available date. The Chairperson of the Civil Service Commission may, if the facts warrant, order that the Civil Service Commission convene at an earlier date, and/or may suspend use of the matters or the decision of the Human Resources listed in section a, until the Civil Service Commission meets on the issue.
 - c. The Civil Service Commission may review the objection in any manner it deems appropriate, including, but not limited to, reviewing the filed objection and making a decision on the filed objection without additional hearing on the objection, allowing either party to comment on the objection, allowing written comments on the objection, or conducting an evidentiary type hearing on the objection.
 - d. The objecting party bears the burden of proof to show the decision of the Human Resources did not follow Civil Service Rules or City policies or procedures.
 - e. If the Civil Service Commission determines the decision of the Director of Human Resources was not proper, then the Civil Service Commission may rectify the improper decision by requiring the announcement and/or examination process to start anew or reinstating an applicant to an eligibility list.
 - f. For objections to examinations, announcements, or removal of name from eligibility not covered by this paragraph, Applicants are hereby provided notice that they may file a complaint with any applicable state or federal agency.

1.05 REQUISITION, CERTIFICATION, AND APPOINTMENT

A. REQUEST FOR CERTIFICATION

Whenever any Appointing Authority learns that a vacancy in the classified service has occurred or is about to occur in the department, he or she will notify the Human

Resources Department. The Human Resources Department will determine if and how the vacancy is to be filled.

B. CERTIFICATION

1. Certification from Eligibility List: The Director of Human Resources will certify the names of the first three persons on the eligibility list for the class. All competitors holding the same test score point value as the third highest competitor to be certified will also be eligible for certification as though they were the third highest competitor.
2. More Than One Vacancy: If there is more than one vacancy in the same class to be filled, the Director of Human Resources will certify a sufficient number of names to equal the number of vacancies plus two additional names.
3. Lists Containing Less Than Three Names: Whenever an eligibility list from which certification is to be made contains less than three names, such persons will be eligible for interim appointment until additional eligibles can be selected by competitive examination. Alternatively, a person from the eligibility list may be appointed permanently at the discretion of the Appointing Authority, who will notify the Director of Human Resources in writing, that a permanent appointment has been made.
4. When No Eligibility List Exists: When no eligibility list for the class or position exists, or when the eligibility list has expired (and until a new list can be created), certification may be made from the eligibility list most nearly appropriate to the position to be filled. The individual must meet the minimum qualifications of the position being filled.

C. NOTIFYING ELIGIBLES OF CERTIFICATION

Whenever the name of an eligible candidate is certified to an Appointing Authority, the Director of Human Resources will notify the eligible candidate by sending notice to his or her address on file with the City. The notification will state that unless the candidate reports to the Appointing Authority for an interview when scheduled, the candidate will be deemed to have declined the position in which the vacancy exists.

D. ACCEPTANCE OF POSITIONS IN LOWER GRADE

A candidate on an eligibility list, with the approval of the Director of Human Resources, may accept certification to a class lower than the class for which he or she examined, provided the lower class is one having similar duties and responsibilities. The acceptance by an eligible of certification to a lower class will not defeat his or her rights to be certified to the class for which he or she originally examined.

E. WAIVERS

Eligible candidates may waive certification in writing within three working days from the date of notification. The name of any eligible candidates waiving certification will be withdrawn from the eligibility list. If an eligible candidate waives certification three times, his or her name may be removed from the eligibility list.

F. OBJECTION AND SUBSTITUTION

The Appointing Authority may object to any candidate on the eligible list for any cause

contained in Section 1.03 F (Disqualification). If a person is rejected, the next name on the eligibility list will be certified and notice of the withdrawal of certification will be sent to the candidate who was rejected. The rejected candidate will have a right of appeal to the Civil Service Commission by filing a written request for appeal with the Director of Human Resources. Appointments shall be on hold pending the decision of the Civil Service Commission.

G. APPOINTMENTS

1. Permanent Appointments: All appointments other than interim or temporary are permanent appointments. All permanent positions are subject to a probationary period.
 - a. Prescribed Entrance Salary Step: The first step of the salary range will normally be the hiring rate. Appointments to other than the first step of the salary range may be made by the recommendation of the Appointing Authority and the approval of the Director of Human Resources. Determination of the proposed hiring rate will consider the training, work experience, knowledge, abilities and skills the employee will bring to the job; the recruitment problems of the particular job; and any other pertinent factors related to the individual appointment.
2. Temporary Appointment: Subject to approval by the City Manager, a Department Head may make a temporary appointment, for a period not to exceed six (6) months. A temporary appointment may be made to a person not on an eligibility list.
 - a. Prescribed Entrance Step: Upon request by the Appointing Authority, the Director of Human Resources may approve temporary appointments at any step within the salary range.
3. Interim Appointment: An interim appointment from the appropriate eligibility list may be made to a position. Such appointments may be ended at any time. Interim positions will not be construed as permanent unless and until the City Council designates the interim position as permanent. A request to change an interim appointment to a permanent appointment must be submitted in writing to the Director of Human Resources by the Appointing Authority. An interim appointment that is changed to a permanent appointment shall be filled as a permanent appointment through the competitive Application and Examination process as specified herein. The employee filling the interim appointment, if qualified, may participate in the competitive Application and Examination process.
 - a. Prescribed Entrance Salary Step: Interim appointments may be placed at any step within the salary range pursuant to the provisions prescribed in 1(a) of this section.
4. Overlapping Appointments: An overlapping appointment, if provided in the fiscal budget, may be made by the Appointing Authority and used for a period of time not to exceed ninety days in any one fiscal year. Such appointment may only be made upon written request and recommendation of the Appointing Authority and the Director of Human Resources, and the approval of the City Manager. The intent of overlapping appointments is to make provision for an overlap of employment during the transition of a present employee leaving and a new employee starting work so

that adequate training can be given.

H. PROBATION

1. Probationary Period: All appointments from eligibility lists to permanent positions require a probationary period of one year of actual and continuous service. Time served as an emergency, interim, or temporary employee will not be counted toward the probationary period. The permanent appointment will date from the time of appointment to a permanent position in the classified service. An interim appointment from an eligibility list may be counted toward completion of the probationary period at the request of the Appointing Authority and with the approval of the Director of Human Resources. No periods of absence can be credited toward the completion of the probationary period. All absences will be treated equally and upon written request of the Appointing Authority, the probationary period will be extended by the number of days of absence.
 - a. Review During the Probationary Period: During the one-year probationary period the Appointing Authority shall review the performance of the probationary employee. During the probationary period performance evaluations will be completed on each probationary employee on a quarterly basis. On the basis of these quarterly performance evaluation(s) and any supplemental information obtained during the employee's first year of employment, the Appointing Authority will determine if the employee's work performance is satisfactory. If the employee's performance has been satisfactory, permanent status with the City will be awarded. At the end of the twelve-month probationary period the Appointing Authority may grant a probationary employee permanent status by notifying the Director of Human Resources on a form provided for that purpose. Before the end of the twelve-month probationary period the Appointing Authority may terminate any probationary employee. Probationary employees can be terminated for failing to meet probationary standards. There is no right of appeal for probationary employees. When a probationary employee has been terminated within the probationary period his or her name will be removed from the eligibility list for that classification.
 - b. Extension of Probationary Period: If in the judgment of the Appointing Authority the decision to terminate or retain a probationary employee cannot be made because of insufficient evidence of work performance due to absence or if there has been a recent change in work performance, the Appointing Authority may request an extension of the probationary period. All requests for an extension must be submitted to the Director of Human Resources prior to the expiration of the twelve month or eighteen-month period. If in the judgment of the Director of Human Resources an extension is warranted, an extension may be granted for no longer than six months beyond the expiration of the original probationary period. At the end of the extension the Appointing Authority must terminate the employee or award the employee permanent status.
2. Probation after Promotion: After being promoted an employee must serve a 12-month probationary period. If an employee in the classified service has been promoted from a class in which he or she had permanent status, and is unable to fulfill the requirements of the new position the Director of Human Resources with the consent of the Appointing Authority (of the former class) shall return the employee

to a position in his or her former class provided it is not necessary to lay off a current permanent employee who was promoted in the returning employee's former class. The employee returned to his or her former class will not be required to serve another probationary period unless the employee promoted prior to the completion of his or her initial probationary period. In that event, the employee must serve a new twelve-month probationary period. Probationary failure during this period will result in termination. In the event the employee is not returned to the former class or position the employee may, by applying to the Director of Human Resources, have his or her name reinstated to the eligibility list for his or her former class.

3. If the employee has been promoted from a classified position in which the employee held permanent status to an unclassified position and has not been performing the duties of the position at a satisfactory level the Appointing Authority may within 6 months of the promotion return the employee to his or her former position provided it is not necessary to displace an employee in the former class.

I. ADVANCEMENT WITHIN RANGE

1. **Step Increases:** Every employee in the classified service is eligible to advance in salary steps at the following intervals: Step B after six months of service at Step A, Step C after six months of service at Step B, Step D after one year of service at Step C, Step E after one year of service at Step D. Advances within the salary range are not automatic, but are dependent on satisfactory performance.

CLASSIFIED SERVICE			
A to B	B to C	C to D	D to E
6 MOS.	6 MOS.	12 MOS.	12 MOS.

Step increases will become effective on the first day of the pay period that includes the employee's six month or annual anniversary date. If an employee in classified service is eligible to receive a step increase, meaning the employee has satisfactory performance and the requisite time in service as described in this section, but the City fails to timely process the step increase, the employee shall receive back pay from the date of the error is discovered back to the date the step increase was to have become effective had the error not occurred.

For the purpose of this section, service includes active service in an out of class assignment or a temporary or interim appointment, provided that such service has not been included in previous computations resulting in salary advancement within the range. Service in a class with a higher maximum salary; service in any other class at the same or higher rate of pay than that being received immediately prior to the period for which the rate of pay is being computed; leave of absence without pay for which workers' compensation is received; military leave; leave of absence without pay not to exceed 31 days; CFRA; and FMLA leave will be counted as active service. The Director of Human Resources may, at his or her discretion, permit time served in a class at an entrance step that was lower than the current entrance step for the class, prescribed pursuant to Rule 1.05 G, to count as service at the current entrance step.

- a. All leaves of absence not listed above will not be counted in computing step increases.
 - b. An employee who has been promoted will advance to the next higher step after six months (for A & B steps) or twelve months after the anniversary date of his or her promotion when a next step exists.
2. Merit Increases: Merit increases for outstanding performance may be provided by: (1) granting an employee's normal step increase before the regularly scheduled date (Early Step Increase) or (2) granting a double step increase at the time the employee's normal step increase is scheduled (Double Step Increase). When an Early Step Increase is awarded, the employee will become eligible for consideration for any higher step after the requisite period of service. All requests for step increases must be initiated by the Appointing Authority, recommended by the Director of Human Resources, approved by the City Manager, and ratified by the Civil Service Commission. The effective date for merit increases will be the beginning of the pay period following approval. In cases where the exceptional merit increase has been denied by the Director of Human Resources and City Manager, the employee, within ten (10) days of the denial, may request the denial be brought before the Civil Service Commission for a final determination.
 3. Equity Adjustment: Upon request of the appointing authority, if the Director of Human Resources determines that the step placement of an employee would result in the payment of an employee at an inequitable rate as compared to other employees in the same class or other comparable classes, the Director may increase the salary of such employee to the step that the Director determines most equitable; provided, however, that the Director shall not do so contrary to the general intent and spirit of this section.

1.06 PERFORMANCE EVALUATIONS

A. PERFORMANCE RATINGS

The Appointing Authority will prepare reports on the individual performance of all employees in the classified service of the City. Performance reports are required to be completed pursuant to the following schedule, using the employee's anniversary date in the position or annually, as determined by the department, at the beginning of a new report period.

1. New Hire: Performance evaluations will be completed on a quarterly basis or more frequently if needed for the first twelve months of employment.
2. Permanent: Performance evaluations will be completed on an annual basis based on anniversary date in the position or on an annual cycle as determined by the department.
3. Promoted: Performance evaluations will be completed on a quarterly basis or more frequently if needed for the length of the probationary period and on an annual basis thereafter.

The failure by the Appointing Authority to complete quarterly performance evaluations for any probationary period will not preclude the Appointing Authority from failing the

employee on probation or imposing disciplinary measures.

B. UNSATISFACTORY RATINGS

An employee receiving an overall unsatisfactory rating may be subject to discipline ranging from a written warning to a reduction in compensation up to termination. Employees who receive repeated unsatisfactory ratings may be subject to dismissal from the classified service. However, before any progressive discipline is imposed, the employee will be given two (2) reviews within a time period determined by the Human Resources Director to determine if the employee has demonstrated satisfactory performance.

1.07 PROMOTION, DEMOTION, TRANSFER

A. PROMOTION

1. Vacancies in the higher classes of positions will be filled, as far as practicable and consistent with the best interests of the classified service, by promotion following competitive tests. The Director of Human Resources will decide whether an open or closed promotional examination will be held.
2. Any employee promoted to a class with a higher rate of pay will receive that higher base rate of pay which is at least five (5) percent higher than the employee's rate before the promotion, if a next step exists, subject to the following conditions:
 - a. The position held immediately prior to the new appointment must have been a classified position.
 - b. No person who is receiving compensation at a Y rate immediately prior to a new appointment will have his or her salary reduced by reason of such appointment.
3. Closed promotional exams will be open to any employee who has completed at least six months of City service immediately preceding the final date for filing applications and who has at least one satisfactory performance evaluation, or who has returned to City employment from a reemployment list, and any qualified prior employee whose name is currently on a reemployment or reinstatement eligibility list.

B. DEMOTION

1. Voluntary Demotion

Upon request by the employee and with the consent of the prospective Appointing Authority, an employee may demote to a vacant position. The request to demote must be made in writing. No employee shall be demoted to a position for which he does not possess the minimum qualifications.

2. Demotion in Lieu of Layoff

Employees who meet the minimum qualifications for a lower position who have received a layoff notice may elect to demote to a lower vacant position.

3. Involuntary Demotion

Employees may be demoted to a lower classification or reduced in pay for misconduct or performance deficiencies. This is a disciplinary demotion.

4. The rate of pay to be paid in all cases of demotion, whether voluntary, disciplinary, or in lieu of layoff, will be determined by the Appointing Authority with the approval of the Director of Human Resources.

C. TRANSFER

No employee shall be transferred to a position, on a temporary or permanent basis, for which he or she does not possess the minimum qualifications. All requests for transfer must be in writing and are subject to approval of the Director of Human Resources. Requests for transfers may be made by the Appointing Authority or an employee with the approval of the Appointing Authority. Transfers may be made from one position to another position in the same or comparable class. For transfer purposes, a comparable class is one with the same maximum salary, or less, involving the performance of similar duties and requiring substantially the same basic qualifications. If the transfer involves a change from one department to another, both Appointing Authorities must consent to the transfer unless the City Manager orders that transfer is made. No employee may be transferred unless his or her most recent performance evaluation has an overall rating of satisfactory or above. Transfer shall not be used to effectuate a promotion or demotion.

1. If, at any time within 60 days from the time of transfer, the services provided by the employee in the position to which he or she transferred are not satisfactory, the employee will be transferred back to his or her previous position.

1.08 DISCIPLINE

A. CAUSE FOR SUSPENSION, DEMOTION, OR TERMINATION

Any of the following are sufficient causes for the suspension, demotion, reduction in compensation, or termination of any employee in the classified service; charges may include, but are not limited to:

1. Fraud or knowingly making a false statement in securing appointment.
2. Permanent or chronic physical or mental impairment which prevents an employee from performing the essential functions of the job; and if the employee is disabled, the City cannot reasonably accommodate the impairment, or the employee presents a direct threat to his or her health and safety and/or the health and safety of others.
3. Commission of a criminal offense related to the job, including moral turpitude, conduct amounting to any felony, or conviction for an offense requiring registration under Penal Code section 290.
4. Negligence, misconduct, or misuse of City property resulting in damage to or loss of public supplies or property, or waste of public supplies or property.
5. Conduct of such a nature that it causes discredit to the City of Chula Vista or the employee's position.
6. Job abandonment - Absence without approved leave for more than three days or failure to report to work after a leave of absence has expired or been disapproved,

or revoked.

7. Incompetence, inefficiency, or neglect in the performance of duty.
8. Being under the influence of prescribed or non-prescribed medication which impairs an employee's ability to perform their duties; Possession of illegal drugs; use of illegal drugs, alcohol, or cannabis while on duty; or testing positive for drugs or alcohol in violation of the City's Drug-Free Workplace policy or DOT regulations.
9. Violation of any lawful or official regulation or order or failure to obey any lawful order or direction given by the employee's superior.
10. Insubordination and/or willful disobedience.
11. Soliciting or taking for personal use a fee, gift or other valuable item in the course of the employee's work.
12. Discourteous treatment of, or lewd conduct towards, citizens or other employees, including violations of the City's discrimination, harassment, and violence in the workplace policies.
13. Dishonesty, deception, intentional misrepresentation, theft or lying.
14. Sick Leave Abuse. Sick leave abuse means the use of sick leave for reasons other than those permitted by City sick leave policies. Such sick leave abuse may be shown by a pattern or single incident of conduct, involving, but not limited to, sick leave use occurring at the start and/or end of a work week, sick leave use on a date for which another type of leave was denied (either formally or informally), sick leave use on a regular date, and/or other types of occurrences.
15. Improper political activity, i.e. campaigning while on duty or during working hours or in a City uniform on or off duty or use of City resources.
16. Violation of any City or department workplace rule, regulation, or policy.
17. Working overtime without authorization, except in emergency situations in which an immediate threat to health and/or safety is present.
18. Fraud in obtaining any benefit, including workers' compensation benefits.

B. PROCEDURES FOR DISCIPLINARY ACTION AND APPEAL

1. As set forth in this section, the Appointing Authority may, for disciplinary purposes, suspend, demote, terminate, or reduce the compensation of any officer or employee holding a position in the classified service. Demotion means an employee is reduced in a classification ranking, i.e. from a II to a I. Reduction in compensation means an employee's salary is reduced. A reduction in compensation may be limited to a finite period of time from a step within the class to one or more lower steps in the same class.

The Civil Service Commission recognizes that an expeditious investigation is in the best interest of the City and the subject employee(s). In an effort to encourage expeditious investigations, investigations that take longer than ninety (90) days to complete from the date of discovery shall be reported to the Human Resources Director. The Human Resources Director or their designee shall assist the

investigating Department to complete the investigation as expeditiously as possible. This section does not apply to investigations criminal in nature or those involving sworn personnel. Nothing in this paragraph shall be interpreted to require a dismissal or preclusion of discipline.

2. Classified employees will be provided the following pre-disciplinary procedural protections prior to a suspension, demotion, reductions in pay, or discharged (Steps A-C):

- a. Notice of Intent

Whenever the Appointing Authority (as defined in 1.01A) intends to suspend an employee, demote an employee, reduce an employee's pay or dismiss an employee, the Appointing Authority will give the employee written notice of the proposed discipline. The written Advance Notice of Adverse Action (also called Notice of Intended Discipline) shall set forth the following:

- (1) The proposed disciplined action;
- (2) The specific charges upon which the action is based;
- (3) A factual summary of the grounds upon which the charges are based;
- (4) A copy of all written materials, reports, documents, audio and/or video tape recordings, or other evidence upon which the discipline is based;
- (5) Notice of the employee's right to respond to the charges either orally or in writing to the Appointing Authority or the Appointing Authority's designee;
- (6) The date, time, and person to whom the employee may respond within ten (10) working days;
- (7) Notice that failure to respond at the time specified constitutes a waiver of the right to respond prior to final discipline being imposed; and
- (8) Notice that he or she may have representation at any time during the disciplinary process.

- b. Response by Employee

The employee has the right to respond to the Appointing Authority orally or in writing. The employee has a right to be represented at his or her pre-disciplinary meeting (known as Skelly meeting) set to hear the employee's response. In cases of suspensions, demotions, reductions in compensation, or dismissal, the employee's response will be considered and follow up investigations conducted when appropriate before final disciplinary action is taken.

- c. Final Notice

After the employee's response is filed or at the expiration of the employee's time to respond to the Advance Notice of Adverse Action and any other follow up actions, the Appointing Authority will take one of the following actions: (1) take no disciplinary action against the employee; (2) modify the intended disciplinary

action; or (3) uphold the disciplinary action. The decision is made by the Appointing Authority. A Final Notice of Adverse Action (also known as a Notice of Discipline) will be prepared and delivered to the employee. The Final Notice of Adverse Action shall include the following:

- (1) The disciplinary action taken;
- (2) The effective date of the disciplinary action taken;
- (3) Specific charges upon which the action is based;
- (4) A factual summary of the facts upon which the charges are based, including information provided at the Skelly hearing;
- (5) The written materials, reports, documents, audio and/or video tape recordings, and other evidence upon which the disciplinary action is based. Written materials should include documentation relating to any follow-up investigation the Appointing Authority conducted pursuant to issues raised by the employee during the Skelly meeting; and
- (6) Notice of the employee's right to appeal the Final Notice of Adverse Action to the Civil Service Commission, as set forth in Rule 1.08(b)(2)(d)(1).

d. Appeal

A permanent classified employee may appeal the Final Notice of Adverse Action within ten (10) calendar days from the date of receipt of the final notice. The employee must file a written notice of intent to appeal the charges and request a hearing before the Civil Service Commission with the Director of Human Resources. Requests for appeals submitted after the ten (10) day period has elapsed will not be accepted unless good cause for the delay is shown.

Any employee, who has filed an appeal with the Commission and who has been notified of the time and place of the hearing, who fails to make an appearance before the Commission, will be deemed to have abandoned his or her appeal unless good cause for the failure to appear is shown. If an appeal is deemed abandoned, the Commission will dismiss the appeal.

The employee may, at any time, withdraw an appeal to the Commission. A withdrawal may be made either by written request prior to the hearing, or orally at or during the time of the hearing.

The Director of Human Resources may, at any time and upon request of the employee or Appointing Authority, convene a settlement meeting between the Appointing Authority and the employee. At the aforementioned settlement meeting, the parties shall discuss settlement of the disciplinary matter and may reach a mutually agreed upon resolution. The Director of Human Resources shall run the settlement meeting. The Appointing Authority and employee may bring their respective representatives to the settlement meeting. If a settlement is reached, then the appeal hearing shall be deemed waived.

C. PREHEARING PROCEDURE

Within thirty (30) days after the filing the Notice of Appeal, the Chair of the Civil Service Commission will hold a pre-hearing meeting with the parties to the appeal to discuss the appeal process (including setting hearing dates), witnesses, and evidence. The purpose of the pre-hearing is to clarify issues in dispute, resolve disagreements, and to schedule a reasonably prompt hearing. If the Chair is unavailable, then the Vice-Chair shall hold the above pre-hearing. If neither the Chair nor Vice-Chair are available, then a commission designated commission member shall hold the above-pre-hearing. The hearing shall be conducted as follows:

1. The Chair of the Civil Service Commission will run the meeting. Appellant and his or her representative and the Appointing Authority and his or her representative will attend the meeting. The Director of Human Resources or their designee shall also be present. Appellant shall state if they desire a closed appeal hearing.
2. Each party will provide a list of witnesses (including the names of the parties to the appeal) to be called at the hearing. The names of witnesses will be provided to the Civil Service Commission prior to the appeal hearing to ensure that the Commissioners do not have conflicts involving said witnesses.
3. Each party will provide a list of exhibits to be offered at the hearing. The parties shall exchange exhibits at the prehearing. Exhibits will be provided to the Commission one week in advance of the hearing, absent an objection by a party. The aforementioned proposed exhibits need not include "impeachment" or rebuttal exhibits.
4. If a witness list or exhibits are not available by the pre-hearing date, the Chair may order a final date by which to submit and provide to each other said documents. The Civil Service Commission may take appropriate actions for a willful failure to provide names of witness or exhibits as directed herein, including, but not limited to, continuing the hearing or excluding the witness or exhibit.
5. The parties will discuss any anticipated legal issues, including objections. The Chair may require written briefs on legal issues. The Chair may also schedule a hearing on the legal issues before the Commission prior to or at the time of the hearing itself.
6. The parties will discuss and set hearing dates. The Civil Service Commission and parties will endeavor to hold the appeal hearing as soon as reasonably and expeditiously as possible, and begin the hearing preferably within ninety (90) days following the pre-hearing.
7. The City shall provide a copy of the Final Notice of Adverse Action, without exhibits, prior to the hearing solely for the purpose of providing notice to the Civil Service Commission as to allegations against the disciplined employee. The document at this stage shall not be considered evidence against the employee.

D. CONDUCT OF THE HEARING

1. Record of Proceedings and Costs

All termination appeal hearings will be recorded by a court reporter. All other disciplinary appeal hearings may, at the discretion of either party or the Commission, be recorded by a court reporter. Any hearing not recorded by a court reporter will be recorded by audio tape. The employee will bear full costs associated with the preparation and presentation of his/her defense.

2. Single Hearing Officer

For suspensions of five (5) days or less, the Commission shall appoint one member to hear the appeal and submit findings of fact and a decision to the Commission. Based on the findings of fact, the Commission may affirm, modify or overturn the decision. The single hearing officer shall also perform the duties of chair in Section 1.08(C) above.

3. Conduct of the Hearing

- a. Hearings will be conducted in open session pursuant to Charter section 609, unless the employee requests a closed hearing. The Commission will report the results of its deliberations at its next regularly scheduled public meeting.
- b. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Hearings will be conducted in the manner most conducive to determination of truth.
- c. Any relevant evidence may be admitted if it is shown to be reliable.
- d. Any relevant evidence, including hearsay, shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- e. Irrelevant and unduly repetitious evidence may be excluded by the Commission.
- f. The Commission will determine the relevancy, weight and credibility of testimony and evidence. Decisions made by the Commission will not be invalidated by any informality in the proceedings.
- g. During the hearing, all witnesses, except the Appellant and the Appointing Authority (or designee) and their representatives, will be excluded from the hearing.
- h. The Commission has the power to subpoena and require the attendance of witnesses and the production of pertinent documents, to administer oaths and, if necessary, to continue the hearing to another date.
- i. The failure of an employee witness to comply with the subpoena will be considered an act of insubordination and will be subject to discipline up to and including termination.

4. Burden of Proof

In a disciplinary appeal, the City has the burden of proving the facts of its case by a

preponderance of the evidence.

5. Continuances

A hearing may be continued one time for thirty (30) days at the request of either party. Additional requests for continuances must be made in writing and may be granted if: (1) both parties reach agreement on a continuance of the hearing; (2) good cause is shown by either party and approved by the Chair of the Civil Service Commission; or (3) as otherwise deemed appropriate by the Chair of the Civil Service Commission. The party seeking a continuance should endeavor to submit the request for a continuance as soon as possible, but no later than two (2) business days prior to the scheduled hearing, unless good cause is shown as to why a request for a continuance could not be made two business days prior to the hearing.

6. Testimony under Oath

All witnesses will be sworn in for the record prior to offering testimony at the hearing. The Chair of the Commission or his or her designee will administer the oath.

7. Presentation of the Case

The hearing will proceed in the following order unless the Commission directs otherwise:

- a. The Appointing Authority may make an opening statement.
- b. The Appellant may make an opening statement.
- c. The Appointing Authority will present its case. It may call witnesses and produce evidence. The Appellant may cross-examine any Appointing Authority witness. Re-cross may be permitted in the discretion of the Chair.
- d. The Appellant will present its case. The Appellant may call witnesses and produce evidence. The Appointing Authority may cross-examine any Appellant witness. Re-cross may be permitted in the discretion of the Chair.
- e. Either party may offer rebutting evidence.
- f. Closing arguments will be permitted at the discretion of the Commission. The party with the burden of proof, the Appointing Authority, has the right to go first and to close the hearing by making a final rebuttal argument. The Chair may place a time limit on closing arguments. The Chair may also request the submission of written briefs, consisting of a City's Closing Brief, Appellant's Closing Brief, and a City's Reply Closing Brief. The Chair will determine whether to allow the parties to submit written briefs and determine the number of pages of the briefs and a filing date.

8. Procedure for the Parties

The Appointing Authority and the Appellant will address their remarks, including objections, to the Chair of the Commission, who will rule on any objection. Objections may be ruled upon summarily or argument may be permitted. The Chair

reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter. The Chair may require written briefing on objections.

9. Right to Control Proceedings

While the parties are generally free to present their case in the order that they prefer, the Chair reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by directly questioning witnesses. Other Commissioners may question witnesses at the discretion of the Chair.

10. Hearing Demeanor and Behavior

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, or integrity, of their adversaries or members of the Commission.

11. Deliberation Upon the Case

The Commission will adjourn to closed session to deliberate. The Commission should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching its decision. The Commission may deliberate at the close of the hearing or at a later fixed date and time.

12. Written Findings, Conclusion and Decision

- a. The Commission may affirm, modify, or overturn an Appointing Authority decision, but not increase the level of discipline. The Commission may sustain or reject any or all of the charges filed against the employee. If the Commission recommends reinstatement of the terminated employee, the employee may be returned to duty with back pay or no back pay. If the Commission orders the employee returned to duty with back pay, he or she is entitled to the salary and benefits he or she would have received had he or she remained on payroll. Back pay shall include any statutorily mandated interest. The Commission may overturn a termination by the Appointing Authority and reduce the discipline to a suspension without pay for a period up to the amount of time between the effective date of termination and the issuance of the Commission's findings, or for any amount of time the Commission deems appropriate.
- b. The Commission will provide written findings, conclusions and decisions as soon after the conclusion of the hearing as possible. A finding must be made by the Commission on each material issue. The finding by the Commission is administratively final.

13. Petition for Writ of Mandate

Judicial review of any decision of the Commission may be had pursuant to Section 1094.5 of the California Civil Code of Procedure only if the Petition for Writ of Mandate pursuant to such section is filed within the time limits specified in this section 90 Days from Final Decision

Pursuant to Code of Civil Procedure 1094.6 any petition shall be filed not later

than ninety (90) calendar days following the date on which a final decision is issued by the Commission.

Notice - The Commission shall, in its written decision, provide notice to the employee of review via a Petition for Writ of Mandate.

E. RECORD FILED

When final action is taken, the documents shall be placed in the employee's personnel file.

F. VACANCIES PENDING

Where an appeal is taken to the Civil Service Commission from an order of dismissal, the vacancy in the position will be considered a temporary vacancy pending final action by the Civil Service Commission. Such temporary vacancy may be filled by a permanent employee under the proviso that such employee shall have the right to return to his/her previous position should the disciplined employee be reinstated.

1.09 SEPARATION, REINSTATEMENT AND REEMPLOYMENT

A. RESIGNATION

An employee wishing to leave City service in good standing must file with the Appointing Authority a written resignation, giving at least two weeks notice of his or her intention to leave the City service, unless the Appointing Authority consents to the employee leaving sooner. Once a resignation is received, unless otherwise agreed upon, it may be withdrawn by the employee by written application to the Appointing Authority up to the effective date of the resignation and for 14 calendar days thereafter if an offer of employment has not been extended to another applicant. An employee who leaves City service without filing a written resignation or giving a two weeks notice, may be disqualified from future employment. A resignation terminates any active or pending disciplinary appeals.

B. FAILURE TO RETURN AFTER LEAVE

Failure of an employee to report back to work within three (3) days of any approved leave will be deemed a resignation unless the employee has notified his or her supervisor of a possible delay in returning due to extenuating circumstances. Employees have the right to appeal this decision to the Director of Human Resources if they are deemed to have resigned under this section.

C. LAYOFF

Whenever it becomes necessary to reduce the City's labor force, the Director of Human Resources may order layoffs pursuant to the direction of Council or the City Manager by classification pursuant to City Council or City Manager direction. When layoffs become necessary they shall be accomplished following the procedure set forth in this section. Order of Layoff: Within classifications employees shall be laid off in the order specified below. Within categories (a), (b), (c), (d), (g), and (h), employees will be laid off in order of seniority. In category (e), layoff decisions will be made by the Appointing Authority. Employees in category (f) will have a right to bump back to classifications from which

they were promoted.

- a. Employees filling unbudgeted positions.
 - b. Temporary employees.
 - c. Interim employees.
 - d. Probationary employees (in initial positions with City).
 - e. Permanent employees who within the 26 pay periods prior to the layoff, have been subject to a disciplinary action of suspension, reduction in pay, or demotion.
 - f. Employees on probation following promotion.
 - g. Permanent employees whose last 12-month performance evaluation is rated as overall "unsatisfactory."
 - h. Permanent employees.
1. Seniority Defined: For each employee, seniority will be determined based on continuous service with the City and on points awarded for:
 - a. Time in classification.
 - b. Time in lower classifications.
 - c. Once bumped, time in higher classification.

For each full month of service an employee has spent in his or her current classification, or in any previous higher classification, the employee will receive two (2) points. (Example: Employee X who has been in a classification for 24 months will receive 48 seniority points).

If the employee previously served in any other classifications which is lower than his/her classification, one point will be awarded for each full month of such service. (Example: Employee X with 127 months of previous service in a lower classification, will be credited with an additional 127 seniority points, for 175 seniority points.)

2. BUMPING POINTS: If an employee is subject to layoff and chooses to bump in accordance with this section, the time spent in the higher classification will be computed at: 3 seniority points for each full month of such service; 2 seniority points for each month (if any) of service the employee spent in the classification to which he or she demoted; and 1 seniority point for each full month (in any) of service in lower classifications. (Example: Employee X will be credited with 3 points for each of the months in the higher class, or 72, and 2 points for each of the 127 months in the lower class, or 254 points. Total seniority points for Employee X would now be 326.

In the case of ties on seniority, employees' scores on eligibility lists will be considered when possible. Otherwise, ties will be broken by random selection (lot).

Employees who have demoted from one classification to another and employees who have bumped into a previously-held classification will not be penalized because of fractions of months served in any classification but will be credited with full continuous City service from the date of hire. Continuous City service does not include time served in Temporary and Interim positions. All persons who have been demoted will have their name placed on the appropriate reinstatement list as set forth in Rule 1.09 E.

In cases of part-time permanent employees, they shall receive seniority credits on a pro-rated basis for time spent in their part time status. For half-time permanent

employees, during the time period they are employee as half-time employees in their current classification, they shall receive half ($\frac{1}{2}$) of the credit a full time permanent employee would have received for that period. (Example: As noted above, a full time permanent employee who has been in a classification for 24 months would receive 48 seniority points (24×2), but a half-time permanent employee in a classification for 24 months would receive 24 seniority points ($((24 \times 2) \times .50)$.) For three-quarter time employees, they shall receive three-quarter ($\frac{3}{4}$) of the credit a full time permanent employee would have received during that time period. (Example: As noted above, a full time permanent employee who has been in a classification for 24 months would receive 48 seniority points (24×2), but a three-quarter time permanent employee in a classification for 24 months would receive 36 seniority points ($((24 \times 2) \times .75)$.) Should the part time employee be able to bump, then seniority points in the prior part time classification shall also be pro-rated as described in this paragraph. This paragraph covering pro-rating shall only apply to employees hired after passage of the 2010 revisions to the Civil Service Rules by City Council.

3. Voluntary Transfer in Lieu of Layoff: A permanent employee whose layoff is imminent will have the right to transfer to any vacant position in the same classification in any department. If there is no vacancy, the employee will be subject to layoff unless her or she exercises the bumping rights in subsection 4 below.
4. Voluntary Demotion in Lieu of Layoff: Permanent employees subject to layoff will have the right to demote, or bump an employee if the demoting employee's seniority is greater than the seniority of the person to be bumped. Bumping rights apply to positions in lower classifications, part-time positions in the same class, and/or lower positions, which the employee previously held. Any employee exercising this right must be capable of performing the full range of duties of the new classification.
5. Notice of Layoff: The Director of Human Resources will send written notice by Personal Notice or Certified Mail to the last known address of each employee to be affected by a layoff at least thirty (30) calendar days prior to the effective date of the layoff. The notice will include the: (a) number of seniority points the employee has; (b) classes to which the employee may demote, if any; (c) effective date of the action; (d) person for the employee to contact in case of questions, and (e) information on the use of reemployment and reinstatement.

D. REEMPLOYMENT

1. Reemployment List: Employees who have been laid off will have their names entered onto a reemployment list by classification, with those laid off last being placed at the top of the list. Any reemployment into a classification will first be through use of the reemployment list. Only the candidate highest on a list will be certified by the Appointing Authority. Reemployment is contingent upon successful completion of all pre-employment requirements of employees hired into the classification from an eligible list, including, but not limited to a criminal background check and physical examination.

When reemployment is anticipated the top person on the appropriate list will be sent written notice by Certified Mail, Return Receipt Service. If the individual cannot be contacted at the last known address in the Human Resources Department file, that person's name will be removed from the list. Persons on reemployment lists are responsible for seeing that the Human Resources Department has current addresses on file.

If an individual declines a reemployment offer or fails to respond within five (5) working days from the date the returned certified receipt is received by the Human Resources Department, his or her name will be removed from the list. Names will remain on the reemployment list for no more than 24 months.

2. Restoration of Benefits Upon Reemployment Following Layoff: Following reemployment off a Reemployment List an employee will have the following benefits restored:
 - a. Sick leave accruals (less any sick leave reimbursed at the time of layoff).
 - b. Seniority at time of layoff for purposes of determining continuous City service, eligibility for merit increases and vacation accrual rates.
 - c. The pay rate that will be awarded to a person who is reemployed will be within the pay range for the classification the employee is reemployed in, effective at the time of reemployment. The step within the range will be the same step the employee was receiving at the time of layoff.

E. REINSTATEMENT

1. Reinstatement Lists: Reinstatement lists will be maintained for each classification. The lists will consist of the names of persons who have occupied permanent positions in the class and have been granted reinstatement eligibility.

Eligibility for Reinstatement: Permanent employees who have voluntarily left City service and want to return to their former classification may request that their names be placed on the Reinstatement List. Reinstatement requests must be made within three years from the date of leaving City service. Placement on the Reinstatement List may be granted by the Director of Human Resources if the person's last regular or supplementary performance report prior to separation had an overall rating of standard or above. Eligibility for reinstatement expires three (3) years after the date of resignation.

2. Use of Reinstatement Lists: When there is a vacancy in a department to be filled

under Civil Service procedures, the Appointing Authority may request certification from the Reinstatement List. If a request is made, all names on the list will be certified. If no selection is made from the Reinstatement List, the Appointing Authority may request a certification from the eligibility list. Placement upon the Reinstatement List does not guarantee consideration for a position or reinstatement.

3. Benefits Upon Reinstatement: Upon reinstatement the employee will receive the same rights and benefits as any new employee. No credit will be given for the time served prior to separation.

1.10 EMPLOYEE RECORD AND PAYROLL CHANGES

A. OFFICIAL RECORDS TO BE MAINTAINED

The Human Resources Department will maintain in the official personnel file the employment history of all employees. All records will be maintained in accordance with state and federal record keeping requirements.

1.11 RULES AND REGULATIONS

A. AMENDMENT OF THE RULES

After at least five working days notice, and after a public hearing, amendments to the Civil Service Rules may be made at any meeting of the Commission. Proposed amendments to the Rules must be noticed five working days prior to the meeting at which the proposals will be discussed. All rules and amendments to the rules will become effective on the date of their approval by the City Council, and will, upon such approval and adoption, be printed for distribution. Any proposed amendments to the Rules that are subject to meet and confer will be provided to, and discussed with the appropriate recognized bargaining unit prior to the public hearing of the Civil Service Commission.

B. REGULATIONS

The Commission may, from time to time, adopt and record in the minutes, regulations or procedures for the administration of these Rules. A copy of the regulations and any amendments to the regulations will be furnished to each department of the City government.

CHAPTER 2.00 - WAGES, HOURS, AND WORKING CONDITIONS

2.01 HOURS AND COMPENSATION

A. WORK PERIOD

All compensation prescribed in these rules is based on the full-time month with a normal work period of 40 hours in a seven (7) day period. For sworn public safety (Police and Fire) and Public Safety Officers (City Jailers), the City will apply a 7(k) exemption as set forth in their respective MOUs or City practice.

B. COMPENSATION EARNED

1. The Director of Human Resources will prepare a compensation schedule for the classified service. The table will include classification title, rates of pay indicating the minimum, maximum, and intermediate steps for each standard rate, and group (i.e. bargaining unit).
2. The following definitions will be used to determine the standard rates of compensation listed in the compensation schedule.
 - a. As referred to in these Rules, a bi-weekly pay period is defined as a 14-day period commencing on a Friday and ending at midnight of the second Thursday thereafter, and each subsequent 14-day period.
 - b. Biweekly Rate Employees: Employees having a permanent or interim appointment to a full-time or regularly scheduled part-time position which is at least one-half time but less than full-time will be paid at a biweekly rate of pay. Part-time positions will be appropriately compensated as one-half or three-quarter time positions paid on a biweekly basis if they average at least 40 hours of work in each biweekly pay period.
 - c. Part-time Employees: Compensation for temporary service or for service that is not at least half time or part-time will be prorated on the basis of actual hours worked.
 - d. Hourly Rate Compensation: Any hourly rate of pay for a class is computed by dividing the applicable biweekly rate of pay for full-time employees in the class by the number of working hours in the biweekly pay period and rounding to the fraction of a cent allowed for in applicable software. Salary Computation: The amount of salary earned during a pay period is computed by multiplying the hourly rate of pay by the number of hours actually worked during the pay period.

2.02 LEAVE

A. ANNUAL VACATIONS

Employees holding positions in the classified service will accumulate vacation time as follows:

1. General provisions: for the purpose of this section the following definitions apply:
 - a. "Continuous service" means City service uninterrupted by separation.
 - b. "Intermittent service" means City service interrupted by separation.
 - c. "Time worked" includes actual time worked, holidays with pay, leaves of absence with pay, and leave of absence without pay not to exceed one year for which workers' compensation is paid. It also includes Saturdays, Sundays or other regular days off which are immediately preceded or immediately followed by other time worked.
 - d. "Active service" includes time worked, leaves of absence without pay approved by the Appointing Authority, and leaves of absence without pay included in time worked as defined.
 - e. "Calendar year" means a 12-month period beginning January 1 and ending December 31.
2. Vacation Accrual: Each full-time classified employee shall accrue vacation credits based upon the employee's length of active service with the City. The number of working days of such vacation will be computed on the basis set forth in the applicable MOU or Compensation Summary for Unrepresented Employees.

Each part-time classified employee who has had continuous part-time active service is entitled to vacation with pay and will be in the proportion that the part-time employment bears to full-time employment.

Employees separated from the City service, whether voluntarily or involuntarily, shall be paid all of the unused vacation to which they are entitled.

3. Vacation Schedules: Each employee who has had continuous full-time or part-time active service may use accrued vacation as approved by the Appointing Authority. Vacation schedules will be set by the Appointing Authorities with particular regard to the needs of the department and, so far as possible, with the wishes of the employee. Vacation time may commence any day of the week, exclusive of intervening paid holidays, with full pay for such time as the employee would have been paid if at work for the City for the same period of time. The Appointing Authority may, at his or her discretion, divide the employee's vacation time if the needs of the department so require.
4. Vacation Request: Request for vacation by an employee in the classified service must be submitted in advance to the Appointing Authority or designee (on a City-approved form signed by the employee or in a City-approved electronic system) to be approved by the Appointing Authority. Requests for vacation, to the extent known in advance, should be made at least two weeks in advance to allow the Appointing

Authority to provide for the needs of the department. The appointing Authority has the discretion to approve vacation requests on short notice.

5. Holidays: Paid holidays immediately preceding, immediately following, or wholly within the vacation period shall not be regarded as part of the vacation for all classified employees.

B. SICKNESS AND BEREAVEMENT LEAVE

Sick leave is not a right that employees can use at their discretion. Sick leave is a benefit that can be used only in the case of the actual sickness or injury of the employee, preventive medical and/or dental care for the employee, or qualifying illness or injury of immediate family members as defined in the MOU, and/or other qualifying leaves covered by State and Federal law that compels an employee to be absent from work.

1. Computation of Sick Leave: Sick leave with pay is cumulative at the rate described in the applicable MOU or Compensation Summary for Unrepresented Employees, beginning at the time of full-time probationary employment. Part-time, benefited employees are entitled to prorated sick leave.
 - a. Unused sick leave may be accumulated in an unlimited amount.
 - b. The smallest unit of time chargeable for sick leave benefits is quarter-hour.
 - c. Absence for illness may not be charged to sick leave not already accumulated. The Appointing Authority may require the employee to provide verification of attendance at a medical or dental appointment when abuse of sick leave can be shown.
2. A health care provider's certificate of illness or injury must be furnished upon request to the employee's immediate supervisor upon return from an absence necessitating the use of four or more working days of sick leave. A health care provider's certificate may be required for absences of less than four working days. Employees must provide a health care provider's certificate to their immediate supervisor in the following circumstances: 1) when returning to work after an absence of 4 or more days; or 2) after being exposed to a contagious disease.
 - a. A health care provider's certificate should not disclose the type of illness that prompted the employee's absence. It must document that the employee was unable to perform his/her job and is released to return to work.
3. Eligibility and Use of Sick Leave: An employee is required to use accrued sick leave for absences from duty due to sickness or injury. If injury or illness extended beyond the limits of accrued sick leave the employee may use other accrued leaves or seek a leave of absence.
 - a. The Appointing Authority may deny requests for sick leave if the employee has no accrued sick leave available unless the absence is a qualified absence pursuant to any applicable State and Federal sick leave laws. The Appointing Authority may refuse to approve absences taken by an employee who has no accrued sick leave.

- b. An employee who is unable to work due to pregnancy, childbirth or a related medical condition, may use accumulated sick leave for time off after providing a statement from her physician verifying she is disabled from working. Sick leave will run concurrently with Pregnancy Disability Leave Act (PDL) and FMLA leave. When sick leave is exhausted, the employee may continue on an unpaid leave of absence up to the maximum time allowed by law. In terms of FMLA, CFRA, and PDL leave, PDL and CFRA run consecutively with each other, but concurrently with FMLA.
 - c. An employee who becomes ill while on an approved vacation may notify his or her supervisor and request that all or part of the time the employee was ill during the vacation period be charged to sick leave. A health care provider's certificate confirming the illness is required upon request when the employee returns to work.
 - d. An employee who is entitled to disability benefits as verified by the City, may use sick leave or other earned leave credits concurrently with his or her disability payment to achieve full payment not to exceed his or her biweekly salary or wage. An employee will receive credit for holidays occurring during a leave of absence under this section when in a paid leave status.
 - e. An employee will be allowed to use his or her accrued sick leave for his or her own illness or for the illness or injury of immediate family members as defined in the applicable MOU or Compensation Summary for Unrepresented Employees.
4. Bereavement Leave: When an employee has a death of an immediate family member, the employee may make a written request to his or her Appointing Authority for Bereavement Leave. The employee may take paid leave, to include a bereavement period and reasonable travel time not to exceed the amounts allowed in the applicable MOU. Paid absence for a family death may be charged to any accrued leave balance including sick leave or may be unpaid if the employee has no accrued leave time available. Immediate family member is limited to those individuals designated in the applicable MOU or required by law, or whichever provides the greatest benefit.

C. JURY DUTY AND COURT LEAVE

- 1. Leave to Serve on Jury: Jury service leave will be allowed for employees who are required to attend court as a prospective juror or serve as a juror, upon presentation to the Appointing Authority and the Director of Human Resources of written proof of the exact period of required attendance or service. The employee will receive full pay during the period of such leave upon verification of actual dates and times of attendance.
- 2. Court Leave: An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her duty as a City employee is allowed to do so without loss of compensation.
- 3. An employee who must appear in court, on a case in which he or she is a party or

has a personal interest, must use any accrued leave, except sick leave, for the duration of the court appearance.

D. MILITARY LEAVE

Every employee who is also a member of the armed services or organized reserves of this state or nation, shall be entitled to the leaves of absence and the applicable employment rights and privileges provided by state and federal law and any applicable Council resolution.

Any employee who has been employed for a period of not less than one year prior to the date which the absence for military leave begins, will receive his or her salary or compensation the first thirty (30) calendar days of any military leave not to exceed thirty (30) days in any one fiscal year.

E. LEAVE OF ABSENCE WITHOUT PAY

An employee in the classified service may, subject to the recommendation of the Appointing Authority and the Director of Human Resources and with the approval of the City Manager, be granted a leave of absence without pay for a period not exceeding six months. An employee must submit a request in writing stating the reasons why the request should be granted, the date when he or she desires the leave to begin, and the probable date of return. For each leave without pay, the Director of Human Resources will determine whether the employee granted leave will be entitled to his or her former position on return from leave or whether his or her name will be placed on the reinstatement list for the class as provided for in these rules. During the period of unpaid leave, the employee is not entitled to any benefits, including the accrual of vacation or sick leave, unless the leave is due to an injury or illness of the employee. Benefits during leaves due to injury or illness will be paid by the City for the statutory periods required by law. An employee may elect to continue health, dental and life insurance benefits during the leave at his or her own cost.

Leaves of absence may be extended for two ninety day periods – up to a maximum of one year upon approval by the Appointing Authority and the Director of Human Resources.

Current Version Adopted by Council:

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June 2, 2020	2020-124

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Date	Resolution
April 13, 2010	2010-081
July 12, 1983	1983-11315
November 27, 1979	1979-9864
June 13, 1978	1978-9140
June 28, 1977	1977-8687